



**Western and  
Central Pacific  
Fisheries  
Commission**

**2014**

**Handbook of  
Conservation and  
Management Measures  
and  
Resolutions**



Version 1.0

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## **INTRODUCTION**

This handbook of Conservation and Management Measures and Resolutions has been prepared by the WCPFC Secretariat in response to a tasking from the tenth regular annual session of the WCPFC held in Cairns, Australia (WCPFC10). This booklet will be updated annually: therefore the year indicated on the front of the booklet is an important identifier of the period of validity. Conservation and Management Measures (CMMs) are adopted at the annual Commission meeting which is typically in December. CMMs usually become binding 60 days after they are adopted. For example, a booklet dated 2014 would contain all the valid CMMs until a given date in February of the following year 2015.

For completeness, all current CMMs and Resolutions are included in this handbook, and they are provided in the form as agreed by the Commission. It should be noted that not all CMMs specifically require observer data or information input, and may have little relevance to observer duties. Observers in the WCPO are engaged by CCMs or their representative agencies to collect verified catch data and other scientific data and to monitor the implementation of CMMs by vessels and vessel operators. The data that observers collect is critical to the effective functioning of the Commission and observers are responsible for the accuracy and completeness of the data they collect. Observers are required to be independent and impartial and are reminded of their rights and responsibilities.

The WCPFC Secretariat has provided some accompanying notes as a guide to assist Regional Observer Programmes (ROP) observers in better understanding the CMMs that influence the data and information they collect as part of their duties. Observer notes are placed into one of five groups of similar types of CMMs.

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### Guidance on interpreting Commission decisions

*Conservation and Management Measures (CMMs) describe binding decisions relating to conservation and management measures addressed to members of the Commission and Cooperating non-members.*

*Resolutions describe non-binding statements and recommendations addressed to members of the Commission and Cooperating non-members.*

*Both are sequentially numbered and include the year of adoption.*

*Some CMM's will remain unchanged each year. However when changes to existing CMMs or if new CMMs are agreed by the Commission there is usually a 60 day period after the regular WCPFC annual session ends, and before the decision comes into effect. Occasionally, the Commission agrees to delay the start date of a CMM to allow more time for Members to implement the decision, and this will be specified in the body of the CMM. In other instances the rules and requirements in a CMM are specific to set periods of time.*

*If ROP observers have any questions on how to interpret a CMM, they are encouraged to contact the coordinator of their national or sub regional Observer Programme.*

## CMMs applying to specific tuna and billfish fisheries

Species/Fisheries	Observer notes	Reference
<p><b>Bigeye, yellowfin, skipjack:</b> All commercial fisheries</p>	<p>CMM 2013-01 is the latest in a number of CMMs that have governed the purse seine and bigeye/yellowfin longline fisheries. CMM 2008-01 (now replaced) first introduced 100% observer coverage for purse seiners. CMM 2013-01 has specific rules for the Philippines activities in High Seas Pocket 1 (Att C). Observers are asked to collect the minimum standard data fields as required in support of this measure.</p> <p>CMM 2009-02 provides the rules for catch retention and FAD closures in the high seas which apply to the purse seine fishery.</p> <p>Catch retention: a purse seine vessel is not permitted to discard tuna species unless they come under the category discussed in paras 9a &amp; 9b. All tuna species in a condition other than “unfit for human consumption” must be retained. Observers are asked to record all tuna discards and their condition on discarding.</p> <p>The FAD closure for purse seine vessels in 2014 starts on 1 July and ends 30 September. Flag States that allow purse seine vessels to use FADs during October, must commit their vessels to an overall reduction in the number of FAD sets by its vessels (see Att A of CMM 2013-01). Observers are asked to record all FAD sets when operating in the Convention Area.</p>	<p><b>CMM 2013-01</b> <b>CMM 2009-02</b></p>

**CMMs applying to specific tuna and billfish fisheries**

Species/Fisheries	Observer notes	Reference
<p><b>South Pacific albacore:</b> Longline fisheries in area south of 20°S, and some troll fisheries</p>	<p>This CMM requires CCMs to limit the number of vessels that fish for South Pacific albacore in areas south of 20°S. CCMs are to annually report all catches of South Pacific albacore in the Convention Area, including catches and the number of vessels fishing for South Pacific albacore in the area south of 20°S. Observer information may assist in verifying CCM reports.</p> <p>Observers are asked to collect all information as required in the minimum standard data fields for this species.</p>	<p><b>CMM 2010-05</b></p>
<p><b>South-west swordfish:</b> Longline fisheries in area south of 20°S, as well as limit effort north of 20°S</p>	<p>This CMM requires CCMs to limit the number of vessels that fish for swordfish south of 20°S and to limit their catches. CCMs are to annually report all catches of swordfish in the Convention Area, including the catches and the number of vessels fishing for swordfish south of 20°S.</p> <p>Observers are asked to identify the species correctly and collect all data as required by the minimum standard data fields.</p>	<p><b>CMM 2009-03</b></p>

## CMMs applying to specific tuna and billfish fisheries

Species/Fisheries	Observer notes	Reference
<p><b>South-west striped marlin:</b> Longline fisheries in area south of 15°S</p>	<p>This CMM requires CCMs to limit the number of vessels that fish for striped marlin in the area south of 15°S. CCMs are to annually report all catches of striped marlin by their vessels in the Convention Area, including the catches and number of vessels fishing for striped marlin south of 15°S.</p> <p>Observers are asked to identify the species correctly and collect all data as required by the minimum standard data fields.</p>	<p><b>CMM 2006-04</b></p>
<p><b>North Pacific albacore:</b> Longline and troll fisheries in North Pacific ocean (north of the equator)</p>	<p>This CMM requires CCMs to limit fishing effort for North Pacific albacore in areas north of the equator. All CCMs are to annually report all catches of albacore in the Convention Area, including catches and fishing effort for albacore north of the equator.</p> <p>Observers are asked to identify the species correctly and collect all data as required by the minimum standard data fields.</p>	<p><b>CMM 2005-03</b></p>
<p><b>North Pacific striped marlin:</b> Fisheries in the North Pacific Ocean</p>	<p>This CMM requires CCMs to limit catches of North Pacific striped marlin. All CCMs are to annually report on all catches of North Pacific striped marlin by its vessels north of the equator.</p> <p>Observers are asked to identify the species correctly and collect all data as required by the minimum standard data fields.</p>	<p><b>CMM 2010-01</b></p>

### **CMMs applying to specific tuna and billfish fisheries**

<b>Species/Fisheries</b>	<b>Observer notes</b>	<b>Reference</b>
<b>Pacific bluefin:</b> Fisheries north of 20°N, but this species may be caught south of 20°N	<p>This CMM requires CCMs to limit fishing effort for Pacific bluefin tuna in the Convention Area north of 20°N. All CCMs are to annually report on all catches of Pacific bluefin by its vessels.</p> <p>Observers are asked to identify the species correctly and collect all data as required by the minimum standard data fields.</p>	<b>CMM 2013-09</b>

**CMMs applying to non-target or to protect species of special interest (SSIs)**

SSI	Observer notes	Reference
<p><b>Non-target fish species:</b> All fisheries</p>	<p>This Resolution asks operators, where practicable, to avoid catching non-target fish species that are not retained.</p> <p>Observers are asked to record all species caught in the Convention Area and all discards in accordance with the minimum standard data fields.</p>	<p><b>Res. 2005-03</b></p>
<p><b>Seabirds:</b> All fisheries</p>	<p>The two CMMs that aim to mitigate the impact of fishing on seabirds (CMM 2007-04 and CMM 2012-07) have data collection implications for observers who are on vessels that may accidentally capture birds in their fishing activities.</p> <p>There are also rules for the use of mitigation measures by longline operators when they operate in the area south of 30°S and north of 23°N.</p> <p>Observers are asked to record the types of mitigation measures used as well as all available information, including photos of any bird species caught.</p>	<p><b>CMM 2007-04</b> <b>CMM 2012-07</b></p>

**CMMs applying to non-target or to protect species of special interest (SSIs)**

SSI	Observer notes	Reference
<p><b>Sea turtles:</b> All fisheries</p>	<p>CMM 2008-03 sets out procedures that vessel operators are to follow by gear type to mitigate impacts of fishing on sea turtles. For example longline vessels must carry and use line cutters and de-hookers to handle and promptly release sea turtles caught or entangled; purse seine vessels are to carry and employ dip nets. There are also more specific sea turtle mitigation measure requirements in shallow-set swordfish fisheries.</p> <p>Observers are asked to collect the standard data fields and fill out the data forms accurately. An observer must report on the mitigation devices and their use by an operator when handling hooked or entangled turtles. Observers may assist, but not be responsible if asked, to ensure that turtles are safely unhooked by the crew, and if landed returned to the water.</p>	<p><b>CMM 2008-03</b></p>

**CMMs applying to non-target or to protect species of special interest (SSIs)**

SSI	Observer notes	Reference
<p><b>Sharks:</b> All fisheries</p>	<p>CMM 2010-07 is the central shark Conservation and Management Measure and requires countries to report annually on their implementation of the IPOA-Sharks and on catches of key shark species. CCMs are also required to take measures necessary to require full utilisation of retained shark catches and to prohibit retaining or trading in shark fins. There are implications for observers in paragraph 7; vessel operators can only have 5% in weight of fins compared to retained shark trunks up to the first port of landing; operators, at any time before they come to port, can only have 5% in weight of fins compared to the shark body weights on board. Observers are responsible for understanding the licensing conditions relevant to the vessel relating to sharkfins, i.e. some countries ban all types of sharkfinning and the taking in their waters and unloading of fins is strictly prohibited, other countries insist that fins must be attached to the body if they are to be retained and landed, other countries have no restrictions. Para 7 asks observers to monitor the ratio; shark information is extremely important. Educational material on shark identification is available and should be used to ensure accurate species identification.</p> <p>Observers are asked to complete all necessary minimum standard data fields on sharks. Observers are reminded that the deliberate taking, retaining and or processing of whale sharks, silky sharks and oceanic whitetip sharks is prohibited (Refer CMMs 2012-04, 2013-08 &amp; 2011-04).</p>	<p><b>CMM 2010-07</b></p>

**CMMs applying to non-target or to protect species of special interest (SSIs)**

SSI	Observer notes	Reference
<p><b>Oceanic whitetip sharks</b></p>	<p>CMM 2011-04 prohibits vessel operators from retaining, transshipping, storing or landing any oceanic whitetip shark caught in the Convention Area, in whole or in part. The CMM indicates that an estimate of the catch of these sharks shall be through data collected from observer programmes and other means. Vessel operators must release these sharks alive in a manner that results in as little harm to the shark as possible; and, alive or dead, they may not retain any part of these sharks and cannot process these sharks for fins or other parts.</p> <p>Observers are asked to record the number of releases of oceanic whitetip sharks caught in the Convention Area, including the status upon release (dead or alive). Observers may be required to collect biological material from dead oceanic whitetip sharks as part of a research project approved by the Scientific Committee.</p>	<p><b>CMM 2011-04</b></p>
<p><b>Whale sharks:</b> Purse seine fishery</p>	<p>CMM 2012-04 prohibits purse seine vessel operators from setting on a school of tuna associated with a whale shark.</p> <p>This CMM explains what procedures must be carried out when a whale shark is caught by a purse seine vessel and requires countries to annually report on all instances where whale sharks have been encircled by purse seine nets. Observers are asked to record all the necessary details when a whale shark is caught or sighted in a set.</p>	<p><b>CMM 2012-04</b></p>

**CMMs applying to non-target or to protect species of special interest (SSIs)**

SSI	Observer notes	Reference
<p><b>Silky sharks</b></p>	<p>CMM 2013-08 prohibits vessels from retaining on board, transshipping, storing on a fishing vessel or landing any silky shark caught in the Convention area, in whole or part, (effective 1 July 2014).</p> <p>Vessel operators must release these sharks alive and in a manner that results in as little harm to the shark as possible; and, alive or dead, they may not retain any part of these sharks and cannot process these sharks for fins or other parts.</p> <p>Observers are asked to record the number of releases of silky shark caught in the Convention Area, including the status upon release (dead or alive). Observers may be required to collect biological material from dead silky sharks as part of a research project approved by the Scientific Committee.</p>	<p><b>CMM 2013-08</b></p>
<p><b>Cetaceans:</b> Purse seine fishery</p>	<p>CMM 2011-03 prohibits purse seine setting on a school of tuna associated with cetaceans. Countries are required to annually report any instances in which cetaceans are encircled by purse seine nets. The CMM notes that the Secretariat reports on the implementation of this measure using data collected from observer programmes.</p> <p>Observers are asked to complete all the necessary data fields noting that sets involving cetaceans should be of priority when reporting; if caught in the net deliberately or accidentally, the status upon release (dead or alive) must be recorded by observers. Vessel operators must take all reasonable steps to ensure the safe release of these animals.</p>	<p><b>CMM 2011-03</b></p>

**CMMs that specify gear restrictions or requirements for daily catch and effort reporting**

Topic	Observer notes	Reference
<p><b>Requirements for markings and identification of fishing vessels</b></p>	<p>CMM 2004-03 lists the requirements to implement the international standards and specifications published by FAO for Marking and Identification of Fishing Vessels.</p> <p>Observers are asked to report on the minimum standard data fields on vessel markings. Observers are asked to check the markings of the vessel to ensure that they are up to the standards required.</p>	<p><b>CMM 2004-03</b></p>
<p><b>Driftnets</b></p>	<p>CMM 2008-04 prohibits vessels from using large scale driftnets on the high seas. Countries are asked to report annually on measures taken in relation to monitoring, control and surveillance of large scale driftnet fishing on the high seas.</p> <p>Observers are asked to report if a vessel has a large scale driftnet on board – the definition can be found in the CMM.</p> <p>Abandoned drift nets that are observed in the water must also be reported, because ghostfishing can have ongoing detrimental impact on the marine ecosystem including species of special interest.</p>	<p><b>CMM 2008-04</b></p>

**CMMs applying to non-target or to protect species of special interest (SSIs)**

SSI	Observer notes	Reference
<p><b>Data buoys</b></p>	<p>CMM 2009-05 seeks to protect data buoys, which are important for weather and tsunami monitoring, from damage due to fishing activities. Operators are prohibited from fishing within one nautical mile of or interacting with a data buoy. Operators are encouraged to report all entanglements to the flag State.</p> <p>Observers are asked to note the buoys described in this CMM and the information package attachment. When a vessel encounters one of the buoys described in this CMM, an observer must collect information as required in the CMM, noting the type of buoy and its position.</p>	<p><b>CMM 2009-05</b></p>
<p><b>Daily catch and effort reporting</b></p>	<p>CMM 2013-05 requires that operators maintain daily catch and effort records on board the vessel and to submit a copy to the flag State at prescribed times. This CMM is intended to ensure that all CCMs are able to provide detailed catch and effort data on their fishing activities to the Commission, in accordance with WCPFC rules for scientific data submission.</p> <p>Observers have the right to inspect this daily vessel log, so as to get information required for ROP forms. Observers are asked to note whether the vessel operator maintains this log on a daily basis.</p>	<p><b>CMM 2013-05</b></p>

**CMMs relevant to the Monitoring, Control and Surveillance (MCS) Scheme, including Regional Observer Programme**

MCS Measure	Observer notes	Reference
<p><b>WCPFC high seas boarding and inspection procedures</b></p>	<p>This CMM became operational in July 2008, and allows Members who have notified the Commission of their authorised inspection vessels and inspectors to board and inspect other CCMs vessels when on the high seas. New Zealand, France, United States of America, Chinese Taipei, Papua New Guinea, Republic of Korea, Cook Islands, Japan, Canada, Australia, Federated States of Micronesia, Kiribati and Tuvalu have vessels on the inspection register.</p> <p>Observer should note this CMM in case they are on a vessel that is boarded by an authorised inspection vessel while on the high seas. Observers must cooperate with any request from the inspecting officer.</p> <p>Observers must also record the boarding by completing the required data fields.</p>	<p><b>CMM 2006-08</b></p>

**CMMs relevant to the Monitoring, Control and Surveillance (MCS) Scheme, including Regional Observer Programme**

MCS Measure	Observer notes	Reference
<p><b>Regional Observer Programme</b></p>	<p>The three relevant CMMs set out the rules for the ROP, including when a ROP observer is required. CMM 2007-01, particularly the Annexes, outline the rights and responsibilities of an observer and the vessel master and crew. Observers should refer to this CMM often, especially if unsure of their rights and responsibilities when on board a vessel.</p> <p>CMM 2006-07 created the Terms of Reference for the working group that led to the establishment of the ROP.</p> <p>CMM 2012-03 requires that vessel operators fishing for fresh fish north of 20°N shall achieve 5% observer coverage of effort using observers from the ROP by 31 December 2014.</p>	<p><b>CMM 2006-07</b>  <b>CMM 2007-01</b>  <b>CMM 2012-03</b></p>

**CMMs relevant to the Monitoring, Control and Surveillance (MCS) Scheme, including Regional Observer Programme**

MCS Measure	Observer notes	Reference
<p><b>Regulation of transshipment</b></p> <p><i>Transshipment is the unloading of fish on board a vessel to another fishing vessel either at sea or in port.</i></p>	<p>CMM 2009-06 sets out the rules for all transshipment in the Convention Area including catches transhipped outside the Convention Area.</p> <ul style="list-style-type: none"> <li>• Transshipment by purse seine vessels outside of port is prohibited, except for certain granted exemptions (see para 25) or for reasons of force majeure (see paras 23 and 24) All transshipment by purse seine on the high seas is prohibited.</li> <li>• Transshipment with vessels not on WCPFC Record is prohibited (unless authorized by a decision of the Commission)</li> <li>• Non-purse seine vessels (longline, pole and line, troll) may transship in national waters in accordance with domestic laws.</li> <li>• CCMs may authorize non-purse seine vessels to transshipment on the high seas under limited circumstances, and with prior notification and reporting required</li> <li>• 100% observer monitoring required where transshipment at sea is allowed, generally on the carrier vessel (see para 13)</li> </ul> <p>Observers allocated to carry out duties on carriers wishing to transship on the high seas must note the obligations under this CMM, especially paras 13-15. Observers are asked to report all transshipment events in accordance with the minimum data fields. Observers must monitor implementation of the CMM and that quantities transhipped are consistent with quantities declared by the operator of the vessel.</p>	<p><b>CMM 2009-06</b></p>

**CMMs relevant to the Monitoring, Control and Surveillance (MCS) Scheme, including Regional Observer Programme**

MCS Measure	Observer notes	Reference
<p><b>Vessels without nationality</b></p>	<p>CMM 2009-09 declares vessels without nationality (no flag or flying more than 1 flag) to be deemed to have undermined the WCPF Convention and CMMs.</p> <p>Observers are asked to report all vessels sighted while in the Convention Area.</p>	<p><b>CMM 2009-09</b></p>
<p><b>Eastern High Seas Pocket Special Management Area (EHSP-SMA)</b></p>	<p>CMM 2010-02 establishes the eastern high seas pocket Special Management Area (EHSP-SMA): which is the area of high seas bounded by the Exclusive Economic Zones of the Cook Islands to the west, French Polynesia to the east and Kiribati to the north. The EHSP-SMA came into force on 1 July 2011, and the purpose is to increase MCS information and deter IUU fishing.</p> <p>Observers are asked to collect all data as required by the minimum standard data fields. Vessel sighting information is particularly important in the EHSP-SMA.</p>	<p><b>CMM 2010-02</b></p>
<p><b>List of IUU vessels</b></p>	<p>CMM 2010-06 establishes a process for a list of vessels presumed to have carried out IUU fishing in the Convention Area.</p> <p>Observers are asked to record information on vessel sightings to help to identify vessels who may be undertaking IUU fishing.</p>	<p><b>CMM 2010-06</b></p>

**CMMs relevant to the Monitoring, Control and Surveillance (MCS) Scheme, including Regional Observer Programme**

MCS Measure	Observer notes	Reference
<p><b>Commission VMS</b></p>	<p>The Commission vessel monitoring system (VMS) was established in 2009. All vessels fishing on the high seas in the Convention area must have an operational VMS that meets WCPFC requirements. CMM 2011-02 sets out the rules for the operation of the Commission VMS and it provides the Commission with the means to monitor the movement of vessels in most waters of the Convention Area, including all high seas waters.</p> <p>Observers are asked to check and record the type of system and the model of the ALC.</p>	<p><b>CMM 2011-02</b></p>
<p><b>Compliance Monitoring Scheme</b></p>	<p>The purpose of the WCPFC Compliance Monitoring Scheme (CMS) is to ensure that Members, Cooperating Non-Members and Participating Territories (CCMs) implement and comply with obligations arising under the Convention and conservation and management measures (CMMs) adopted by the Commission. Much of the data collected by observers is important in determining compliance with the CMM's.</p>	<p><b>CMM 2013-02</b></p>

**CMMs relevant to the Monitoring, Control and Surveillance (MCS) Scheme, including Regional Observer Programme**

MCS Measure	Observer notes	Reference
<p><b>Record of Fishing Vessels and authorisation to fish</b></p>	<p>Only vessels on the WCPFC Record of Fishing Vessels are authorized to fish in the WCPFC Convention Area. Vessels can only be placed on the record by a WCPFC member or cooperating non-member flag State.</p> <p>Data collected by observers as part of the minimum standard data fields cover the reporting requirements as set out in CMM 2013-03 and CMM 2013-04.</p> <p>The country codes in attachment 7 of CMM 2013-04 are an internationally recognized standard (ISO 3166) and observers are encouraged to use them, as required.</p>	<p><b>CMM 2013-10</b>  <b>CMM 2013-03</b>  <b>CMM 2013-04</b></p>

## Other important CMMs and Resolutions which are administrative in nature

These CMMs do not require the collection of data or information by ROP observers

Topic	Notes	Reference
<b>Cooperating Non Members (CNMs)</b>	This CMM sets out a process for CNMs to apply for renewal of CNM status each year. 2014 Cooperating Non-Members: Belize; Democratic People's Republic of Korea, Ecuador; El Salvador; Indonesia; Mexico; Panama, Thailand, Vietnam	<b>CMM 2009-11</b>
<b>Landings of purse seine vessels at non-CCM ports</b>	The Commission is to establish, an arrangement with a non-CCM to enable collection of species and size composition data from canneries, regarding purse seine catches in the Convention Area	<b>CMM 2009-10</b>
<b>Small Island Developing States and Territories</b>	This CMM and Resolution sets out principles which are intended to influence future decisions by the Commission. Also see Article 30 of Convention.  These principles are relevant for the future development of ROP.	<b>Res. 2008-01</b> <b>CMM 2013-07</b>
<b>Charter Notification Scheme</b>	This CMM includes a notification process to keep the Commission updated of charter arrangements in the WCPO. The CMM also limits charters to vessels on the WCPFC Record of Fishing Vessels.  Observers are asked to provide details of vessel sightings in support of this measure.	<b>CMM 2012-05</b>
<b>Best available science</b>	This Resolution contains principles for strengthening data collection for science.	<b>Res. 2012-01</b>
<b>Development of CMMs</b>	This CMM sets out criteria that are to be considered by the Commission in the development of CMM proposals	<b>CMM 2013-06</b>

## List of current CMMs and Resolutions of the WCPFC

(as at 10 February 2014)

Reference	Title
2004-03	Specifications for the marking and identification of fishing vessels
Res. 2004-04	Resolution on Conservation and Management Measures
2005-03	Conservation and Management Measure for north Pacific albacore
Res. 2005-03	Resolution on non-target fish species
2006-04	Conservation and Management Measure for striped marlin in the southwest Pacific
2006-07	Conservation and Management Measure for the Regional Observer Programme
2006-08	Western and Central Pacific Fisheries Commission Boarding and Inspection Procedures
2007-01	Conservation and Management Measure for the Regional Observer Programme
2007-04	Conservation and Management Measure to mitigate the impact of fishing for highly migratory fish stocks on seabirds
2008-01	Conservation and Management Measure for bigeye and yellowfin tuna in the Western and Central Pacific Ocean
2008-03	Conservation and Management of sea turtles
2008-04	Conservation and Management Measure to prohibit the use of large scale driftnets on the high seas in the Convention Area
Res. 2008-01	Resolution on aspirations of SIDS and Territories
2009-02	Conservation and Management Measure on the application of high seas FAD closures and catch retention
2009-03	Conservation and Management Measure for swordfish
2009-05	Conservation and Management Measure prohibiting fishing on data buoys including information package on data buoys
2009-06	Conservation and Management Measure on the regulation of transshipment
2009-09	Conservation and Management Measure for vessels without nationality
2009-10	Conservation and Management Measure to monitor landings of purse seine vessels at ports so as to ensure reliable catch data by species
2009-11	Cooperating Non-Members

## List of current CMMs and Resolutions of the WCPFC

(as at 10 February 2014)

Reference	Title
2010-01	Conservation and Management Measure for north Pacific striped marlin
2010-02	Conservation and Management Measure for the Eastern High Seas Pocket Special Management Area
2010-05	Conservation and Management Measure for south Pacific albacore
2010-06	Conservation and Management Measure to establish a list of vessels presumed to have carried out Illegal, Unreported and Unregulated fishing activities in the WCPO
2010-07	Conservation and Management Measure for sharks
2011-02	Conservation and Management Measure Commission VMS
2011-03	Conservation and Management Measure to address impact of purse seine fishing activity on cetaceans
2011-04	Conservation and Management Measure for oceanic whitetip sharks
2012-03	Conservation and Management Measure for implementation of the ROP by vessels fishing north of 20N
2012-04	Conservation and Management Measure on the protection of whale sharks from purse seine operations
2012-05	Conservation and Management Measure Charter Notification Scheme
2012-07	Conservation and Management Measure to mitigate the impact of fishing for highly migratory fish stocks on seabirds
Res. 2012-01	Resolution on the best available science
2013-01	Conservation and Management Measure for bigeye, yellowfin and skipjack tuna in the Western and Central Pacific Ocean
2013-02	Conservation and Management Measure for the Compliance Monitoring Scheme
2013-03	Standards, specifications and procedures for the Western and Central Pacific Fisheries Commission Record of Fishing Vessels
2013-04	Conservation and Management Measure for WCPFC implementation of a Unique Vessel Identifier (UVI)
2013-05	Conservation and Management Measure on daily catch and effort reporting

## List of current CMMs and Resolutions of the WCPFC

(as at 10 February 2014)

Reference	Title
2013-06	Conservation and Management Measure on the criteria for the consideration of conservation and management proposals
2013-07	Conservation and Management Measure on the special requirements of Small Island Developing States and Territories
2013-08	Conservation and Management Measure for silky sharks
2013-09	Conservation and Management Measure for Pacific bluefin tuna
2013-10	WCPFC Record of Fishing Vessels and authorization to fish

## WCPFC CMMs and Resolutions



**INAUGURAL SESSION  
9-10 December 2004  
Pohnpei, Federated States of Micronesia**

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**Specifications for the Marking and Identification of Fishing Vessels<sup>1</sup>**

**Conservation and Management Measure – 2004 – 03**

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**1. GENERAL PROVISIONS**

**1.1 Purpose, basis and scope**

1.1.1 These specifications are intended to implement the FAO Standard Specifications for the Marking and Identification of Fishing Vessels for the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC).

1.1.2 These specifications shall apply to the operation of all fishing vessels of members of the Commission authorized to fish in the Convention Area beyond areas of national jurisdiction.

1.1.3 These specifications shall be interpreted and applied in the context of and in a manner consistent with the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

**1.2 Definitions**

For the purpose of these Specifications:

“Convention” means the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

“deck” means any surface lying in the horizontal plane, including the top of the wheelhouse;

“FAO Standard Specifications for the Marking and Identification of Fishing Vessels” means the Standard Specifications and Guidelines approved by the FAO Committee on Fisheries (COFI) at its 18th Session, Rome, 10-14 April 1989;

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<sup>1</sup>As proposed in the Final Report of Working Group III [WCPFC/PrepCon/47]

“vessel” means any fishing vessel, as defined in Article 1, paragraph (e) of the Convention and authorized by a member of the Commission to fish in the Convention area beyond areas of the member’s national jurisdiction, and includes a boat, skiff or craft (including aircraft) carried on board the fishing vessel and required for fishing operations;

“operator” means any person who is in charge of or directs or controls a vessel, or for whose direct economic or financial benefit the vessel is being used, including the master, owner, and charterer.

## **2. REQUIREMENTS AND APPLICATION**

### **2.1 General requirements**

2.1.1 Each member of the Commission shall ensure that operators of vessels:

(a) are required to mark the vessels for their identification with their International Telecommunication Union Radio Call Signs (IRCS);

(b) are required to mark vessels to which an IRCS has not been assigned, with the characters allocated by the International Telecommunication Union (ITU) to the member of the Commission concerned or such other characters of national identification as may be required under bilateral fishery agreements and followed by, as appropriate, the fishing authorization or vessel registration number assigned to the vessel by the member of the Commission concerned. In such cases, a hyphen shall be placed between the nationality identification characters and the licence or registration number identifying the vessel.

2.1.2 Whichever system is used from 2.1.1. (a) or (b) above, that identifier shall, hereinafter be called the WCPFC Identification Number (WIN).

2.1.3 The members of the Commission shall ensure that:

(a) apart from the vessel’s name or identification mark and the port of registry as may be required by international practice or national legislation, the WIN as specified shall be the only other vessel identification mark consisting of letters and numbers to be painted on the hull or superstructure;

(b) the requirement for the marking of fishing vessels with the WIN is a condition for authorization to fish in the Convention Area beyond areas of national jurisdiction;

(c) the following are offences under national legislation:

- (i) non-compliance with these specifications;
- (ii) non-marking or wrongful marking of vessel;
- (iii) deliberate removal or obstruction of the WIN;
- (iv) the use of the WIN allocated to another operator or to another vessel; and

(d) offences listed in paragraph 2.1.3.(c) above may be grounds for refusing authorization to fish.

### **2.2 Markings and other technical specifications**

2.2.1 Each member of the Commission shall ensure that the operator displays the WIN in the English language prominently at all times:

(a) on the vessel's hull or superstructure, port and starboard. Operators may place fixtures that are inclined at an angle to the vessel's side or superstructure provided that the angle of inclination would not prevent sighting of the sign from another vessel or from the air;

(b) on a deck, except as provided for in paragraph 2.2.4 below. Should an awning or other temporary cover be placed so as to obscure the mark on a deck, the awning or cover shall also be marked. These marks should be placed athwartships with the top of the numbers or letters towards the bow.

2.2.2 Each member of the Commission shall ensure that that the Operator places the WIN:

(a) as high as possible above the waterline on both sides of the vessel and that such parts of the hull as the flare of the bow and the stern are avoided;

(b) in a manner that does not allow the marks to be obscured by the fishing gear whether it is stowed or in use;

(c) so that they are clear of flow from scuppers or overboard discharges including areas which might be prone to damage or discolouration from the catch of certain types of species; and,

(d) so that they do not extend below the waterline.

2.2.3 Undecked vessels shall not be required to display the WIN on a horizontal surface. However, operators should be encouraged by the member of the Commission, where practical, to fit a board on which the WIN is placed so that it may be clearly seen from the air.

2.2.4 Boats, skiffs and craft carried by the vessel for fishing operations shall bear the same WIN as the vessel concerned.

2.2.5 The members of the Commission shall ensure that operators of vessels comply with the following in placing the WIN on the vessel:

(a) that block lettering and numbering is used throughout;

(b) that the width of the letters and numbers is in proportion to the height;

(c) the height (h) of the letters and numbers is in proportion to the size of the vessel shall be in accordance with the following:

(i) for the WIN to be placed on the hull, superstructure and/or inclined surfaces:

<u>Length of vessel overall (LOA) in metres (m)</u>	<u>Height of letters and numbers in metres (m) is not less than:</u>
25 m and over	1.0 m
20 m but less than 25 m	0.8 m

15 m but less than 20 m	0.6 m
12 m but less than 15 m	0.4 m
5 m but less than 12 m	0.3 m
Under 5 m	0.1 m

- (ii) for the WIN to be placed on deck: the height is not less than 0.3 m for all classes of vessels of 5 m and over;
- (d) the length of the hyphen is half the height of the letters and numbers;
- (e) the width of the stroke for all letters, numbers and the hyphen is  $h/6$ ;
- (f) the space between letters and/or numbers does not exceed  $h/4$  nor be less than  $h/6$ ;
- (g) the space between adjacent letters having sloping sides does not exceed  $h/8$  nor be less than  $h/10$  ; for example A V.
- (h) the WIN is white on a black background, or black on a white background;
- (i) the background shall extend to provide a border around the WIN of not less than  $h/6$ ;
- (j) good quality marine paint is used throughout;
- (k) the WIN meets the requirements of these Specifications where retro-reflective or heat generating substances are used; and,
- (l) the WIN and the background are maintained in good condition at all times.

**3. RECORD OF WCPFC IDENTIFICATION NUMBER (WIN)**

3.1 The members of the Commission shall enter the WIN into the Record of Fishing Vessels required to be maintained under article 24, paragraph 4 of the Convention.

**4. REVIEW AND AMENDMENT OF SPECIFICATION**

4.1 The Commission shall keep these specifications under review and may amend them as appropriate.

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**CONSERVATION AND MANAGEMENT MEASURE FOR  
NORTH PACIFIC ALBACORE**

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**Conservation and Management Measure-2005-03**

The Western and Central Pacific Fisheries Commission (WCPFC),

*Observing* that the best scientific evidence on North Pacific albacore from the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean indicates that the species is either fully exploited, or may be experiencing fishing mortality above levels that are sustainable in the long term, and

*Recalling further* Article 22(4) of the WCPFC Convention that provides for cooperation with the IATTC regarding fish stocks that occur in the Convention Areas of both organizations and

*Recognizing* that the Inter-American Tropical Tuna Commission (IATTC) adopted, at its 73<sup>rd</sup> meeting, conservation and management measures on North Pacific albacore;

Adopts, in accordance with the Article 10 of the WCPFC Convention that:

1. The total level of fishing effort for North Pacific albacore in the Convention Area north of the equator shall not be increased beyond current levels.
2. The Members, Cooperating Non-Members and participating Territories (hereinafter referred to as CCMs) shall take necessary measures to ensure that the level of fishing effort by their vessels fishing for North Pacific albacore in the WCPF Convention Area is not increased beyond current levels;
3. All CCMs shall report all catches of North Pacific albacore to the WCPFC every six months, except for small coastal fisheries which shall be reported on an annual basis. Such data shall be reported to the Commission as soon as possible and no later than one year after the end of the period covered.
4. All CCMs shall report annually to the WCPFC Commission all catches of albacore north of the equator and all fishing effort north of the equator in fisheries directed at albacore. The reports for both catch and fishing effort shall be made by gear type. Catches shall be reported in terms of weight. Fishing effort shall be reported in terms of the most relevant measures for a given gear type, including at a minimum for all gear types, the number of vessel-days fished<sup>1</sup>.

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<sup>1</sup> The first such report shall be due on April 30<sup>th</sup>, 2006 and shall cover calendar year 2004. Small Island Developing States will make their best efforts to comply with this first reporting deadline.

5. The Northern Committee shall, in coordination with International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean and other scientific bodies conducting scientific reviews of this stock, including the WCPFC Scientific Committee, monitor the status of North Pacific albacore and report to the Commission on the status of the stock at each annual meeting, and make such recommendations to the Commission as may be necessary for their effective conservation.
6. The Commission shall consider future actions with respect to North Pacific albacore based on recommendations of the Northern Committee.
7. The CCMs shall work to maintain, and as necessary reduce, the level of fishing effort on North Pacific albacore within the Convention Area commensurate with the long-term sustainability of the stock.
8. The WCPFC Executive Director shall communicate this resolution to the IATTC and request that the two Commissions engage in consultations with a view to reaching agreement on a consistent set of conservation and management measures for North Pacific albacore, and specifically, to propose that both Commissions adopt as soon as practicable uniform conservation and management measures and any reporting or other measures needed to ensure compliance with agreed measures.
9. The provisions of paragraph 2 shall not prejudice the legitimate rights and obligations under international law of those small island developing State Members and participating territories in the Convention Area whose current fishing activity for North Pacific albacore is limited, but that have a real interest in, and history of, fishing for the species, that may wish to develop their own fisheries for North Pacific albacore in the future.
10. The provisions of paragraph 9 shall not provide a basis for an increase in fishing effort by fishing vessels owned or operated by interests outside such small island developing State Members or participating territories, unless such fishing is conducted in support of efforts by such Members and territories to develop their own domestic fisheries.



THIRD REGULAR SESSION

Apia, Samoa

11-15 December 2006

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**CONSERVATION AND MANAGEMENT MEASURE FOR STRIPED MARLIN IN THE  
SOUTHWEST PACIFIC**

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**Conservation and Management Measure 2006-04**

*The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean*

*In accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and the provisions of UNCLOS:*

*Noting* that the first regional assessment undertaken for striped marlin in the Southwestern Pacific region has indicated consistent declines in stock abundance;

*Further noting* that the Scientific Committee has recommended as a precautionary measure that there be no increases in fishing mortality on this stock until estimates of stock status are more certain, as increases in fishing mortality are likely to move the stock towards an overfished state;

Adopts, in accordance with the Article 10 of the WCPFC Convention that:

1. Commission Members, Cooperating Non-Members, and participating Territories (CCMs) shall limit the number of their fishing vessels fishing for striped marlin in the Convention Area south of 15°S, to the number in any one year between the period 2000 – 2004.
2. Paragraph 1 shall not prejudice the legitimate rights and obligations under international law of small island developing State and Territory CCMs, in the Convention Area who may wish to pursue a responsible level of development of their own fisheries for striped marlin in the Convention Area south of 15°S from 2000 - 2004 levels, and the legitimate rights and obligations of coastal states who may wish to pursue a responsible level of development within their fisheries waters.
3. CCMs shall cooperate to protect the long-term sustainability and economic viability of the fisheries for striped marlin in the Southwest Pacific, and in particular shall cooperate on research to reduce uncertainty with regard to the status of striped marlin stocks.
4. In accordance with paragraph 1, CCMs shall provide information to the Commission, by 1 July 2007, on the number of their vessels that have fished for striped marlin in the Convention area south of 15°S, during the period 2000 – 2004, and in doing so, nominate the maximum number of vessels that shall continue to be permitted to fish for striped marlin in the area south of 15°S. CCMs shall report annually to the Commission the catch levels of their fishing vessels that have taken striped marlin as a bycatch as well as the number and catch levels of vessels fishing for striped marlin in the Convention Area south of 15°S.
5. Paragraphs 1-4 do not apply to those coastal states CCMs south of 15 degrees south in the Convention Area who have already taken, and continue to take, significant steps to address concerns over the status of striped marlin in the Southwestern Pacific region, through the establishment of a commercial moratorium on the landing of striped marlin caught within waters under their national jurisdiction.
6. The Executive Director shall compile and disseminate the information provided to the Commission by CCMs in accordance with para 4. The Technical and Compliance Committee shall monitor and review compliance with this measure and make recommendations to the Commission as may be necessary.



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**CONSERVATION AND MANAGEMENT MEASURE FOR THE REGIONAL  
OBSERVER PROGRAMME**

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**Conservation and Management Measure 2006-07**

*The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean*

In accordance with Article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific:

*Recalling* the decision of the Commission at its Second Regular Session to proceed with the hybrid option recommended by Working Group III of the Preparatory Conference for the Establishment of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific and identified in WCPFCTCC1-2005/14;

*Committed* to the implementation of Article 30 relating to recognition of the special requirements of developing states

*Noting* that the Commission shall develop a regional observer programme to collect verified data, other scientific data, and additional information related to the fishery from the Convention Area and to monitor the implementation of the conservation and management measures adopted by the Commission;

*Further noting* that the regional observer programme shall consist of independent and impartial observers authorized by the Secretariat of the Commission and that the programme should be coordinated, to the maximum extent possible with other regional, subregional and national observer programmes.

Adopts in accordance with Article 10 of the WCPFC Convention the following provisions relating to the development of the WCPFC Observer Programme.

1. The Commission hereby establishes the procedures to develop the WCPFC Regional Observer Programme.
2. The ROP will be adopted at the 4<sup>th</sup> regular session of the Commission in 2007.
3. The Commission hereby establishes an intersessional working group to develop the regional observer programme (IWG –ROP). The TOR for the IWG-ROP shall be those adopted by the Second Regular Session of the Technical and Compliance Committee and are attached as Attachment 1.
4. The Commission notes the proposal from the members of the Pacific Island Forum Fishing Agency, “Conservation and Management Measure for the Regional Observer Programme WCPFC3-2006-DP05”. This proposal shall be forwarded to the IWG – ROP for consideration in the development of a ROP.

**The Commission for the Conservation and Management of Highly Migratory Fish  
Stocks in the Western and Central Pacific Ocean**

**Technical and Compliance Committee  
Second Regular Session**

**28 September - 03 October 2006  
Brisbane, Australia**

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**INTERSESSIONAL WORKING GROUP ON A REGIONAL OBSERVER  
PROGRAMME**

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1. The Technical and Compliance Committee (TCC):
  - Recalling Article 28 of the Convention that requires a Regional Observer Programme (ROP) for the Convention Area that has the following characteristics:
    - i. Organized in a flexible manner;
    - ii. Be cost effective and coordinated with existing regional, sub-regional and national observer programmes to avoid duplication;
    - iii. Consists of independent and impartial observers authorized by the Secretariat; and
    - iv. Training and certification of observers will occur in accordance with uniform procedures.
  - further recalling the Commission agreed to proceed with the “hybrid” option for the ROP; and
  - recognizing the need for further works to expedite the implementation of the ROP;
  - recommended that the Commission establish an Intersessional Working Group for the Regional Observer Programme (IWF-ROP) for this purpose, and the TCC developed the draft Terms of Reference set out in paragraphs 2 and 3 as a guide for the Commission.

**DRAFT Terms of reference**

2. The TCC further recommended that the IWG-ROP should *inter alia*:
  - i. comment on the adequacy of near and long term objectives for the design of the ROP;
  - ii. consider the institutional and financial arrangements necessary to support the ROP and its implementation
  - iii. consider science, technical, compliance-related, practical and economic elements of the programme and their feasibility
  - iv. develop a detailed strategic plan, including a practical time table, for the development

and phased implementation of the ROP, taking into account the characteristics of each fishery;

- v. develop procedures for deployment observers under the ROP
  - vi. consider a list of tasks for ROP observers for each fishery;
  - vii. consider standard and harmonized procedures for observers, including data and reporting formats and debriefing procedures;
  - viii. consider ROP observer coverage taking into account other observer programmes and other means of collecting data required by the Commission.
  - ix. consider operational procedures and guidelines for security of observer data;
  - x. develop, in cooperation with main existing observer programmes in the Convention Area, a draft observer provider certification standard and procedure, to include *inter alia*:
    - a. Recruitment, selection, qualifications and training of individuals;
    - b. Capability to implement the technical and operational protocols for the observer role and tasks, including data management issues, as required by the Commission;
    - c. Day to day management of observers, including all personnel and financial matters, and the co-ordination of all logistical components;
    - d. Capacity to handle efficiently, effectively and safely the deployment and recovery of observers;
    - e. Capacity to arrange for debriefing of observers and primary checking and validation of data collected and reports prepared;
    - f. Safety policies and procedures; and
    - g. Maintenance of good communications links with client States, companies and vessels receiving observers.
  - xi. prepare guidelines for the rights, duties and responsibilities of observers;
  - xii. develop a procedure for facilitating the development of national observer programmes to achieve Commission certification;
  - xiii. consider data management needs for the ROP;
  - xiv. prepare standards for safety at sea course for observers;
  - xv. consider a code of conduct for observers and procedures for monitoring observer's compliance with the code;
  - xvi. provide recommendations to the Commission regarding safety standards to be met for carrying observers.
3. The TCC recommended that the IWG-ROP should review the first draft of a Programme Document contained in WCPFC-TCC2-2006-11, in light of discussion at TCC2 reported in paragraphs 52 to 69 of the TCC2 report and prepare a revised draft.
  4. Acknowledging the need to include scientific data issues in the development of the ROP, the TCC recommended that the Commission consult with the Chair of the SC regarding the final Terms of Reference of the IWG-ROP. The TCC also suggested the Chair of the SC facilitate input from the SC inter-sessionally to the TOR in collaboration with the

Secretariat and the Secretariat distribute the ToR to SC and TCC participants of CCMs to assist CCMs in preparing for subsequent discussion at the Commission.

5. In order to address the Terms of Reference in Paragraphs 2 and 3, the TCC recommended that the IWC-ROP should work inter-sessionally and to the maximum extent possible, conduct its work by electronic means.
6. The TCC further recommended that the revised draft of the Regional Observer Programme Document and other documents prepared by the IWG-ROP as necessary should be submitted to the SC and TCC [2 months] in advance of the SC3 meeting for consideration by SC3 and TCC3 and the preparation of recommendations for the Commission. A revised version of the Programme Document **and other documents**, addressing comments from the SC3 and TCC3 should be prepared by the Secretariat and submitted to the Commission at least 40 days in advance of its 4th meeting



**THIRD REGULAR SESSION**

Apia, Samoa

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**WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION BOARDING  
AND INSPECTION PROCEDURES**

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**Conservation and Management Measure 2006-08**

1. There are hereby adopted, pursuant to Article 26 of the Convention, the following Western and Central Pacific Fisheries Commission (WCPFC) boarding and inspection procedures.

**DEFINITIONS**

2. For the purposes of interpreting and implementing these procedures, the following definitions shall apply:

- a. “Convention” means the Convention on the Conservation and Management of the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, adopted September 5, 2000 in Honolulu, Hawaii;
- b. “Commission” means the Commission established by Article 9 of the Convention, commonly known as the Western and Central Pacific Fisheries Commission (WCPFC);
- c. “Authorities of the Inspection Vessel” means the authorities of the Contracting Party of the Commission under whose jurisdiction the inspection vessel is operating;
- d. “Authorities of the Fishing Vessel” means the authorities of the Member of the Commission under whose jurisdiction the fishing vessel is operating;
- e. “Authorized inspection vessel” means any vessel included in the Commission register of vessels as authorized to engage in boarding and inspection activities pursuant to these procedures;
- f. “Authorized inspector” means inspectors employed by the authorities responsible for boarding and inspection included in the Commission Register and authorized to conduct boarding and inspection activities pursuant to these procedures.

**PURPOSE**

3. Boarding and inspection and related activities conducted pursuant to these procedures shall be for the purpose of ensuring compliance with the provisions of the Convention and conservation and management measures adopted by the Commission and in force.

## **AREA OF APPLICATION**

4. These procedures shall apply on the high seas within the Convention Area.

## **GENERAL RIGHTS AND OBLIGATIONS**

5. Each Contracting Party may, subject to the provisions of these procedures, carry out boarding and inspection on the high seas of fishing vessels engaged in or reported to have engaged in a fishery regulated pursuant to the Convention.

6. Unless otherwise decided by the Commission, these procedures shall also apply in their entirety as between a Contracting Party and a Fishing Entity, subject to a notification to that effect to the Commission from the Contracting Party concerned.

7. Each Member of the Commission shall ensure that vessels flying its flag accept boarding and inspection by authorized inspectors in accordance with these procedures. Such authorized inspectors shall comply with these procedures in the conduct of any such activities.

## **GENERAL PRINCIPLES**

8. These procedures are intended to implement and give effect to Article 26 and Annex III, Article 6(2), of the Convention and are to be read consistently with those provisions.

9. These procedures shall be implemented in a transparent and non-discriminatory manner, taking into account, inter alia:

- a. such factors as the presence of observers on board a vessel and the frequency and results of past inspections; and
- b. the full range of measures to monitor compliance with the provisions of the Convention and agreed conservation and management measures, including inspection activities carried out by the authorities of Members of the Commission in respect of their own flag vessels.

10. While not limiting efforts to ensure compliance by all vessels, priority for boarding and inspection efforts pursuant to these procedures may be given to:

- a. fishing vessels that are not on the WCPFC Record of Fishing Vessels and are flagged to Members of the Commission;
- b. fishing vessels reasonably believed to engage or to have been engaged in any activity in contravention of the Convention or any conservation and management measure adopted thereunder;

- c. fishing vessels whose flag Member does not dispatch patrol vessels to the area of application to monitor its own fishing vessels;
- d. fishing vessels without observers on board;
- e. large-scale tuna fishing vessels;
- f. fishing vessels with a known history of violating conservation and management measures adopted by international agreement or any country's national laws and regulations.

11. The Commission shall keep the implementation of these procedures under review.

## **PARTICIPATION**

12. The Commission shall maintain a register of all authorized inspection vessels and authorities or inspectors. Only vessels and authorities or inspectors listed on the Commission's register are authorized under these procedures to board and inspect foreign flagged fishing vessels on the high seas within the Convention Area.

13. Each Contracting Party that intends to carry out boarding and inspection activities pursuant to these procedures shall so notify the Commission, through the Executive Director, and shall provide the following:

- a. with respect to each inspection vessel it assigns to boarding and inspection activities under these procedures:
  - i) details of the vessel (name, description, photograph, registration number, port of registry (and, if different from the port of registry, port marked on the vessel hull), international radio call sign and communication capability);
  - ii) notification that the inspection vessel is clearly marked and identifiable as being on government service;
  - iii) notification that the crew has received and completed training in carrying out boarding and inspection activities at sea in accordance with any standards and procedures as may be adopted by the Commission.
- b. with respect to inspectors it assigns pursuant to these procedures:
  - i) the names of the authorities responsible for boarding and inspection;

- ii) notification that such authorities' inspectors are fully familiar with the fishing activities to be inspected and the provisions of the Convention and conservation and management measures in force; and
- iii) notification that such authorities' inspectors have received and completed training in carrying out boarding and inspection activities at sea in accordance with any standards and procedures as may be adopted by the Commission.

14. Where military vessels are used as a platform for the conduct of boarding and inspection, the authorities of the inspection vessel shall ensure that the boarding and inspection is carried out by inspectors fully trained in fisheries enforcement procedures, or duly authorized for this purpose under national laws, and that such inspectors meet the requirements established in these procedures.

15. Authorized inspection vessels and inspectors notified by Contracting Parties pursuant to paragraph 13 shall be included on the Commission register once the Executive Director confirms that they meet the requirements of that paragraph.

16. To enhance the effectiveness of the Commission's boarding and inspection procedures, and to maximize the use of trained inspectors, Contracting Parties may identify opportunities to place authorized inspectors on inspection vessels of another Contracting Party. Where appropriate, Contracting Parties should seek to conclude bilateral arrangements to this end or otherwise facilitate communication and coordination between them for the purpose of implementing these procedures.

17. The Executive Director shall ensure that the register of authorized inspection vessels and authorities or inspectors is at all times available to all Members of the Commission and shall immediately circulate any changes therein. Update lists shall be posted on the Commission website. Each Member of the Commission shall take necessary measures to ensure that these lists are circulated to each of its fishing vessels operating in the Convention Area.

## **PROCEDURES**

18. Authorized inspection vessels shall fly, in clearly visible fashion, the WCPFC inspection flag as designed by the Commission.

19. Authorized inspectors shall carry an approved identity card identifying the inspector as authorized to carry out boarding and inspection procedures under the auspices of the Commission and in accordance with these procedures.

20. An authorized inspection vessel that intends to board and inspect a fishing vessel on the high seas that is engaged in or reported to have engaged in a fishery regulated pursuant to the Convention shall, prior to initiating the boarding and inspection:

- a. make best efforts to establish contact with the fishing vessel by radio, by the appropriate International Code of Signals or by other accepted means of alerting the vessel;
- b. provide the information to identify itself as an authorized inspection vessel - name, registration number, international radio call sign and contact frequency;
- c. communicate to the master of the vessel its intention to board and inspect the vessel under the authority of the Commission and pursuant to these procedures; and
- d. initiate notice through the authorities of the inspection vessel of the boarding and inspection to the authorities of the fishing vessel.

21. In carrying out boarding and inspection pursuant to these procedures, the authorized inspection vessel and authorized inspectors shall make their best efforts to communicate with the master of the fishing vessels in a language that the master can understand. If necessary to facilitate communications between the inspectors and the master of the vessel, the inspectors shall use the relevant part of the standardized multi-language questionnaire to be prepared by the Secretariat and circulated to all Contracting Parties with authorized inspection vessels.

22. Authorized inspectors shall have the authority to inspect the vessel, its license, gear, equipment, records, facilities, fish and fish products and any relevant documents necessary to verify compliance with the conservation and management measures in force pursuant to the Convention.

23. Boarding and inspection pursuant to these procedures shall:

- a. be carried out in accordance with internationally accepted principles of good seamanship so as to avoid risks to the safety of fishing vessels and crews;
- b. be conducted as much as possible in a manner so as not to interfere unduly with the lawful operation of the fishing vessel;
- c. take reasonable care to avoid action that would adversely affect the quality of the catch; and
- d. not be conducted in such manner as to constitute harassment of a fishing vessel, its officers or crew.

24. In the conduct of a boarding and inspection, the authorized inspectors shall:

- a. present their identity card to the master of the vessel and a copy of the text of the relevant measures in force pursuant to the Convention in the relevant area of the high seas;
- b. not interfere with the master's ability to communicate with the authorities of the fishing vessel;
- c. complete the inspection of the vessel within 4 (four) hours unless evidence of a serious violation is found;
- d. collect and clearly document any evidence they believe indicates a violation of measures in force pursuant to the Convention;
- e. provide to the master prior to leaving the vessel a copy of an interim report on the boarding and inspection including any objection or statement which the master wishes to include in the report;
- f. promptly leave the vessel following completion of the inspection; and
- g. provide a full report on the boarding and inspection to the authorities of the fishing vessel, pursuant to paragraph 30, which shall also include any master's statement.

25. During the conduct of a boarding and inspection, the master of the fishing vessel shall:

- a. follow internationally accepted principles of good seamanship so as to avoid risks to the safety of authorized inspection vessels and inspectors;
- b. accept and facilitate prompt and safe boarding by the authorized inspectors;
- c. cooperate with and assist in the inspection of the vessel pursuant to these procedures;
- d. not assault, resist, intimidate, interfere with, or unduly obstruct or delay the inspectors in the performance of their duties;
- e. allow the inspectors to communicate with the crew of the inspection vessel, the authorities of the inspection vessel, as well as with the authorities of the fishing vessel being inspected;
- f. provide them with reasonable facilities, including, where appropriate, food and accommodation; and
- g. facilitate safe disembarkation by the inspectors.

26. If the master of a fishing vessel refuses to allow an authorized inspector to carry out a boarding and inspection in accordance with these procedures, such master shall offer an explanation of the reason for such refusal. The authorities of the inspection vessel shall immediately notify the authorities of the fishing vessel, as well as the Commission, of the master's refusal and any explanation.

27. The authorities of the fishing vessel, unless generally accepted international regulations, procedures and practices relating to safety at sea make it necessary to delay the boarding and inspection, shall direct the master to accept the boarding and inspection. If the master does not comply with such direction, the Member shall suspend the vessel's authorization to fish and order the vessel to return immediately to port. The Member shall immediately notify the authorities of the inspection vessel and the Commission of the action it has taken in these circumstances.

### **USE OF FORCE**

28. The use of force shall be avoided except when and to the degree necessary to ensure the safety of the inspectors and where the inspectors are obstructed in the execution of their duties. The degree of force used shall not exceed that reasonably required in the circumstances.

29. Any incident involving the use of force shall be immediately reported to the authorities of the fishing vessel, as well as to the Commission.

### **INSPECTION REPORTS**

30. Authorized inspectors shall prepare a full report on each boarding and inspection they carry out pursuant to these procedures in accordance with a format that may be specified by the Commission. The authorities of the inspection vessel from which the boarding and inspection was carried out shall transmit a copy of the boarding and inspection report to the authorities of the fishing vessel being inspected, as well as the Commission, within 3 (three) full working days of the completion of the boarding and inspection. Where it is not possible for the authorities of the inspection vessel to provide such report to the authorities of the fishing vessel within this timeframe, the authorities of the inspection vessel shall inform the authorities of the fishing vessel and shall specify the time period within which the report will be provided.

31. Such report shall include the names and authority of the inspectors and clearly identify any observed activity or condition that the authorized inspectors believe to be a violation of the Convention or conservation and management measures in force and indicate the nature of specific factual evidence of such violation.

### **SERIOUS VIOLATIONS**

32. In the case of any boarding and inspection of a fishing vessel during which the authorized inspectors observe an activity or condition that would constitute a serious violation, as defined in paragraph 37, the authorities of the inspection vessels shall

immediately notify the authorities of the fishing vessel, directly as well as through the Commission.

33. Upon receipt of a notification under paragraph 32, the authorities of the fishing vessels shall without delay:

- a. assume their obligation to investigate and, if the evidence warrants, take enforcement action against the fishing vessel in question and so notify the authorities of the inspection vessel, as well as the Commission; or
- b. authorize the authorities of the inspection vessel to complete investigation of the possible violation and so notify the Commission.

34. In the case of 33(a) above, the authorities of the inspection vessel shall provide, as soon as practicable, the specific evidence collected by the authorized inspectors to the authorities of the fishing vessel.

35. In the case of 33(b) above, the authorities of the inspection vessel shall provide the specific evidence collected by the authorized inspectors, along with the results of their investigation, to the authorities of the fishing vessel immediately upon completion of the investigation.

36. Upon receipt of a notification pursuant to paragraph 32, the authorities of the fishing vessel shall make best effort to respond without delay and in any case no later than within 3 (three) full working days.

37. For the purposes of these procedures, a serious violation means the following violations of the provisions of the Convention or conservation and management measures adopted by the Commission:

- a. fishing without a license, permit or authorization issued by the flag Member, in accordance with Article 24 of the Convention;
- b. failure to maintain sufficient records of catch and catch-related data in accordance with the Commission's reporting requirements or significant misreporting of such catch and/or catch-related data;
- c. fishing in a closed area;
- d. fishing during a closed season;
- e. intentional taking or retention of species in contravention of any applicable conservation and management measure adopted by the Commission;
- f. significant violation of catch limits or quotas in force pursuant to the Convention;

- g. using prohibited fishing gear;
- h. falsifying or intentionally concealing the markings, identity or registration of a fishing vessel;
- i. concealing, tampering with or disposing of evidence relating to investigation of a violation;
- j. multiple violations which taken together constitute a serious disregard of measures in force pursuant to the Commission;
- k. refusal to accept a boarding and inspection, other than as provided in paragraphs 26 and 27;
- l. assault, resist, intimidate, sexually harass, interfere with, or unduly obstruct or delay an authorized inspector; and
- m. intentionally tampering with or disabling the vessel monitoring system;
- n. such other violations as may be determined by the Commission, once these are included and circulated in a revised version of these procedures.

## **ENFORCEMENT**

38. Any evidence obtained as a result of a boarding and inspection pursuant to these procedures with respect to violation by a fishing vessel of the Convention or conservation and management measures adopted by the Commission and in force shall be referred to the authorities of the fishing vessel for action in accordance with Article 25 of the Convention.

39. For the purposes of these procedures, the authorities of the fishing vessels shall regard interference by their fishing vessels, captains or crew with an authorized inspector or an authorized inspection vessel in the same manner as any such interference occurring within its exclusive jurisdiction.

## **ANNUAL REPORTS**

40. Contracting Parties that authorize inspection vessels to operate under these procedures shall report annually to the Commission on the boarding and inspections carried out by its authorized inspection vessels, as well as upon possible violations observed.

41. Members of the Commission shall include in their annual statement of compliance within their Annual Report to the Commission under Article 25(8) of the Convention action that they have taken in response to boarding and inspections of their fishing

vessels that resulted in observation of alleged violations, including any proceedings instituted and sanctions applied.

## **OTHER PROVISIONS**

42. Authorized inspection vessels, while carrying out activities to implement these procedures, shall engage in surveillance aimed at identifying fishing vessels of non-Members undertaking fishing activities on the high seas in the Convention area. Any such vessels identified shall be immediately reported to the Commission.

43. The authorized inspection vessel shall attempt to inform any fishing vessel identified pursuant to paragraph 42 that has been sighted or identified as engaging in fishing activities that are undermining the effectiveness of Convention and that this information will be distributed to the Members of the Commission and the flag state of the vessel in question.

44. If warranted, the authorized inspectors may request permission from the fishing vessel and/or the flag state of the vessel to board a vessel identified pursuant to paragraph 42. If the vessel master or the vessel's flag state consents to a boarding, the findings of any subsequent inspection shall be transmitted to the Executive Director. The Executive Director shall distribute this information to all Commission Members as well as to the flag State of the fishing vessel.

45. Contracting Parties shall be liable for damage or loss attributable to their action in implementing these procedures when such action is unlawful or exceeds that reasonably required in the light of available information.

## **COMMISSION COORDINATION AND OVERSIGHT**

46. Authorized inspection vessels in the same operational area should seek to establish regular contact for the purpose of sharing information on areas in which they are patrolling, on sightings and on boarding and inspections they have carried out, as well as other operational information relevant to carrying out their responsibilities under these procedures.

47. The Commission shall keep under continuous review the implementation and operation of these procedures, including review of annual reports relating to these procedures provided by Members. In applying these procedures, Contracting Parties may seek to promote optimum use of the authorized inspection vessels and authorized inspectors by:

- a. identifying priorities by area and/or by fishery for boarding and inspections pursuant to these procedures;

- b. ensuring that boarding and inspection on the high seas is fully integrated with the other monitoring, compliance and surveillance tools available pursuant to the Convention;
- c. ensuring non-discriminatory distribution of boarding and inspections on the high seas among fishing vessels of Members of the Commission without compromising the opportunity of Contracting Parties to investigate possible serious violations; and
- d. taking into account high seas enforcement resources assigned by Members of the Commission to monitor and ensure compliance by their own fishing vessels, particularly for small boat fisheries whose operations extend onto the high seas in areas adjacent to waters under their jurisdiction.

## **SETTLEMENT OF DISAGREEMENTS**

48. In the event of a disagreement concerning the interpretation, application or implementation of these procedures, the parties concerned shall consult in an attempt to resolve the disagreement.

49. If the disagreement remains unresolved following the consultations, the Executive Director of the Commission shall, at the request of the parties concerned, and with the consent of Commission, refer the disagreement to the Technical and Compliance Committee (TCC). The TCC shall establish a panel of five representatives, acceptable to the parties to the disagreement, to consider the matter.

50. A report on the disagreement shall be drawn up by the panel and forwarded through the TCC Chair to the Commission within two months of the TCC meeting at which the case is reviewed.

51. Upon receipt of such report, the Commission may provide appropriate advice with respect to any such disagreement for the consideration of the Members concerned.

52. Application of these provisions for the settlement of disagreements shall be non-binding. These provisions shall not prejudice the rights of any Member to use the dispute settlement procedures provided in the Convention.



**Fourth Regular Session  
Tumon, Guam, USA  
2–7 December 2007**

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**CONSERVATION AND MANAGEMENT MEASURE FOR THE  
REGIONAL OBSERVER PROGRAMME**

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**Conservation and Management Measure 2007-01**

*The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;*

*Recalling* Article 28(1) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPF Convention), which requires the Commission to develop a Regional Observer Programme to, among other things, collect verified catch data, and to monitor the implementation of the conservation and management measures adopted by the Commission;

*Further recalling* Article 28(7) of the WCPF Convention, which requires the Commission to develop procedures and guidelines for the operation of the Regional Observer Programme;

*Cognizant* of Conservation and Management Measure 2006-07, which established the procedures to develop the WCPFC Regional Observer Programme;

Adopts, in accordance with Article 10 of the WCPFC Convention the following Conservation and Management Measure for the establishment of the WCPFC Regional Observer Programme (Commission ROP).

**Establishment of the Commission ROP**

1. There is hereby established the Commission ROP, which shall be coordinated by the Secretariat of the Commission.
2. The ROP shall be implemented on a phased basis. The implementation schedule is attached as Annex C.
3. The Secretariat of the Commission shall provide an annual report to the Commission with regard to the Commission ROP and on other matters relevant to the efficient operation of the programme.

## **Objectives of the Commission ROP**

4. The objectives of the Commission ROP shall be to collect verified catch data, other scientific data, and additional information related to the fishery from the Convention Area and to monitor the implementation of the conservation and management measures adopted by the Commission.

## **Scope of the Commission ROP**

5. The Commission ROP shall apply to the following categories of fishing vessels authorized to fish in the Convention Area in accordance with the Commission's Conservation and Management Measures 2004-01:

- i) vessels fishing exclusively on the high seas in the Convention Area, and
- ii) vessels fishing on the high seas and in waters under the jurisdiction of one or more coastal States and vessels fishing in the waters under the national jurisdiction of two or more coastal States.

## **Functions of observers**

6. The functions of observers operating under the Commission ROP shall include collecting catch data and other scientific data, monitoring the implementation of the conservation and management measures adopted by the Commission and any additional information related to the fishery that may be approved by the Commission. When a vessel is operating on the same fishing trip both in waters under the national jurisdiction of its flag State and in the adjacent high seas, an observer placed under the Commission ROP shall not undertake any of these functions in waters under national jurisdiction of the flag State without the consent of the flag State.

## **Obligations of CCMs of the Commission**

7. Each CCM of the Commission shall ensure that fishing vessels fishing in the Convention Area, except for vessels that operate exclusively within waters under the national jurisdiction of the flag State, are prepared to accept an observer from the Commission ROP if required by the Commission.

8. Each CCM of the Commission shall be responsible for meeting the level of observer coverage as set by the Commission.

9. CCMs shall source observers for their vessels as determined by the Commission.

10. CCMs shall explain to the vessel captain, observer duties relevant to appropriate measures adopted by the Commission.

## **Role of the Commission and its subsidiary bodies**

11. The Commission shall, through its subsidiary bodies within their respective mandates, monitor and supervise the implementation of the ROP, develop the priorities

and objectives of the ROP, and assess the results of the ROP. The Commission may provide further direction concerning the operation of the ROP, as necessary. The Commission shall ensure the administration and coordination of the ROP is adequately resourced. The Commission may enter into contracts for the provision of the ROP.

### **Role of the Secretariat**

12. Consistent with Article 15(4), the role of the Secretariat will be to:

- a) coordinate ROP activities, including, *inter alia*:
  - i) maintaining the ROP Manual and the ROP Observer Workbook;
  - ii) so that existing national programmes and sub-regional programmes participating in the ROP maintain standards as adopted by the Commission;
  - iii) receiving communications and providing reports on the ROP's operation to the Commission (and its subsidiary bodies); including target and achieved coverage levels;
  - iv) coordinating ROP activities with other RFMOs as directed and appropriate;
  - v) facilitating the use of authorized observers in the ROP;
  - vi) monitoring observer trainers and observer training courses for ROP observers to promote the maintenance of standards adopted by the Commission;
  - vii) that the ROP addresses the data and monitoring requirements of the Commission's CMMs;
  - viii) that appropriate information and data for the monitoring of the implementation of CMMs as adopted by the Commission are collected, compiled, stored and disseminated by the ROP in accordance with procedures adopted by the Commission;
  - ix) managing and administering observers for special situations as directed by the Commission; and
  - x) support staff necessary to effectively administer the ROP.
- b) authorize observer providers to the ROP.

### **Role of coastal States**

13. Each CCM shall nominate a WCPFC National Observer Coordinator, who shall be the contact point on matters related to the ROP.

### **Guiding principles for operation of the Commission ROP**

14. The Commission ROP shall operate in accordance with the following principles:

- i) The Commission ROP shall consist of independent and impartial observers qualified in accordance with criteria approved by the Commission;

ii) Vessels that operate principally in coastal waters, but occasionally venture on to the adjacent high seas or into the waters under the jurisdiction of a neighboring State, if they so agree, may carry observers of their own nationality provided those observers have been authorized by the Secretariat;<sup>1</sup>

iii) The Commission ROP shall be organized in a flexible manner that takes into account the nature of the fishery from the Convention Area and any other relevant factors the Commission may consider appropriate;

iv) To ensure cost effectiveness and to avoid duplication, the Commission's ROP shall be coordinated, to the maximum extent possible, with other regional, sub-regional and national observer programmes; and to this extent the Commission may enter into contracts or appropriate arrangements for the provision of the ROP.

v) The Commission ROP shall provide a sufficient level of coverage as approved by the Commission to ensure that the Commission receives appropriate data and information on catch levels and any additional information related to the fisheries within the Convention Area, taking into account the characteristics of the fisheries;

vi) Observers shall not unduly interfere with the lawful operations of the vessel and in carrying out their duties shall give due consideration to the operational requirements of the vessel and to the extent practicable minimize disruption to the operation of vessels fishing in the Convention Area; Observers shall comply with the Guidelines in Annex A — Guidelines for the Rights and Responsibilities of Observers.

vii) The Commission ROP shall be operated to ensure that observers shall not be unduly obstructed in the discharge of their duties. To this extent, CCMs of the Commission shall ensure that vessel operators comply with the Guidelines in **Annex B** — Guidelines for the Rights and Responsibilities of Vessel Operators, Captains and Crew.

viii) The Commission ROP shall ensure the security and confidentiality of non-aggregated data and other information which the Commission deems to be of a confidential nature; the release of data and other information collected by the Commission ROP shall be in accordance with guidelines set out in the Commission's Rules and Procedures for Access to, and Dissemination of, Data Compiled by the Commission.

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<sup>1</sup> See TCC2 Summary Report, para 54ii: "the need to integrate existing national and regional observer programmes into the Commission programme and "to allow CCMs to continue to deploy national observers on vessels that principally operate in coastal waters and that occasionally extend their fishing operations on to the high seas."

**Guidelines on the Rights and Responsibilities of Observers**

In accordance with Annex III Article 3, and article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The following guidelines for the Rights and Responsibilities of Observers shall apply to observers placed on a vessel under the Commission ROP.

**1. The rights of observers shall include:**

- a) Full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish on board, and areas which may be used to hold, process, weigh, and store fish.
- b) Full access to the vessel's records including its logs and documentation for the purpose of records inspection and copying, reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.
- c) Access to and use of communications equipment and personnel, upon request, for entry, transmission, and receipt of work related data or information.
- d) Access to additional equipment, if present, to facilitate the work of the observer while on board the vessel, such as high powered binoculars, electronic means of communication, etc.
- e) Access to the working deck during net or line retrieval and to specimens (alive or dead) in order to collect and remove samples.
- f) Notice by the vessel captain of at least fifteen (15) minutes before hauling or setting procedures, unless the observer specifically requests not to be notified.
- g) Access to food, accommodations, medical facilities, and sanitary facilities of a reasonable standard equivalent to those normally available to an officer on board the vessel.
- h) The provision of adequate space on the bridge or other designated area for clerical work and adequate space on the deck for observer duties.
- i) Freedom to carry out their duties without being assaulted, obstructed, resisted, delayed, intimidated or interfered with in the performance of their duties.

**2. The responsibilities of observers shall include:**

- a) Being capable of performing the duties set out by the Commission.
- b) Acceptance and compliance with agreed upon confidentiality rules and procedures with respect to the fishing operations of the vessels and of the vessel owners.
- c) Maintenance of independence and impartiality at all times while on duty in the ROP.

- d) Compliance with the ROP protocols for observers carrying out ROP duties on board a vessel.
- e) Compliance with the laws and regulations of the CCM that exercises jurisdiction over the vessel.
- f) Respecting the hierarchy and general rules of behavior that apply to all vessel personnel.
- g) Performance of duties in a manner that does not unduly interfere with the lawful operations of the vessel and in carrying out their functions they shall give due consideration to the operational requirements of the vessel and shall communicate regularly with the captain or master of the vessel.
- h) Familiarity with the emergency procedures aboard the vessel, including the locations of life rafts, fire extinguishers, and first aid kits.
- i) Communicating regularly with the vessel captain on relevant observer issues and duties.
- j) Observance of ethnic traditions of the crew and customs of the flag State of the vessel.
- k) Adherence to the ROP Code of Conduct for observers.
- l) Promptly writing and submitting reports to the Commission or national programme in accordance with procedures adopted by the Commission.

**Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew**

In accordance with Annex III, Article 3, and Article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The following Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew shall apply when an observer is placed under the Commission ROP.

**Rights and responsibilities of vessel operators and captains**

**1. The rights of vessel operators and captains shall include:**

- a) Expectation that a reasonable period of prior notice of the placement of an ROP observer shall be given.
- b) Expectation that the observer will comply with the general rules of behavior, hierarchy, and laws and regulations of the CCM of the Commission that exercises jurisdiction over the vessel.
- c) Timely notification from the observer provider on completion of the observer's trip of any comments regarding the vessel operations. The captain shall have the opportunity to review and comment on the observer's report, and shall have the right to include additional information deemed relevant or a personal statement.
- d) Ability to conduct lawful operations of the vessel without undue interference due to the observer's presence and performance of necessary duties.
- e) Ability to assign, at his or her discretion, a vessel crew member to accompany the observer when the observer is carrying out duties in hazardous areas.

**2. The responsibilities of vessel operators and captains shall include:**

- a) Accepting onboard the vessel any person identified as an observer under the ROP when required by the Commission.
- b) Informing the crew of the timing of the ROP observer boarding as well as their rights and responsibilities when an ROP observer boards the vessel.
- c) Assisting the ROP observer to safely embark and disembark the vessel at an agreed upon place and time.
- d) Giving notice to the ROP observer at least fifteen (15) minutes before the start of a set or haul onboard, unless the observer specifically requests not to be notified.
- e) Allow and assist the ROP observer to carry out all duties safely.
- f) Allowing ROP observer full access to the vessel's records including vessel logs and documentation for the purpose of records inspection and copying.
- g) Allowing reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.
- h) Permitting access to additional equipment, if present, to facilitate the work of the ROP observer while onboard the vessel, such as high powered binoculars, electronic means of communication, etc.

- i) Allow and assist the ROP observer to remove and store samples from the catch.
- j) The provision to the ROP observer, while onboard the vessel, at no expense to the observer or the ROP observer's provider or government, with food, accommodation, adequate sanitary amenities, and medical facilities of a reasonable standard equivalent to those normally available to an officer onboard the vessel.
- k) The provision to the ROP observer, while onboard the vessel, insurance coverage for the duration of the observer's time onboard the vessel.
- j) Allow and assist full access to and use of all facilities and equipment of the vessel that the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas which may be used to hold, process, weigh, and store fish.
- m) Ensuring the ROP observer is not assaulted, obstructed, resisted, delayed, intimidated, interfered with, influenced, bribed or is attempted to be bribed in the performance of their duties.

**Rights and responsibilities of vessel crew**

**3. The rights of vessel crew shall include:**

- a) Expectation that the ROP observer will comply with the general rules of behavior, hierarchy, and laws and regulations of the CCM that exercises jurisdiction over the vessel.
- b) Expectation that a reasonable period of prior notice of the placement of a ROP observer shall be given by the Captain.
- c) Reasonable expectation of privacy in crew personal areas.
- d) Ability to carry out duties associated with normal fishing operations without undue interference due to the ROP observer's presence and performance of their necessary duties.

**4. The responsibilities of the vessel crew shall include:**

- a) Not assaulting, obstructing, resisting, intimidating, influencing, or interfering with the ROP observer or impeding or delaying observer duties.
- b) Compliance with regulations and procedures established under the Convention and other guidelines, regulations, or conditions established by the CCM that exercises jurisdiction over the vessel.
- c) Allowing and assisting full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas that may be used to hold, process, weigh, and store fish.
- d) Allow and assist the ROP observer to carry out all duties safely.
- e) Allow and assist the ROP observer to remove and store samples from the catch.
- f) Compliance with directions given by the vessel captain with respect to the ROP observers duties.

**Implementation programme for the Regional Observer Programme**

1. When the measure enters into force, CCMs shall commence implementation of the ROP, in accordance with the measure adopted at WCPFC4, by using the sub-regional and national programmes already operational in the region. CCMs are encouraged to submit data from such programmes as soon as possible.
2. At the direction of the Commission, the IWG-ROP shall continue to develop the framework and important elements of the ROP (e.g. determination of minimum vessel size for observer coverage, training and accreditation of observers, roles and responsibilities of observers, data requirements, cost issues, and appropriate effort units for expressing coverage levels).
3. Arrangements in 2008 do not preclude future development of the ROP by the Commission.
4. No later than 31 December 2008:
  - Existing sub-regional programmes and national programmes shall be regarded as a part of the ROP, and shall continue unless otherwise determined by the Commission.
  - Data obtained through these observer programmes shall be submitted to the Commission and shall be considered Commission data.
5. During the period 1 January 2009–31 December 2010:
  - The Commission shall review the recommendations from the IWG-ROP, SC, and TCC and further develop, and refine as necessary, the ROP, including application of the ROP.
6. No later than 30 June 2012, CCMs shall achieve 5% coverage of the effort in each fishery under the jurisdiction of the Commission (except for vessels provided for in paras 9 and 10). In order to facilitate the placement of observers the logistics may dictate that this be done on the basis of trips.
7. At the 2012 annual sessions of the SC and TCC, the data generated by the ROP shall be reviewed and those subsidiary bodies shall make appropriate recommendations to the Commission. Based on the advice and recommendations of the SC and TCC, the Commission shall annually review the ROP and make adjustments as necessary. Among the elements of the ROP to be reviewed are the provisions of para 10 on vessels initially deferred from application of the ROP.
8. CCMs shall also be expected to meet any additional ROP observer obligations that may be included in any measure adopted by WCPFC, such as provisions of a catch retention measure, a FAD management measure or a transshipment measure. Such measures may include observer requirements for freezer longliners, purse seiners and/or carriers.

### **Special circumstances**

9. Fishing vessels used exclusively to fish for fresh fish<sup>2</sup> in the area north of 20 degrees north shall be accorded the following considerations:
  - i) At its 2008 annual session, the Northern Committee shall consider the implementation of the ROP adopted by the Commission by vessels fishing for fresh fish in the area north of 20 degrees north.
  - ii) At its 2010 annual session, the Northern Committee shall make recommendations to the Commission on the implementation of the ROP by fishing vessels fishing for fresh fish in the area north of 20 degrees north.
  - iii) The recommendations of the Northern Committee shall provide a date for implementation of the ROP by vessels fishing for fresh fish in the area north of 20 degrees north no later than 31 December 2014.
  
10. The implementation schedule for the following vessels shall be deferred:
  - i) small vessels, the minimum size of which shall be considered by the IWG-ROP for recommendation to the Commission in 2008.
  - ii) troll and pole-and-line vessels used for fishing for skipjack tuna or albacore (to be scheduled for review by the IWG-ROP).

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<sup>2</sup> For the purpose of this measure, “fresh fish” means highly migratory fish stocks that are live, whole or dressed/gutted, but not further processed or frozen.



**Fourth Regular Session  
Tumon, Guam, USA  
2–7 December 2007**

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**CONSERVATION AND MANAGEMENT MEASURE TO MITIGATE THE  
IMPACT OF FISHING FOR HIGHLY MIGRATORY FISH STOCKS ON  
SEABIRDS<sup>1</sup>**

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**Conservation and Management Measure 2007-04**

*The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean*

*Concerned* that some seabird species, notably albatrosses and petrels, are threatened with global extinction.

*Noting* advice from the Commission for the Conservation of Antarctic Marine Living Resources that together with illegal, unreported and unregulated fishing, the greatest threat to Southern Ocean seabirds is mortality in longline fisheries in waters adjacent to its Convention Area.

*Noting* scientific research into mitigation of seabird bycatch in surface longline fisheries has showed that the effectiveness of various measures varies greatly depending on the vessel type, season, and seabird species assemblage present.

*Noting the advice of the Scientific Committee* that combinations of mitigation measures are essential for effective reduction of seabird bycatch.

Resolves as follows:

1. Commission Members, Cooperating Non-members and participating Territories (CCMs) shall, to the extent possible, implement the International Plan of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries (IPOA-Seabirds) if they have not already done so.
2. CCMs shall report to the Commission on their implementation of the IPOA-Seabirds, including, as appropriate, the status of their National Plans of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries.

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<sup>1</sup> By adoption of this CMM (CMM-2007-04) the Commission rescinds CMM-2006-02 which has been revised and replaced.

*Adopts*, in accordance with Article 5 (e) and 10( i)(c ) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean the Commission the following measure to address seabird bycatch:

1. CCMs shall require their longline vessels to use at least two of the mitigation measures in Table 1, including at least one from Column A in areas south of 30 degrees South and north of 23 degrees North.

**Table 1: Mitigation measures**

<i>Column A</i>	<i>Column B</i>
<i>Side setting with a bird curtain and weighted branch lines<sup>2</sup></i>	<i>Tori line<sup>3</sup></i>
<i>Night setting with minimum deck lighting</i>	<i>Weighted branch lines</i>
<i>Tori line</i>	<i>Blue-dyed bait</i>
<i>Weighted branch lines</i>	<i>Deep setting line shooter</i>
	<i>Underwater setting chute</i>
	<i>Management of offal discharge</i>

2. In other areas, where necessary, CCMs are encouraged to employ one or more of the seabird mitigation measures listed in Table 1.

3. Minimum technical specifications for measures in Table 1 are provided in Annex 1.

4. For research and reporting purposes, each CCM with longline vessels that fish in the Convention Area south of 30°S or north of 23°N shall submit to the Commission in part 2 of its annual report for 2007 (due in 2008) information describing which of the mitigation measures in Table 1 they require or will require their vessels to use, as well as the technical specifications for each of those mitigation measures. Each such CCM shall also include in its annual reports for subsequent years any changes it has made to its required mitigation measures or technical specifications for those measures.

5. CCMs are encouraged to undertake research to further develop and refine measures to mitigate seabird bycatch including mitigation measures for use during the hauling process and should submit to the Secretariat for the use by the SC and the TCC any information derived from such efforts. Research should be undertaken in the fisheries and areas to which the measure will be used.

6. The SC and TCC will annually review any new information on new or existing mitigation measures or on seabird interactions from observer or other monitoring programmes. Where necessary, an updated suite of mitigation measures, specifications for mitigation measures, or recommendations for areas of application will then be provided to the Commission for its consideration and review as appropriate.

<sup>2</sup> This measure can only be applied in the area north of 23 degrees north until research establishes the utility of this measure in waters south of 30 degrees south. If using side setting with a bird curtain and weighted branch lines from column A this will be counted as two mitigation measures.

<sup>3</sup> If tori line is selected from both Column A and Column B this equates to simultaneously using two (i.e. paired) tori lines.

7. CCMs are encouraged to adopt measures aimed at ensuring that seabirds captured alive during longlining are released alive and in as good condition as possible and that wherever possible hooks are removed without jeopardizing the life of the seabird concerned.

8. The intersessional working group for the regional observer programme (IWG-ROP) will take into account the need to obtain detailed information on seabird interactions to allow analysis of the effects of fisheries on seabirds and evaluation of the effectiveness of by-catch mitigation measures.

9. CCMs shall annually provide to the Commission, in part 1 of their annual reports, all available information on interactions with seabirds, including bycatches and details of species, to enable the Scientific Committee to estimate seabird mortality in all fisheries to which the WCPF Convention applies.

10. Paragraph 1 of this Conservation and Management Measure shall be implemented by CCMs in the following manner:

- In areas south of 30 degrees South, no later than 1 January 2008 in relation to large-scale longline vessels of 24 meters or more in overall length, and no later than 31 January 2009 in relation to smaller longline vessels of less than 24 meters in overall length.
- In areas north of 23 degrees North, and in relation to large-scale longline vessels of 24 meters or more in overall length, no later than 30 June 2008.

11. CCMs shall as of 1 January 2007 initiate a process to ensure that vessels flying their flag will be able to comply with the provisions of para 1 within the deadlines referred to in para 10.

12. This Conservation and Management measure replaces Resolution 2005-01, which is hereby repealed.

## **Attachment O, Annex 1**

As the methods below have not all been given due consideration by the SC and TCC all are subject to review and are considered to be provisional. Recognizing that the SC and the TCC will annually review any new information on new or existing mitigation measures or on seabird interactions that indicate their effectiveness in reducing seabird bycatch for that measure, CCMs with longline vessels that fish in the Convention Area shall submit to the Commission detailed information describing the minimum technical specifications being used in fulfillment of this measure as well as any data resulting from research undertaken and/or monitoring measures to further develop and refine measures to mitigate seabird bycatch.

### **Specifications for Column A mitigation measures**

#### **1a) Tori Lines**

- i. Minimum length: 100 m
- ii. Must be attached to the vessel such that it is suspended from a point a minimum of 5 m above the water at the stern on the windward side of the point where the hookline enters the water.
- iii. Must be attached so that the aerial extent is maintained over the sinking baited hooks.
- iv. Streamers must be less than 5m apart, be using swivels and long enough so that they are as close to the water as possible.
- v. If the tori line is less than 150 m in length, must have a towed object attached to the end so that the aerial extent is maintained over the sinking baited hooks.
- vi. If two (i.e. paired) tori lines are used, the two lines must be deployed on opposing sides of the main line.

#### **1b) Tori Line (light streamer)**

- i. Minimum length of tori line: 100 m or three times the total length of the vessel.
- ii. Must be attached to the vessel such that it is suspended from a point a minimum of 5 m above the water at the stern on the windward side of a point where the hookline enters the water.
- iii. Must be attached so that the aerial extent is maintained over the sinking baited hooks.
- iv. Streamers must be less than 1m apart and be 30 cm in minimum length.
- v. If two (i.e. paired) tori lines are used, the two lines must be deployed on opposing sides of the main line.

#### **2. Side setting with bird curtain and weighted branch lines**

- i. Mainline deployed from port or starboard side as far from stern as practicable (at least 1 m), and if mainline shooter is used, must be mounted at least 1m forward of the stern.

- ii. When seabirds are present the gear must ensure mainline is deployed slack so that baited hooks remain submerged.
- iii. Bird curtain must be employed:
  - Pole aft of line shooter at least 3 m long;
  - Minimum of 3 main streamers attached to upper 2 m of pole;
  - Main streamer diameter minimum 20 mm;
  - Branch streamers attached to end of each main streamer long enough to drag on water (no wind) – minimum diameter 10 mm.

### **3. Night setting**

- i. No setting between local sunrise and one hour after local sunset.
- ii. Deck lighting to be kept to a minimum, noting requirements for safety and navigation.

### **4. Weighted branch lines**

- i. Following minimum weight specifications are required:
- ii. Minimum weights attached to all branch lines is 45 g, with the following options:
  - less than 60 g weight attached to within 1 m of the hook or;
  - greater than 60 g and less than 98 g weight attached to within 3.5 m of the hook or;
  - greater than 98 g weight attached to within 4 m of the hook.

## **Specifications for Column B mitigation measures**

### **1. Weighted branch lines**

- i. Following minimum weight specifications are required:
- ii. Minimum weights attached to all branch lines is 45 g, with the following options:
  - less than 60 g weight attached to within 1 m of the hook; or
  - greater than 60 g and less than 98 g weight attached to within 3.5 m of the hook; or
  - greater than 98 g weight attached to within 4 m of the hook.

### **2. Blue dyed bait**

- i. The Commission Secretariat shall distribute a standardized color placard.
- ii. All bait must be dyed to the shade shown in the placard.

### **3. Management of offal discharge**

- i. Either:
  - No offal discharge during setting or hauling; or

- Strategic offal discharge from the opposite side of the boat to setting/hauling to actively encourage birds away from baited hooks.



**FIFTH REGULAR SESSION**

8-12 December 2008

Busan, Korea

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**CONSERVATION AND MANAGEMENT OF SEA TURTLES**

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**Conservation and Management Measure 2008-03**

*The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;*

*In accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean:*

*Recognizing* the ecological and cultural significance of all species of sea turtles in the western and central Pacific Ocean (WCPO);

*Further recognizing* that the five marine turtle species in the WCPFC Convention Area are threatened or critically endangered;

*Considering* the adverse effects of fishing for highly migratory fish stocks on some populations of sea turtles in the WCPO through capture, injury and mortality;

*Recalling* that the United Nations Food and Agriculture Organization (FAO) endorsed *Guidelines to Reduce Sea Turtle Mortality in Fishing Operations* at its twenty-sixth Session of the Committee on Fisheries, held in March 2005, and recommended their implementation by regional fisheries bodies and management organizations;

*Noting* that recent international scientific studies using large circle hooks in shallow-set pelagic longline fishing targeting swordfish show, when compared to conventional hooks, significantly lower sea turtle catch rates without undue adverse effects on catch rates of target species;

*Further noting* that scientific studies indicate circle hooks' further mitigative effects for sea turtles and other incidentally caught species in terms of post-release mortality, as the hooking locations tend to be such that resultant injuries are less severe than with conventional hooks;

*Further noting* that regardless of what hook type is used, international scientific studies using finfish bait show when compared to squid bait, significantly lower sea turtle catch rates in shallow-set pelagic longline swordfish fisheries;

*Acknowledging* that relatively simple proactive and reactive efforts on the part of fishermen can serve to both avoid sea turtle interactions and minimize the adverse consequences of such interactions when they occur;

*Noting* that shallow set longline fisheries also pose significant risks to vulnerable seabird populations in higher latitudes it necessary to achieve a balance in mitigation requirements across species vulnerable to longline interactions;

*Recognizing* that the Inter-American Tropical Tuna Commission (IATTC) adopted, at its 75th meeting, a *Resolution to Mitigate the Impact of Tuna Fishing Vessels on Sea Turtles* that includes mandatory provisions to apply to purse seine and longline vessels;

*Recalling* Article 22 of the Convention, which provides for cooperation with other organizations, particularly the IATTC, with a view to avoiding duplication of, and achieving consistency in, conservation and management measures;

Adopts, in accordance with Articles 5 and 10 of the Convention, that:

1. Commission Members, Cooperating non-Members and participating Territories (CCMs) will implement, as appropriate the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations and to ensure the safe handling of all captured sea turtles, in order to improve their survival.
2. Beginning in 2009, CCMs shall report to the Commission in Part 2 of their annual reports the progress of implementation of the FAO Guidelines and this measure, including information collected on interactions with sea turtles in fisheries managed under the Convention.
3. All data collected by the WCPFC Regional Observer Program (ROP), shall be reported to the Commission as provided in paragraph 2 above or as agreed to under other Commission data collection provisions.
4. CCMs shall require fishermen on vessels targeting species covered by the Convention to bring aboard, if practicable, any captured hard-shell sea turtle that is comatose or inactive as soon as possible and foster its recovery, including giving it resuscitation, before returning it to the water. CCMs shall ensure that fishermen are aware of and use proper mitigation and handling techniques, as described in WCPFC guidelines to be developed and provided to all CCMs by the Secretariat.
5. CCMs with purse seine vessels that fish for species covered by the Convention shall:
  - a. Ensure that operators of such vessels, while fishing in the Convention Area:
    - i. To the extent practicable, avoid encirclement of sea turtles, and if a sea turtle is encircled or entangled, take practicable measures to safely release the turtle.

- ii. To the extent practicable, release all sea turtles observed entangled in fish aggregating devices (FADs) or other fishing gear.
  - iii. If a sea turtle is entangled in the net, stop net roll as soon as the turtle comes out of the water; disentangle the turtle without injuring it before resuming the net roll; and to the extent practicable, assist the recovery of the turtle before returning it to the water.
  - iv. Carry and employ dip nets, when appropriate, to handle turtles.
- b. Require that operators of such vessels record all incidents involving sea turtles during fishing operations and report such incidents to the appropriate authorities of the CCM.
  - c. Provide the results of the reporting under paragraph 5(b) to the Commission as part of the reporting requirement of paragraph 2.
  - d. Provide to the Commission the results of any research related to the development of modified FAD designs to reduce sea turtle entanglement and take measures to encourage the use of designs found to be successful at such reduction.

6. CCMs with longline vessels that fish for species covered by the Convention shall ensure that the operators of all such longline vessels carry and use line cutters and de-hookers to handle and promptly release sea turtles caught or entangled, and that they do so in accordance with WCPFC guidelines that are to be developed and provided to all CCMs by the Secretariat. CCMs shall also ensure that operators of such vessels are, where appropriate, required to carry and use dip-nets in accordance with these WCPFC guidelines.

7. Starting on 1 January 2010, CCMs with longline vessels that fish for swordfish in a shallow-set manner<sup>1</sup> shall:

- a. Ensure that the operators of such vessels, while in the Convention Area, are required to employ or implement at least one of the following three methods to mitigate the capture of sea turtles:
  - i. Use only large circle hooks, which are fishing hooks that are generally circular or oval in shape and originally designed and manufactured so that the point is turned perpendicularly back to the shank. These hooks shall have an offset not to exceed 10 degrees.
  - ii. Use only whole finfish for bait.
  - iii. Use any other measure, mitigation plan<sup>2</sup> or activity that has been reviewed by the Scientific Committee (SC) and the Technical and Compliance Committee (TCC)

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<sup>1</sup> “Shallow-set” fisheries are generally to be considered those in which the majority of hooks fish at a depth shallower than 100 meters; however, pursuant to paragraph 7(c) CCMs are to establish and enforce their own operational definitions.

and approved by the Commission to be capable of reducing the interaction rate (observed numbers per hooks fished) of turtles in swordfish shallow-set longline fisheries.

- b. The requirements of paragraph 7(a) need not be applied to those shallow-set swordfish longline fisheries determined by the SC, based on information provided by the relevant CCM, to have minimal<sup>3</sup> observed interaction rates of sea turtles over a three-year period and a level of observer coverage of at least 10% during each of those three years.
- c. For the purpose of implementing this paragraph (7), establish and enforce their own operational definitions of shallow-set swordfish longline fisheries, large circle hooks, and any measures under 7(a)(iii) or adopted by the Commission under paragraph 12, ensuring that they are as enforceable as possible, and report these definitions to the Commission in Part 2 of their annual reports.
- d. Provide for their longline vessels to record all incidents involving sea turtles during fishing operations and report such incidents to the appropriate authorities of the CCM.
- e. Provide the results of the reporting under paragraph 7(d) to the Commission as part of the reporting requirement of paragraph 2.

8. CCMs with longline fisheries other than shallow-set swordfish fisheries are urged to:

- a. Undertake research trials of circle hooks and other mitigation methods in those longline fisheries.
- b. Report the results of these trials to the SC and TCC, at least 60 days in advance of the annual meetings of these subsidiary bodies.

9. The SC and TCC will annually review the information reported by CCMs pursuant to this measure. Where necessary an updated suite of mitigation measures, specifications for mitigation measures, or recommendations for their application will be developed by these committees and provided to the Commission for its consideration and review.

10. This measure authorizes the Secretariat to obligate resources available to the Special Requirements Fund to be used to assist developing State Members and Territories in implementing the FAO Guidelines to Reduce Sea Turtle Mortality. These funds can be used to train and encourage fishers to adopt appropriate methods and technologies to reduce interactions with sea turtles and to mitigate their adverse effects.

11. The Commission urges CCMs to contribute to the Special Requirements Fund to support eligible members in their efforts to implement this measure, or to provide such support through bilateral arrangements.

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<sup>2</sup> A mitigation plan details the actions that will be taken to achieve specified reductions in sea turtle interactions.

<sup>3</sup> To be determined by SC5.

12. The Commission will regularly consider additional or new mitigation measures for other longline and purse seine fisheries, based on advice from the SC and TCC and on information provided by CCMs pursuant to this measure.

13. The Secretariat, in coordination with interested CCMs, shall develop guidelines for the handling of sea turtles and distribute them to CCMs no later than June 30, 2009.

14. Nothing in this measure shall prejudice the sovereignty and sovereign rights of coastal States, including for traditional fishing activities and the rights of traditional artisanal fishers, to apply alternative measures for the purpose of exploring, exploiting, conserving and managing sea turtles, including any national plans of action for the conservation and management of sea turtles, within areas under their national jurisdiction.



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Busan, Republic of Korea  
8-12 December 2008

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**CONSERVATION AND MANAGEMENT MEASURE TO PROHIBIT THE USE OF  
LARGE SCALE DRIFTNETS ON THE HIGH SEAS IN THE CONVENTION AREA**

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**Conservation and Management Measure 2008-04**

The Western and Central Pacific Fisheries Commission (WCPFC);

*Recalling* that the United Nations General Assembly (UNGA) Resolution 46/215 calls for a global moratorium on large-scale high seas driftnet fishing and the Wellington Convention seeks to prohibit driftnet fishing activities in its convention area;

*Noting* that a number of vessels continue to engage in large-scale high seas driftnet fishing in the North Pacific Ocean, including within the Western and Central Pacific Fisheries Convention area (Convention Area);

*Mindful* that any vessel fishing with large-scale driftnets on the high seas in the Convention Area, or configured to conduct large-scale high seas driftnet operations, has the capacity to take species of concern to the WCPFC and is likely to undermine the effectiveness of Conservation and Management Measures (CMMs) adopted by the WCPFC;

*Noting* with concern that recent information indicates that such vessels are interacting more frequently with highly migratory species, such as tunas, swordfish, sharks, and other species covered by the Convention; and that associated “ghost fishing” by lost or discarded driftnets have serious detrimental effects on these species of concern and the marine environment;

*Aware* that the WCPFC Northern Committee in its 4<sup>th</sup> Regular Session recommended that the WCPFC adopt a CMM prohibiting large-scale high seas driftnet fishing in the Convention Area;

Adopts the following CMM in accordance with Article 10 of the Convention:

1. The use of large-scale driftnets<sup>1</sup> on the high seas within the Convention Area shall be prohibited and such nets shall be considered prohibited fishing gear, the use of which shall constitute a serious violation in accordance with Article 25 of the Convention.
2. CCMs shall take all measures necessary to prohibit their fishing vessels from using large-scale driftnets while on the high seas in the Convention Area.
3. A CCM-flagged fishing vessel will be presumed to have used large-scale driftnets on the high seas in the Convention Area if it is found operating on the high seas in the Convention Area and is configured<sup>2</sup> to use large-scale driftnets or is in possession of large-scale drift-nets.
4. Paragraph 3 is not intended to apply to a CCM-flagged vessel that can demonstrate that it is duly authorized to use large-scale driftnets in waters under national jurisdiction and while on the high seas in the Convention Area all of its large-scale driftnets and related fishing equipment are stowed or secured in such a manner that they are not readily available to be used for fishing.
5. CCMs shall include in Part 2 of their Annual Reports a summary of monitoring, control, and surveillance actions related to large-scale driftnet fishing on the high seas in the Convention Area.
6. The WCPFC shall periodically assess whether additional measures should be adopted and implemented to ensure that large-scale driftnets are not used on the high seas in the Convention Area.
7. Nothing in this measure shall prevent CCMs from applying more stringent measures to regulate the use of large-scale driftnets.

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<sup>1</sup> “Large-scale driftnets” are defined as gillnets or other nets or a combination of nets that are more than 2.5 kilometers in length whose purpose is to enmesh, entrap, or entangle fish by drifting on the surface of, or in, the water column.

<sup>2</sup> “Configured” to use large-scale drift-nets means having on board gear, either assembled or disassembled, that collectively would allow the vessel to deploy and retrieve large-scale driftnets.



**SIXTH REGULAR SESSION**  
Papeete, Tahiti, French Polynesia  
7-11 December 2009

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**CONSERVATION AND MANAGEMENT MEASURE ON THE APPLICATION OF  
HIGH SEAS  
FAD CLOSURES AND CATCH RETENTION**

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**Conservation and Management Measure 2009-02**

**Recalling** that CMM 2008-01<sup>1</sup> provides for a FAD closure and catch retention by purse seine vessels in the area bounded by 20°N and 20°S;

**Concerned** to ensure clear rules for the application of the provisions relating to the FAD closure and catch retention;

**Concerned** to ensure compatibility of measures established for the high seas with those already adopted for areas under national jurisdiction in accordance with Article 8 (1);

**Conscious** that incomplete or inconsistent application of the elements of CMM 2008-01 will undermine the effectiveness of the Measure;

**Recalling** that the PNA have developed detailed Regulations for the implementation of FAD closures and catch retention in their EEZs;

**Concerned** at reports by the WCPFC Secretariat and Members about cases of inconsistent application of the two month FAD closure in the high seas in 2009;]]

**Adopts**, in accordance with Article 10 of the Convention, the following Measure to be read as a part of CMM 2008-01:

**OBJECTIVES**

1. The objectives of this Measure are:
  - a. to ensure consistent and robust application of FAD closures and catch retention in the high seas between 20°S and 20°N through the specification of minimum standards.
  - b. to apply high standards to the application of the FAD closure and catch retention in order to remove any possibility for the targeting of aggregated fish, or the discard of small fish.
2. Each CCM shall take the necessary measures to ensure that purse seine vessels flying its flag on the high seas comply with these rules in the application of the provisions of CMM 2008-01 relating to a FAD closure and catch retention.

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<sup>1</sup> Conservation and Management Measure for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean

## Rules for FAD Closure

3. The definition of a FAD in footnote 1 to CMM 2008-01 shall be interpreted as including:  
*“any object or group of objects, of any size, that has or has not been deployed, that is living or non-living, including but not limited to buoys, floats, netting, webbing, plastics, bamboo, logs and whale sharks floating on or near the surface of the water that fish may associate with”*
4. During the FAD closure period specified in CMM 2008-01, no purse seine vessel shall conduct any part of a set within one nautical mile of a FAD. That is, at no time may the vessel or any of its fishing gear or tenders be located within one nautical mile of a FAD while a set is being conducted.
5. The operator of a vessel shall not allow the vessel to be used to aggregate fish, or to move aggregated fish including using underwater lights and chumming.
6. A FAD and/or associated electronic equipment shall not be retrieved by a vessel during the period of a FAD closure unless:
  - a. the FAD and/or associated electronic equipment are retrieved and kept on board the vessel until landed or until the end of the closure; and
  - b. the vessel does not conduct any set either for a period of seven (7) days after retrieval or within a fifty (50) mile radius of the point of retrieval of any FAD.
7. In addition to paragraph 6, vessels shall not be used to operate in cooperation with each other in order to catch aggregated fish. No vessel shall conduct any set during the prohibition period within one nautical mile of a point where a FAD has been retrieved by another vessel within twenty four (24) hours immediately preceding the set.

## Rules for Catch Retention

8. Where the operator of a vessel determines that fish should not be retained on board for reasons related to the size, marketability, or species composition, the fish shall only be released before the net is fully pursed and one half of the net has been retrieved.
9. Where the operator of a vessel determines that fish should not be retained on board because they are “unfit for human consumption”, the following definitions shall be applied:
  - a. “unfit for human consumption” includes, but is not limited to fish that:
    - i. is meshed or crushed in the purse seine net; or
    - ii. is damaged due to shark or whale depredation; or
    - iii. has died and spoiled in the net where a gear failure has prevented both the normal retrieval of the net and catch and efforts to release the fish alive; and
  - b. “unfit for human consumption” does not include fish that:
    - i. is considered undesirable in terms of size, marketability, or species composition; or

- ii. is spoiled or contaminated as the result of an act or omission of the crew of the fishing vessel.
- 10. Where the operator of a vessel determines that fish should not be retained on board because it was caught during the final set of a trip when there is insufficient well space to accommodate all fish caught in that set, the fish may only be discarded if:
  - a. the vessel master and crew attempt to release the fish alive as soon as possible;
  - b. no further fishing is undertaken after the discard until the fish on board the vessel has been landed or transhipped.
- 11. Fish shall not be discarded from the vessel until after an observer has estimated the species composition of the fish to be discarded.
- 12. The operator of the vessel shall submit[ to the Executive Director a report that includes the following information within forty-eight 48 hours after any discard:
  - a. Name, flag and WCPFC Identification Number of the vessel;
  - b. Name and nationality of master;
  - c. Licence number;
  - d. Name of observer on board;
  - e. Date, time and location (latitude/longitude) that discarding occurred;
  - f. Date, time, location (latitude/longitude) and type (drifting FAD, anchored FAD, free school etc) of the shot;
  - g. Reason that fish were discarded (including statement of retrieval status if fish were discarded in accordance with paragraph 6);
  - h. Estimated tonnage and species composition of discarded fish;
  - i. Estimated tonnage and species composition of retained fish from that set;
  - j. If fish were discarded in accordance with paragraph 10, a statement that no further fishing will be undertaken until the catch on board has been unloaded; and
  - k. Any other information deemed relevant by the vessel master.
- 13. The operator of the vessel shall also provide a hard copy of the information described in para 12 to the WCPFC Observer on board.



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CONSERVATION AND MANAGEMENT FOR SWORDFISH

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**Conservation and Management Measure 2009-03<sup>1</sup>**

*The Commission For The Conservation And Management Of Highly Migratory Fish Stocks In The Western And Central Pacific Ocean*

*In accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and the provisions of UNCLOS:*

**Noting** that the stock assessment undertaken for swordfish in the South Western Pacific region indicated an increase in south-west stock abundance in recent years and the model projections predict further increase at current levels of fishing mortality. Plausible assessments indicate that overfishing is not occurring and the south western Pacific swordfish stock is not in an overfished state;

**Noting** that due to the uncertainty in the 2008 stock assessment for south-western Pacific swordfish, the SC recommended that there be no further increase in catch or effort in order to keep the stock above its associated reference points;

**Further noting** that the Scientific Committee has recommended that there be no increases in fishing mortality for south-central Pacific swordfish as a precautionary measure given the lack of a formal assessment and that constraining fishing mortality to current levels is recommended until there is a better understanding of fishing impacts in the south-central Pacific stock and the relationship between this stock and other south Pacific stocks is more certain;

**Acknowledging** IATTC's recognition of the importance of establishing complementary conservation and management measures for species of mutual interest, and that swordfish stocks in the central Pacific are likely to occur in waters under the competence of both the WCPFC and IATTC;

**Recognising** the need for both IATTC and WCPFC to adopt conservation and management measures to provide for the sustainable management of swordfish stocks across the Pacific Ocean.

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<sup>1</sup> Replaces CMM 2008-05

**Recognising** that well managed stocks of swordfish in the central south Pacific represent an important source of long-term economic opportunities for the domestic fisheries of small island development States and participating Territories;

Adopts, in accordance with the Article 10 of the WCPFC Convention that:

1. Commission Members, Cooperating Non-Members and participating Territories (CCMs) shall exercise restraint through limiting the number of their fishing vessels for swordfish in the Convention Area south of 20°S, to the number in any one year between the period 2000-2005 (listed in Annex 1).
2. In addition to vessel limits established under paragraph 1, CCMs shall exercise restraint through limiting the amount of swordfish caught by fishing vessels flagged to them in the Convention Area south of 20°S to the amount caught in any one year during the period 2000 – 2006.
3. CCMs shall not shift their fishing effort for swordfish to the area north of 20°S, as a result of this measure.
4. No later than 30 April 2010 CCMs shall nominate the maximum total catch of swordfish that it shall continue to be permitted to fish in the area south of 20°S. This amount shall be no more than their maximum verified catch declared to the Commission for any one year in the period 2000-2006.
5. Paragraphs 1 to 4 and paragraph 9 shall not prejudice the legitimate rights and obligations under international law of small island developing State and participating Territory CCMs, in the Convention Area who may wish to pursue a responsible level of development of their own fisheries in the Convention Area.
6. For the purposes of these measures, vessels operated under charter, lease or other similar mechanisms as an integral part of the domestic fleet of a coastal State, shall be considered to be vessels of the host State or Territory. Such charter, lease or other similar mechanism shall be conducted in a manner so as not to charter known IUU vessels.
7. CCMs shall cooperate to protect the long-term sustainability and economic viability of the fisheries for swordfish in the Southwest Pacific, and in particular shall cooperate on research to reduce uncertainty with regard to the status of swordfish stocks.
8. CCMs shall report to the Commission the total number of vessels that fished for swordfish and the total catch of swordfish for the following:
  - a. vessels flying their flag anywhere in the Convention Area south of 20°S other than vessels operating under charter, lease or other similar mechanism as part of the domestic fishery of another CCM;
  - b. vessels operating under charter, lease or other similar mechanism as part of their domestic fishery south of 20°S; and
  - c. any other vessels fishing within their waters south of 20°S.

This information shall be provided in Part 1 of each CCM's annual report. Initially, this information will be provided in the template provided at Annex 2 for the period 2000-2009 and then updated annually.

9. As an interim measure, and without prejudice to future decisions of the Commission relating to monitoring and responding to compliance with conservation and management measures, until the Commission adopts a scheme relating to compliance with CMMs which includes responses when a flag State exceeds any limits assigned to it, if it is determined by the Commission that the catch of vessels flying the flag of a CCM exceeds the total catch specified for them under paragraphs 2 and 4 above, that CCM will be subject to a reduction in their catch limit equal to the exceeded amount. The reduction will apply in the year immediately after it has been determined that the catch limit has been exceeded.

10. The Executive Director shall compile and disseminate the information provided to the Commission by CCMs in accordance with paragraph 8 above to the Technical and Compliance Committee each year. The Technical and Compliance Committee shall monitor and review compliance with this measure and make recommendations to the Commission as may be necessary.

11. This measure will be reviewed in 2011 by the Commission, including on the basis of advice from the Scientific Committee based on future stock assessments of South Pacific swordfish.

12. This measure replaces CMM 2008-05.

ANNEX 1 –

**NUMBERS OF CCM-FLAG VESSELS THAT HAVE FISHED FOR SWORDFISH IN THE CONVENTION AREA SOUTH OF 20°S DURING THE PERIOD 2000 – 2007** (Maximum number of vessels per CCM are indicated in **Bold**)

(Source: WCPFC-TCC4-2008/10 (Rev.3) 30 September 2008 Attachment 2)

Year	Australia	Belize	Cook Islands	EU	Korea	New Caledonia (Bycatch)	New Zealand	Chinese Taipei			USA
								Seasonal >100GRT	By-catch >100 GRT	By-catch <100 GRT	
<b>2000</b>	140	0		0	22	15	103	10	41	17	
<b>2001</b>	<b>159</b>	0		0	22	12	132	10	41	17	
<b>2002</b>	144	0		0	22	11	<b>151</b>	10	42	17	
<b>2003</b>	134	0	<b>16</b> <sup>#</sup>	0	<b>24</b>	15	132	<b>12</b>	<b>55</b>	<b>17</b>	
<b>2004</b>	121	0	15	8	22	<b>25</b>	99	8	39	17	
<b>2005</b>	100	0	6	<b>14</b>	23	15	57	6	40	19	
<b>2006</b>	55	0	8		6			4	27	26	2
<b>2007</b>	54	1 <sup>^</sup>		15 *	4		74 <sup>^^</sup>	3	16	30	2

\*See EU Annual Report (Part 1) for the period 1 January – 31 December 2007

<sup>^</sup>See Belize catch and effort data (by-catch) reported to the Commission on 29 April 2008.

<sup>^^</sup>See New Zealand Annual Report (Part 2) for the period 1 January-31 December 2007

<sup>#</sup> Note application of paragraph 5; this figure is without prejudice to the Cook Islands right to develop its domestic fishery

**REPORTING FORMAT FOR THE CATCH OF SWORDFISH PER FLAG CCM AND COASTAL CCM (TO BE SUBMITTED IN EACH CCMS ANNUAL REPORT (PART 1))**

Year	CCM-flagged <sup>#</sup> vessels south of 20S		Chartered vessels <sup>*</sup>		Other vessels fishing within the CCM's waters south of 20S		
	Catch (tonnes)	Vessel numbers	Catch (tonnes)	Vessel numbers	Flag	Catch (tonnes)	Vessel numbers
2000							
2001							
2002							
2003							
2004							
2005							
2006							
2007							
2008							
2009							

# - In accordance with paragraphs 6 and 8 a, Flag CCMs are not to report against chartered vessels.

\* In accordance with paragraphs 6 and 8 b, chartering CCMs must report against chartered vessels.



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**CONSERVATION AND MANAGEMENT MEASURE PROHIBITING FISHING ON DATA  
BUOYS**

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**Conservation and Management Measure 2009-05**

*The Western and Central Pacific Fisheries Commission:*

*Aware* that many nations, including Commission Members, operate and deploy data buoys throughout the Convention Area and oceans worldwide to gather information used to make improved weather and marine forecasts, provide assistance to fisheries by generating data on sea surface and subsurface measurements, provide assistance to search and rescue efforts at sea, and collect critical data used to conduct research on meteorological and oceanographic topics and climate prediction;

*Knowing* that highly migratory species, in particular tuna species, aggregate in the vicinity of data buoys.

*Noting* that a reduction of fishing around data buoys may assist the Commission in its efforts to reduce the mortality of juvenile bigeye and yellowfin tunas;

*Recognizing* that the World Meteorological Organization and the Intergovernmental Oceanographic Commission have determined that vandalism and damage to data buoys by fishing vessels are significant problems in the Pacific Ocean and worldwide;

*Concerned* that vandalism or damage to data buoys results in significant loss of data critical to weather forecasting, to the study of marine conditions, to tsunami warnings, to support for search and rescue efforts at sea, and that Commission Members expend considerable time and resources to locate, replace and repair data buoys damaged or lost by fishing methods or vandalism;

*Noting* that information about the description, type and location of several data buoy programs is publicly available through the Internet;

*Further noting* the mandate given to the Commission to adopt generally recommended international minimum standards for the responsible conduct of fishing operations;

*Adopts the following conservation and management measure in accordance with Article 10 of the Convention:*

1. CCMs shall prohibit their fishing vessels from fishing within one nautical mile of or interacting with a data buoy in the high seas of the Convention Area, which includes, but is not limited to, encircling the buoy with fishing gear; tying up to or attaching the vessel, or any fishing gear, part or portion of the vessel, to a data buoy or its mooring; or cutting a data buoy anchor line.
2. For the purposes of this measure, data buoys are defined as floating devices, either drifting or anchored, that are deployed by governmental or recognized scientific organizations or entities for the purpose of electronically collecting and measuring environmental data, and not for the purpose of fishing activities.
3. CCMs shall prohibit their fishing vessels from taking on board a data buoy unless specifically authorized or requested to do so by the Member or owner responsible for that buoy.
4. CCMs shall encourage their fishing vessels operating in the Convention Area to keep watch for moored data buoys at sea and to take all reasonable measures to avoid fishing gear entanglement or directly interacting in any way with those data buoys.
5. CCMs shall require their fishing vessels that become entangled with a data buoy to remove the entangled fishing gear with as little damage to the data buoy as possible. CCMs are encouraged to require their fishing vessels to report to them all entanglements and provide the date, location and nature of the entanglement, along with any identifying information contained on the data buoy. CCMs shall notify the Secretariat of all such reports.
6. Fishing activities inconsistent with paragraphs 1 and 2 above shall be deemed fishing activities that undermine the WCPF Convention and WCPFC conservation and management measures and shall constitute a serious violation in accordance with Article 25 of the Convention.
7. Notwithstanding paragraph 1, scientific research programs notified to and authorized by the Commission may operate fishing vessels within one nautical mile of a data buoy so long as they do not interact with those data buoys as described in paragraph 1.

**The Commission for the Conservation and Management of  
Highly Migratory Fish Stocks in the Western and Central Pacific Ocean**

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**DATA BUOY INFORMATION PACKAGE**

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18 May 2010

**Prepared by the Secretariat**

**Reference: CMM 2009-05 and Paragraph 297 of the WCPFC6 Summary Report**

This package provides information to assist in the recognition of data buoys and minimize the damage to these buoys in accordance with CMM 2009-05. The following links provide sample information on the type of data buoys that fishers may encounter as well as links to maps that show the location of several of these types of buoys that are reporting to the National Data Buoy Centre and can be accessed by fishers through the internet. This information is updated regularly, but Members are reminded that the information package is not complete as many buoys are not on the internet and do not report to the National Data Buoy Centre.

National Data Buoy Centre <http://www.ndbc.noaa.gov/>

Data Buoy Cooperation Panel <http://www.jcommops.org/dbcp/>

Ocean weather Inc. <http://www.oceanweather.com/forecast/index.html>

Environmental Instruments and Systems

<http://www.oceanscientific.com/Products/MarineInstruments/tabid/56/agentType/ViewType/PropertyTypeID/20/Default.aspx>

Weather Buoys [http://en.wikipedia.org/wiki/Weather\\_buoy](http://en.wikipedia.org/wiki/Weather_buoy)

**Note:** The citations provided with each example are copied directly from the website and are not reflective of opinions or views of the WCPFC.



Weather Buoy operated by NOAA National Data Buoy Center



Weather Buoy / Data Buoy / Oceanographic Buoy operated by the MDS



OSIL Data Buoys

OSIL's range of Data Buoys are designed to cater for a wide array of instrumentation and are completely adaptable to each applications' needs. Each buoy will support instrumentation such as multiparameter sondes, current meters and meteorological instruments and are easy to handle, as well as transport.

The OSIL Buoys are manufactured using rotationally moulded polyethylene hulls around a galvanised steel or welded polythylene central structure. The central structure has a large hole through the centre which allows the passage of instrumentation and cables from the tower down to the water. By positioning instrumentation in the centre of the buoy they are well protected from damage during transportation and deployment.

The buoys are available in four different sizes ranging from a diameter of 1.2 m with a buoyancy of 200 kg up to 3 m in diameter with a buoyancy of 9000kg. The buoyancy caters for the weight

of equipment such as solar panels and battery packs as well as monitoring instrumentation, proving how adaptable they are for any application.



### OSIL Rapid Deployment Buoy

OSIL's Rapid Deployment Buoy is a cheap, quick and easy way to ensure constant and immediate data collection when other systems are out of action, or where an environmental situation requires monitoring. Its size and weight make it ideal for one person to handle in the field, and its single point mooring makes for easy deployment and recovery.

Manufactured from machined foam and finished with a durable rubberised coating, the Rapid Deployment Buoy is built with a central structure designed to safely accommodate the YSI 6600 while providing protection from collision damage.

Designed for four weeks of constant use, the Rapid Deployment Buoy carries a small solar panel with battery back-up. Weighing 25kg and having a total length of 1.2m, this buoy is easy to handle and deploy.



### EMM68 Buoy

The EMM68 buoy provides a quickly deployable water quality monitoring platform with remote telemetry. The system can be lifted into place by two people, reducing deployment and maintenance costs while still maintaining a secure buoy that is difficult to steal or vandalize.

The entire system can be installed without divers, allowing for complete serviceability from a small boat or watercraft.



EMM350 PISCES Platform

The PISCES is a lightweight pontoon platform which supports water quality, water velocity and meteorological sensors as well as computer logging systems. The platform holds two topside aluminium chests that house the data acquisition system, cellular modem, and battery. The chests are easily serviceable from the water and accommodate multiple underwater cable connections.



EMM700 Water Quality Monitoring Buoy

YSI's EMM700 Water Quality Monitoring buoy is designed for applications which require a full array of sensors. The extra buoyancy supports a wide variety of instrumentation including radio, cellular or satellite telemetry hardware, data acquisition systems, meteorological sensors and YSI's 6-Series multi-parameter instrumentation. The EMM700 is designed for long-term monitoring in lakes, ponds, rivers, reservoirs and near coastal applications and it has a buoyancy weight of 700 lbs.

The EMM700 buoy is easy to handle and can be deployed from most small vessels. YSI's Floating platforms provide mounting for solar panels, battery packs, telemetry and data acquisition electronics, antenna, meteorological sensors, mooring assembly, and a collision lamp.



EMM2000 Coastal Monitoring Buoy

Endeco/YSI's EMM2000 Buoy is designed for harsh monitoring applications where wind and wave activity is significant. The buoy can support a wide variety of instrumentation including

radio, cellular or satellite telemetry hardware, data acquisition systems, meteorological sensors, and YSI's 6-Series multiparameter instrumentation.

The buoy provides 2000 lbs. of buoyancy for monitoring large lakes, reservoirs and coastal ocean area that require full ocean capability.



#### Data Buoy with Data Logger OMC-045-B-250

The OMC-045-B-250 is Observer's complete monitoring system including a data buoy and data logger. The very small buoy is designed for monitoring the water quality in low current situations and it can be used in lakes, ponds, reservoirs and rivers. During tests the OMC-045-B-250 has proved it's durability and because the system is rugged and light, deployment is very easy. It is possible to connect all YSI-6 series sondes to the buoy and the buoy is also suitable for use with other sondes or instruments. The OMC-045-B-250 comes complete with a 12A battery and a programmeable beacon light.

The OMC-045 Data Logger takes a reading using a user-selectable registration interval (default 15 minutes) and it is possible to configure limits (low, high and even high-high) on all measured parameters. If one of the readings is outside the pre-set limits the system will be switched to alarm-mode, in this mode the system can switch to an alarm registration interval (default 1 minute) and the system can send an alarm SMS if required. The system will stay in alarm mode until all parameters are within the limits again.

The OMC-045-B-250 comes complete with a Mooring Set (excluding anchor and chain) and a Maintenance Kit. An optional 24A battery is also available.



**SIXTH REGULAR SESSION**  
Papeete, Tahiti, French Polynesia  
7-11 December 2009

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**CONSERVATION AND MANAGEMENT MEASURE ON THE REGULATION OF  
TRANSHIPMENT**

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**Conservation and Management Measure 2009-06**

The Commission for the Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean,

*Acknowledging* that effective conservation and management of highly migratory fish stocks is dependent on the provision of accurate reporting of catches of such stocks in the Convention Area;

*Recognizing* that transshipment at sea is a common global practice, but that unregulated and unreported transshipment of catches of highly migratory fish stocks at sea, in particular on the high seas, contributes to distorted reporting of catches of such stocks and supports IUU fishing in the Convention Area;

*Recalling* Article 29(1) of the Convention which provides that in order to support efforts to ensure accurate reporting of catches, the members of the Commission shall encourage their fishing vessels, to the extent practicable, to conduct transshipment in port.

*Recalling* also Article 29(2) and (3) of the Convention that transshipment at a port or in an area within waters under the national jurisdiction of a member of the Commission shall take place in accordance with applicable national laws, and that the Commission shall develop procedures to obtain and verify data on the quantity and species transhipped both in port and at sea in the Convention Area and procedures to determine when transshipment covered by the Convention has been completed;

*Recalling* further Article 29(4) of the Convention that Transshipment at sea in the Convention Area beyond areas under national jurisdiction shall take place only in accordance with the terms and conditions set out in article 4 of Annex III to the Convention, and any procedures established by the Commission pursuant to Article 29(3). Such procedures shall take into account the characteristics of the fishery concerned;

*Recalling further* that Article 29(5) of the Convention prohibits transshipping at sea by purse seine vessels operating within the Convention Area, subject to specific exemptions which the Commission shall adopt in order to reflect existing operations;

*Recognizing* the importance of economic benefits from port operations to Small Island Developing State CCMs;

*Noting* that those CCMs with a real interest in undertaking monitoring, control and surveillance activities in the high seas require access to information about transshipment activities in the convention area before they occur.

*Desiring* to establish procedures to obtain and verify data on the quantity and species transhipped in

the Convention Area to ensure accurate reporting of catches, and enhance stock assessments of highly migratory fish stocks.

Adopts in accordance with Article 10 of the WCPFC Convention:

## **SECTION 1 – GENERAL RULES**

1. This measure shall commence as soon as possible and no later than July 1, 2010<sup>1</sup>.
2. The provisions of this Measure shall apply to all transshipment in the Convention Area of all highly migratory fish stocks covered by the Convention. CCMs that tranship outside the Convention Area highly migratory fish stocks covered by the Convention taken in the Convention Area shall provide the information related to those activities, as required in paragraphs 10, 11 and 12. Highly migratory fish stocks covered by the Convention shall not be transhipped at sea by purse seine vessels outside the Convention Area consistent with paragraph 25 of this measure.
3. The provisions of this Measure shall not apply to transshipment of highly migratory fish stocks where fish is taken and transhipped wholly in archipelagic waters or territorial seas.
4. Transshipment in a port or in waters under the national jurisdiction of a CCM shall take place in accordance with applicable national laws. With the exception of Section 2 (which applies article 29(5) of the Convention), nothing in this Measure shall prejudice the application of national laws when transshipment occurs in areas under the national jurisdiction of a CCM, including the application of more stringent requirements.
5. A CCM may notify the Executive Director of its designated port or ports for transshipment. The Executive Director shall circulate periodically to all members a list of such designated ports. “Port” includes offshore terminals and other installations for landing, transshipping, processing, refuelling or resupplying;
6. Nothing in this Measure shall derogate the obligations on flag states to ensure compliance by vessels flying their flag while operating on the high seas. Each CCM shall take necessary measures to ensure that vessels flying its flag comply with this Measure.
7. For the purposes of this Measure, CCMs are responsible for reporting against vessels flying their flag except where the vessel is operated under charter, lease or other similar mechanisms, as an integral part of the domestic fleet of a coastal state in the Convention Area. In such case, the chartering state shall be the CCM responsible for reporting against the vessel.
8. Pursuant to paragraph 7, chartering CCMs and flag CCMs will cooperate for the appropriate management of the vessel to ensure compliance.
9. For a carrier vessel that is flagged to a non-CCM and is included on the WCPFC Interim Register of non-Member Carrier and Bunker Vessels, the vessel master shall be responsible for reporting against the vessel unless it is operating under a charter arrangement.
10. A WCPFC Transshipment Declaration, including the information set out in Annex I shall be completed by both the offloading and receiving vessel for each transshipment in the Convention Area, and each transshipment of catch taken in the Convention Area. Where required in this Measure the Transshipment Declaration shall be sent to the Executive Director.

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<sup>1</sup> Except paragraph 13(c) this Measure shall enter into effect 1 January 2011.

11. CCMs shall report on all transshipment activities covered by this Measure (including transshipment activities that occur in ports or EEZs) as part of their Annual Report in accordance with the guidelines at Annex II. In doing so, CCMs shall take all reasonable steps to validate and where possible, correct information received from vessels undertaking transshipment using all available information such as catch and effort data, position data, observer reports and port monitoring data.
12. Notices to the Executive Director under paragraphs 24 and 35.a.iii shall be given via a means of two-way communication by data (e.g., telex, facsimile, email). The CCMs responsible for reporting against both the offloading and receiving vessels are responsible for providing notices, but may authorise the vessel or the vessel operator to provide notices directly. Notices must include the information set out in Annex III.
13. Each CCM shall ensure that vessels they are responsible for carry observers from the WCPFC Regional Observer Programme (ROP) to observe transshipments at sea as follows:
  - a. for transshipments to receiving vessels less than or equal to 33 meters in length, and not involving purse seinecaught fish or frozen longlinecaught fish, 100% observer coverage starting on the effective date of this Measure, with the observer(s) deployed on either the offloading vessel or receiving vessel;
  - b. for transshipments other than those covered by subparagraph (a) and involving only troll-caught or pole-and-line-caught fish, 100% observer coverage starting 1 January 2013, with the observer(s) deployed on the receiving vessel.
  - c. for transshipments other than those covered by subparagraphs (a) and (b), 100% observer coverage starting on the effective date of this Measure, with the observer(s) deployed on the receiving vessel.
14. Observers shall monitor implementation of this Measure and confirm to the extent possible that the transshipped quantities of fish are consistent with other information available to the observer, which may include:
  - a. the catch reported in the WCPFC Transshipment Declaration;
  - b. data in catch and effort logsheets, including catch and effort logsheets reported to coastal States for fish taken in waters of such coastal States;
  - c. vessel position data; and
  - d. the intended port of landing.
15. Observers shall have full access to both the unloading and the receiving vessel in order to ensure that proper verification of catches can occur. The Commission shall develop guidelines for the safety of observers in moving between vessels as part of the ROP.
16. Receiving vessels shall only receive product from one unloading vessel at a time for each observer that is available to monitor the transshipment.
17. Any scheme or process developed and agreed by the Commission for the cross endorsement of observers from other RFMOs as part of the ROP shall apply to this measure.
18. The Commission shall provide appropriate financial and technical assistance to developing states, in particular small island developing states, in the implementation of this Measure

including in accordance to Article 30.

19. The measure shall be reviewed periodically in response to other measures and decisions taken by the Commission and taking into account the implementation of this and other measures.

#### **1A – Transhipment to and from non-CCM Vessels**

20. CCMs shall take measures to ensure that vessels do not tranship to or from a vessel flagged to a non-CCM unless that vessel is authorized by a decision of the Commission, such as:
  - a. a non-CCM carrier vessel that is on the WCPFC Interim Register of non-CCM Carrier and Bunker Vessels established under CMM 2009-01; or
  - b. a non-CCM fishing vessel that is licensed to fish in the EEZ of a CCM in accordance with a decision of the Commission.
21. To retain any authorisation from the Commission relevant to paragraph 20, a non-CCM vessel shall not tranship to or from a non-authorized non-CCM vessel.
22. In cases where transhipment involves a non-CCM vessel specified in paragraph ~~18~~ 20.a, any required communications to the Executive Director, including pre-transhipment notices and transhipment declarations that are required under various sections of this measure, shall be responsibility of the vessel master of the carrier vessel or chartering CCM.

#### **1B – Force Majeure or Serious Mechanical Breakdown**

23. Unless otherwise stated, the restrictions in this measure shall not prevent a vessel from transhipping in cases of force majeure or serious mechanical breakdown that could threaten the safety of the crew or result in a significant financial loss though fish spoilage.
24. In such cases, the Executive Director must be notified of the transhipment and the circumstances giving rise to the force majeure within 12 hours of the completion of transhipment. The CCMs responsible for each vessel shall provide the Executive Director with a WCPFC Transhipment Declaration consistent with the requirement under paragraph 10 within 15 days of the transhipment.

### **SECTION 2 – TRANSHIPMENT FROM PURSE SEINE FISHING VESSELS**

25. In accordance with Article 29 (5) of the Convention, transhipment at sea by purse seine vessels shall be prohibited except in respect of exemptions granted by the Commission for:
  - a. existing group seine operations composed of small purse seine boats (fish hold capacity of 600 mt or less) flagged to Papua New Guinea and Philippines that meet the following conditions:
    - i. operate in tandem with freezer carrier boat/s to freeze the catch or if operating closer to base with ice carrier boat/s to store the fish,
    - ii. operate as one group together with their support vessels such as freezer carrier boat/s and/or ice carrier boat/s.
    - iii. undertake transhipment when refrigerated or other ice carrier boats dock alongside catcher boats and tranship fish from the catcher boats

- b. transshipment activities involving New Zealand flagged domestic purse-seine vessels where the fishing activity, transshipment and landing of fish all take place within New Zealand fisheries waters in accordance with New Zealand's existing legal and operational framework for monitoring and control of transshipment activity and the verification of catch.
26. CCMs seeking to apply an exemption for a vessel(s) that meets the conditions set out in paragraph 25, shall submit a written request to the Executive Director by 1 July of a given year that includes, at a minimum, the following information:
  - a. Details about the vessel(s) as they are required to appear on the WCPFC Record of Fishing Vessels under CMM 2004-01;
  - b. The vessel's history of prior transshipment exemptions,
  - c. The main species and product forms that would be transhipped,
  - d. The areas where transshipments would take place, to as much detail as possible,
  - e. The period of exemption being requested, and
  - f. An explanation for the exemption request.
27. The Executive Director shall compile all requests for transshipment exemptions and circulate them to all CCMs at least 30 days in advance of the regular annual session of the Technical and Compliance Committee (TCC). The TCC shall review the requests and make recommendations to the Commission regarding the application of the exemptions in paragraph 26.
28. Taking into account the recommendations of the TCC, the Commission, during its regular annual session, shall consider each request and may adopt exemptions in accordance with Article 29(5) of the Convention. The Commission may attach to each granted exemption any conditions or requirements that it determines necessary to achieve the objectives of the Convention, such as limitations on areas, time periods or species, the fishing vessels that may be transhipped to, and any additional requirements necessary for the purposes of monitoring, control and surveillance.
29. CCMs shall only authorize those purse seine vessels that that have received an exemption by the Commission to engage in transshipment outside of port. CCMs shall issue vessel-specific authorizations outlining any conditions or requirements identified by the Commission or CCM, and shall require that vessel operators carry such authorizations on board at all times.
30. The flag State CCM of any such authorized purse-seine vessel that is required to be on the WCPFC Record of Fishing Vessels shall notify the Executive Director that the vessel is authorized to engage in transshipment outside of port, in accordance with the Commission-granted exemption and shall indicate in such notification any limitations, conditions or requirements on its authorization.
31. The Executive Director shall maintain and make publicly available, including on the Commission's website, the list of purse seine vessels that have been granted exemptions and are authorized to tranship outside of port, as well as any corresponding conditions or provisions attached to their exemption.
32. All purse seine vessels, including those that receive an exemption to tranship at sea under the process described in paragraphs 26 24 to 30 28 shall be prohibited from commencing

transhipping on the high seas in the Convention Area.

### **SECTION 3 – TRANSHIPMENT FROM FISHING VESSELS OTHER THAN PURSE SEINE VESSELS**

33. Transshipment from longline, troll and pole and line fishing vessels in national waters shall be managed in accordance with relevant domestic laws and procedures pursuant to paragraph 4.
34. There shall be no transshipment on the high seas except where a CCM has determined, in accordance with the guidelines described in paragraph 37 below, that it is impracticable for certain vessels that it is responsible for to operate without being able to tranship on the high seas, and has advised the Commission of such.
35. Where transshipment does occur on the high seas:
  - a. the CCMs responsible for reporting against both the offloading and receiving vessels shall, as appropriate:
    - i. advise the Commission of its procedures for monitoring and verification of the transshipments;
    - ii. indicate vessels to which the determinations apply.
    - iii. notify the information in Annex III to the Executive Director at least 36 hours prior to each transshipment.
    - iv. provide the Executive Director with a WCPFC Transshipment Declaration within 15 days of completion of each transshipment; and
    - v. Submit to the Commission a plan detailing what steps it is taking to encourage transshipment to occur in port in the future.
36. The Commission, through the TCC, shall review the application of the exemptions by relevant CCMs after a period of 3 years and every 2 years thereafter to establish whether monitoring and verification has been effective. After review, the Commission may prohibit transshipment on the high seas by any vessel or vessels in relation to which monitoring and verification of transshipment on the high seas is proven to have been ineffective, or establish or vary any conditions for transshipping on the high seas.
37. The Executive Director shall prepare draft guidelines for the determination of circumstances where it is impracticable for certain vessels to tranship in port or in waters under national jurisdiction. The Technical and Compliance Committee shall consider these guidelines, amend as necessary, and recommend them to the Commission for adoption in 2012. In the meantime, CCMs shall use the following guidelines when determining the practicability of high seas transshipments
  - a. The prohibition of transshipment in the high seas would cause a significant economic hardship, which would be assessed in terms of the cost that would be incurred to transship or land fish at feasible and allowable locations other than on the high seas, as compared to total operating costs, net revenues, or some other meaningful measure of costs and/or revenues; and
  - b. The vessel would have to make significant and substantial changes to its historical mode of operation as a result of the prohibition of transshipment in the high seas;
38. When adopting the Guidelines referred to in paragraph 37, the Commission shall consider

whether to prohibit transshipment in areas of high seas in the Convention Area entirely surrounded by the exclusive economic zones of members of the Commission and Participating Territories. This consideration will include a review of the catch and effort reported for fishing vessels in these areas, the information from Transshipment Declarations in these areas and the role of the areas in supporting IUU activities.

## ANNEX I

### INFORMATION TO BE INCLUDED IN WCPFC TRANSHIPMENT DECLARATION

1. A unique document identifier
2. the name of the fishing vessel and its WIN,
3. the name of the carrier vessel and its WIN
4. the fishing gear used to take the fish
5. the quantity of product<sup>2</sup> (including species and its processed state<sup>3</sup>) to be transhipped
6. the state of fish (fresh or frozen)
7. the quantity of by-product<sup>4</sup> to be transhipped,
8. the geographic location<sup>5</sup> of the highly migratory fish stock catches
9. the date and location<sup>6</sup> of the transshipment
10. If applicable, the name and signature of the WCPFC observer
11. The quantity of product already on board the receiving vessel and the geographic origin<sup>7</sup> of that product.

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<sup>2</sup> Tuna and tuna-like species

<sup>3</sup> Whole; gutted and headed; gutted, headed and tailed; gutted only, not gilled; gilled and gutted; gilled, gutted and tailed; shark fins.

<sup>4</sup> Non tuna and tuna-like species

<sup>5</sup> Geographic location of catch means sufficient information to identify what proportion of the catch was taken in the following areas: High seas, outside the WCPFC Convention Area, EEZs (listed separately). Location of catches not required for receiving vessel.

<sup>6</sup> Location of transshipment is to be in decimal Latitude and Longitude to the nearest 0.1 degrees and accompanied by a description of the location, such as high seas, outside the convention area or within a named EEZ.

<sup>7</sup> The origin of product shall be reported by RFMO area and will include the quantity of product from each different area.

## ANNEX II

### TRANSHIPMENT INFORMATION TO BE REPORTED ANNUALLY BY CCMs

Each CCM shall include in Part 1 of its Annual Report to the Commission:

- (1) the total quantities, by weight, of highly migratory fish stocks covered by this measure that were transhipped by fishing vessels the CCM is responsible for reporting against, with those quantities broken down by:
  - a. offloaded and received;
  - b. transhipped in port, transhipped at sea in areas of national jurisdiction, and transhipped beyond areas of national jurisdiction;
  - c. transhipped inside the Convention Area and transhipped outside the Convention Area;
  - d. caught inside the Convention Area and caught outside the Convention Area;
  - e. species;
  - f. product form; and
  - g. fishing gear used
  
- (2) the number of transhipments involving highly migratory fish stocks covered by this measure by fishing vessels that is responsible for reporting against, broken down by:
  - a. offloaded and received;
  - b. transhipped in port, transhipped at sea in areas of national jurisdiction, and transhipped beyond areas of national jurisdiction;
  - c. transhipped inside the Convention Area and transhipped outside the Convention Area;
  - d. caught inside the Convention Area and caught outside the Convention Area; and
  - e. fishing gear.

## ANNEX III

### INFORMATION TO BE INCLUDED IN NOTICES TO THE EXECUTIVE DIRECTOR

1. the name and WCPFC Identification Number (WIN) of the offloading vessel,
2. the name and WIN of the receiving vessel,
3. the product (including species and its processed state) to be transhipped,
4. the tonnage by product to be transhipped,
5. the date and estimated or proposed location<sup>8</sup> of transhipment (latitude and longitude to a tenth of a degree with a margin of error of 24 nautical miles), and
6. the geographic location of the highly migratory fish stock catches<sup>9 10</sup>

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<sup>8</sup> Location of transhipment is to be in decimal Latitude and Longitude to the nearest 0.1 degrees with a margin of error of 24 nautical miles and accompanied by a description of the location, such as high seas, outside the convention area or within a named EEZ. Notice can be updated if location changes.

<sup>9</sup> Not required for receiving vessels

<sup>10</sup> Geographic location of catch means sufficient information to identify what proportion of the catch was taken in the following areas: High seas, outside the WCPFC Convention Area, EEZs (listed separately). Location of catches not required for receiving vessel.



**SIXTH REGULAR SESSION**  
Papeete, Tahiti, French Polynesia  
7-11 December 2009

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**CONSERVATION AND MANAGEMENT MEASURE FOR VESSELS WITHOUT  
NATIONALITY**

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**Conservation and Management Measure 2009-09**

*The Western and Central Pacific Fisheries Commission:*

*Recognizing* that fishing vessels without nationality operate without governance and oversight;

*Concerned* that the operations of fishing vessels without nationality undermine the objectives of the Convention and the work of the Commission;

*Recalling* that the FAO Council adopted an International Plan of Action to prevent, deter and eliminate Illegal Unregulated and Unreported fishing and recommended that States take measures consistent with international law in relation to fishing vessels without nationality involved in IUU fishing on the high seas;

*Determined* to continue to deter all facets of IUU fishing activities in the Convention Area;

*Adopts the following conservation and management measure in accordance with Article 10 of the Convention:*

1. Declare that fishing vessels determined to be vessels without nationality under the relevant provisions of international law that are used to fish on the high seas of the Convention Area are presumed to be operating in contravention of the Convention and the conservation and management measures adopted thereunder.
2. Further declare that any fishing activities by a fishing vessel without nationality on the high seas of the Convention Area shall be deemed to undermine the Convention and Commission conservation and management measures and shall constitute a serious violation in accordance with Article 25 of the Convention.
3. For the purpose of this measure, vessels without nationality means vessels not flying the flag of any state or vessels flying the flag of two or more states in accordance with Article 92 of UNCLOS.

4. Encourages CCMs to take all necessary measures, including enacting domestic legislation if appropriate, to prevent vessels without nationality from undermining conservation and management measures adopted by the Commission.

5. Any sightings of fishing vessels that appear to be without nationality that may be fishing in the high seas of the Convention Area for species covered by the WCPF Convention shall be reported to the Secretariat as soon as possible by the appropriate authorities of the CCM whose vessel or aircraft made the sighting.



**SIXTH REGULAR SESSION**  
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**CONSERVATION AND MANAGEMENT MEASURE TO MONITOR LANDINGS OF  
PURSE SEINE VESSELS AT PORTS SO AS TO ENSURE RELIABLE CATCH DATA  
BY SPECIES**

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**Conservation and Management Measure 2009-10**

The Western and Central Pacific Fisheries Commission (WCPFC),

**Recalling** that CMM 2008-01 was adopted at WCPFC5 to achieve a minimum of 30% reduction in bigeye tuna fishing mortality for the annual average during the period 2001-2004 or 2004;

**Recognizing** that, without acquiring reliable species and size composition data of purse seine catch in the region, the effectiveness of CMM 2008-01 cannot be measured;

**Noting** the high possibility that the reported bigeye catch by purse seine vessels are significantly lower than the actual bigeye catches because of the nature of purse seine operation – huge catches are piled up in a fish hold directly from nets, transshipped and sorted after landed – which causes difficulty in acquiring reliable species and size composition data on board;

**Noting also** that sorting and sizing at landing sites or canneries have been conducted as common commercial practice and that commercial entities have such species/size data, while the need for improvement of data quality is recognized.

**Underlining** the possibility to improve the purse seine catch data of bigeye tuna by establishing a mechanism to utilize existing sorting activities at landing sites and data compiled;

**Further noting** that substantial portion of purse seine catches in the Convention area is landed at ports of non-CCMs such as Thailand;

**Recalling** that, in accordance with paragraph 43 of CMM 2008-01, CCMs are responsible, where applicable, to conduct monitoring at landing ports and report the outcomes to the Commission annually;

**Adopts**, in accordance with Article 10 of the Convention that:

1. The Commission and the CCMs concerned shall work together to establish in 2010 an

arrangement with a Non-CCM to enable collection of species and size composition data from canneries in the Non-CCM regarding purse seine catch in the Convention area. The progress shall be reported to the Commission.

2. Data obtained under this CMM shall be handled as non-public domain data.



**SIXTH REGULAR SESSION**  
Papeete, Tahiti, French Polynesia  
7-11 December 2009

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**COOPERATING NON-MEMBERS**

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**Conservation and Management Measure 2009-11<sup>1</sup>**

REAFFIRMING the objective of the WCPF Convention is to ensure through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the Western and Central Pacific Ocean in accordance with the United Nations Convention on the Law of the Sea of 10 December 1982 and the Agreement on the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks;

RECALLING the 1999 MHLC Resolution on Future Participation in the Conference placed a limit on the number of participants in the Multilateral High Level Conference on the Conservation and Management of Highly Migratory Fish Stocks (MHLC), and confirmed the eligibility of MHLC participants to become members of the WCPFC;

RECALLING the Conservation and Management Measure 2004-02 on Cooperating Non-Members adopted at the inaugural session of the WCPFC December 9-10, 2004;

RECOGNIZING the continuing need to encourage non-Parties with vessels fishing for WCPFC species in the Convention Area to implement WCPFC conservation measures;

RECALLING Article 32(4) of the WCPF Convention that provides for members of the Commission to request non-Parties to this Convention whose vessels fish in the Convention Area to cooperate fully in the implementation of conservation and management measures adopted by the Commission;

TAKING INTO ACCOUNT the status of highly migratory fish stocks in the WCPF Convention Area and the existing level of fishing effort in the WCPF Convention Area;

REAFFIRMING that the Commission shall give full recognition to the special requirements of developing States Parties to this Convention, in particular small island developing States, and of territories and possessions, in relation to conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries for such stocks; and

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<sup>1</sup> Replaces CMM 2008-02

GIVING EFFECT to Article 32 of the WCPF Convention:

1. A non-member of the Commission, with an interest in the fishery, or whose vessels fish or intend to fish in the Convention Area, may request the Commission for the status of Cooperating non-member (CNM). Any such request and supporting information shall be in English and shall be received by the Executive Director at least 60 days in advance of the annual meeting of the Technical and Compliance Committee meeting at which the request will be considered. The Executive Director shall notify all members of the Commission of any such request and circulate the full application to all members.
2. A non-member seeking the status of CNM shall include with its request:
  - a. its reason for seeking CNM status,
  - b. a commitment to cooperate fully in the implementation of conservation and management measures adopted by the Commission and to ensure that fishing vessels flying its flag and fishing in the Convention Area and, to the greatest extent possible, its nationals, comply with the provisions of the Convention and conservation and management measures adopted by the Commission;
  - c. an explicit commitment to accept high seas boarding and inspections in accordance with the Commission's procedures on high seas boarding and inspection;
  - d. full data on its historical fisheries in the Convention Area, including nominal catches, number/type of vessels, name of fishing vessels, fishing effort and fishing areas;
  - e. all the data and information members of the Commission are required to submit, in accordance with the recommendations adopted by the Commission; details of its current fishing presence in the Convention Area, including the number of its vessels and their characteristics; results from research programmes it has conducted in the Convention Area;
  - f. any further relevant information as determined by the Commission; and
  - g. an explicit commitment to make financial contributions commensurate with what it would be assessed should it become a Contracting Party or a Member, pursuant to the scheme of contributions established by the Commission in accordance with Article 18(2) of the Convention. This provision shall not apply to a State or entity that is not eligible to become a member of the Commission.
3. The Technical and Compliance Committee (TCC) shall assess applications for CNM status and provide recommendations and technical advice to the Commission, which shall consider, *inter alia*:
  - a. whether the CNM application includes all information required under paragraph 2;
  - b. in the case of renewal, the record of compliance of the applicant with the provisions of the Convention and the conservation and management

- measures adopted by the Commission and the fisheries laws and regulations of coastal States in the Convention Area;
- c. its record of responding to any IUU activities by vessels flying its flag that have been brought to its attention, in accordance with Article 25 of the Convention;
  - d. as appropriate, the record of compliance of the applicant with conservation and management measures of other Regional Fisheries Management Organizations (RFMOs); and
  - e. in the case of applications for renewal of CNM status, whether the applicant is meeting all paragraph 11 requirements for CNM.
4. The Executive Director shall forward a copy of the relevant TCC recommendations and advice to the non-member applicant as soon as practicable.
  5. The non-member applicant shall have the opportunity to consider the recommendations and advice of the TCC, and to submit additional information if necessary in advance of the Commission's decision on its application.
  6. The Commission shall, in determining whether a non-party is accorded CNM status have regard to the criteria outlined in paragraph 3.
  7. The Commission shall also consider information available from other RFMOs relating to non-members seeking CNM status, as well as data submitted by such non-members to the Commission. Caution shall be used so as not to introduce into the Convention Area excess fishing capacity from other regions or IUU fishing activities in granting CNM status to such non-members.
  8. The Commission shall accord CNM status on an annual basis. It may renew the CNM status subject to a review of the CNM's compliance with the Convention's objectives and requirements.
  9. CNMs seeking to renew their status as a CNM shall comply with other requirements the Commission may prescribe to ensure compliance with conservation and management measures adopted by the Commission.
  10. CNMs are entitled to participate at meetings of the Commission and its subsidiary bodies as Observers.
  11. CNMs shall:
    - a. comply with all conservation and management measures adopted by the Commission;
    - b. provide all data members of the Commission are required to submit, in a timely manner, in accordance with the format and standards adopted by the Commission;

- c. inform the Commission annually of the measures it takes to ensure compliance by its vessels with the Commission's conservation and management measures;
  - d. respond in a timely manner to alleged violations of conservation and management measures adopted by the Commission and any IUU activities of vessels flying its flag, as requested by a member of the Commission or determined by the appropriate subsidiary bodies of the Commission and communicate to the member making the request and to the Commission, the actions it has taken against the vessels in accordance with the provisions of Article 25 of the Convention;
  - e. accept boardings in accordance with Commission high seas boarding and inspection procedures.
12. Without prejudice to the sovereign rights of coastal States for the purpose of exploring and exploiting, conserving and managing highly migratory fish stocks within areas under national jurisdiction, and following the granting of CNM status, the Commission shall, where necessary, determine how the participatory rights of CNMs will be limited by the conservation and management measures adopted by the Commission.. In giving effect to this paragraph, the Commission shall take into account *inter alia*:
- a. the status of the highly migratory fish stocks and the existing level of fishing effort in the fishery;
  - b. the special requirements of developing States in the Convention Area, in particular small island developing States, and of territories and possessions, in relation to conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries for such stocks;
  - c. the respective interests, fishing patterns and fishing practices of new and existing members or participants;
  - d. the respective contributions of new and existing members or participants to conservation and management of the stocks, to the collection and provision of accurate data and to the conduct of scientific research on the stocks;
  - e. the needs of coastal fishing communities which are dependant mainly on fishing for the stocks;
  - f. the needs of coastal States whose economies are overwhelmingly dependent on the exploitation of living marine resources; and
  - g. the interests of developing States from the subregion or region in whose areas of national jurisdiction the stocks also occur.
13. The limits determined for CNMs under paragraph 12 may be reviewed by the Commission from time to time in accordance with this measure and other conservation and management measures adopted by the Commission.
14. The Commission shall monitor the activities of nationals and fishing vessels of CNMs, including their record of compliance with the provisions of the

Convention and conservation and management measures adopted by the Commission.

15. CNMs that fail to comply with any of the conservation and management measures adopted by the Commission shall be deemed to have undermined the effectiveness of the conservation and management measures adopted by the Commission. The Commission shall take appropriate action, which may include revocation of CNM status and/or sanctions and penalties against such CNMs, in accordance with the Convention and adopted conservation and management measures.
16. The members of the Commission shall, individually or jointly, request non-parties to this Convention whose vessels fish in the Convention Area to cooperate fully in the implementation of the conservation and management measures adopted by the Commission and urge them to apply for the status of CNM.



**SEVENTH REGULAR SESSION**

Honolulu, Hawaii, USA

6-10 December 2010

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**CONSERVATION AND MANAGEMENT MEASURE FOR  
NORTH PACIFIC STRIPED MARLIN**

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**Conservation and Management Measure 2010-01**

*The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean:*

*Noting* with concern that the best available scientific advice from the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC) on the status of North Pacific Striped Marlin shows that the stock is subject to fishing mortality above levels that are sustainable in the long term;

*Further noting* the advice from the ISC that fishing mortality on the stock should be reduced from the 2003 levels;

*Also noting* that the Pacific Islands Forum Fisheries Agency (FFA) Members will be adopting a system of zone-based longline limits to replace the current system of flag-based arrangements within their Exclusive Economic Zones (EEZs);

*Acknowledging* the advice from the Scientific Committee that the information provided by the ISC does not support classification of North Pacific Striped Marlin as a “northern stock” under Annex 1 of the WCPFC Rules of Procedure;

*Adopts*, in accordance with Article 10 of the WCPF Convention:

1. This Measure shall apply in high seas and EEZs within the convention area north of the equator.
2. For the purposes of this measure, vessels operated under charter, lease or other similar mechanisms as an integral part of the domestic fleet of a coastal State, shall be considered to be vessels of the host State or Territory. Such charter, lease or other similar mechanism shall be conducted in a manner so as not to charter known IUU vessels.
3. Nothing in this measure shall prejudice the legitimate rights and obligations of Small Island Developing State Members and participating territories in the Convention Area seeking to develop their own domestic fisheries.
4. The total catch of North Pacific Striped Marlin will be subject to a phased reduction such that by 1 January 2013 the catch is [80%] of the levels caught in 2000 to 2003.
5. Each flag/chartering CCM with vessels fishing in the convention area north of the equator shall be subject to the following catch limits for North Pacific Striped Marlin for the years 2011 and beyond:
  - a. 2011 [10%] reduction of the highest catch between 2000 and 2003;

- b. 2012 [15%] reduction of the highest catch between 2000 and 2003;
  - c. 2013 and beyond: [20%] reduction of the highest catch between 2000 and 2003;
6. Each flag/chartering CCM shall decide on the management measures required to ensure that its flagged/chartered vessels operate under the catch limits specified in paragraph 5, noting that previous examples of such measures have included effort reductions, gear modification and spatial management.
  7. By 30 April 2011, each flag/chartering CCM shall report to the Commission verifiable information regarding its catch of North Pacific Striped Marlin by its flagged/chartered vessels north of the equator.
  8. Each year CCMs shall report in their Part 2 annual reports their implementation of this measure, including the measures applied to flagged/chartered vessels to reduce their catch and the total catch taken against the limits established under paragraphs 5 and 7.
  9. This measure shall be amended in 2011 based on the revised stock assessment for north Pacific striped marlin.



**SEVENTH REGULAR SESSION**

Honolulu, Hawaii, USA

6-10 December 2010

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**CONSERVATION AND MANAGEMENT MEASURE FOR THE  
EASTERN HIGH-SEAS POCKET SPECIAL MANAGEMENT AREA**

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**Conservation and Management Measure 2010-02**

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

*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;

*Concerned* that IUU fishing activities in the Convention area undermine the effectiveness of the conservation measures adopted by the WCPFC.

*Conscious* of the need to address, as a matter of priority, the issue of vessels conducting IUU fishing activities from the Eastern High Seas Pocket (the 'E-HSP');

*Determined* to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to vessels in the E-HSP, without prejudice to further measures adopted in respect of CCMs and non-CCMs under the relevant WCPFC instruments;

*Recognising* Article 8(1) of the Convention requiring 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 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;

*Noting further* that Article 30(2)(c) of the Convention requires the Commission to ensure that conservation and management measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States Parties, and territories and possessions;

*Adopts*, in accordance with Article 10 of the Convention, the following Measure shall be implemented from 1 July 2011, with respect to the Eastern High Seas pocket (E-HSP).

**AREA OF APPLICATION**

1. The E-HSP is the area of high seas bounded by the Exclusive Economic Zones of the Cook Islands to the west, French Polynesia to the east and Kiribati to the north. For the purposes of this

measure, the precise co-ordinates (geodetic information) shall be that used by the WCPFC vessel monitoring system (VMS). A map showing the E-HSP is attached (attachment A).

## **REPORTING**

2. Flag States shall require their vessels to submit reports, directly, or through such organisations designated by the flag state to the Commission at least 6 hours prior to entry and no later than 6 hours prior to exiting the E-HSP. Such reports shall also contain estimated catch (kilograms) on board. This information shall immediately be transmitted by the Commission Secretariat to the adjacent coastal states/territories, and shall be considered non-public domain data. The report shall be in the following format:

VID/Entry/Exit: Date/Time<sup>1</sup>; Lat/Long<sup>1</sup>; YFT/BET/ALB/SKJ/SWO/SHK/OTH/TOT(kgs)  
/TRANSHIPMENT (Y/N)

3. CCMs shall encourage their flagged vessels operating in the E-HSP to report sightings of any fishing vessel to the Commission Secretariat. Such information should include: date, time, position, bearing, markings, speed, and vessel type. Vessels should ensure this information is transmitted to the Secretariat as soon as practicable, but not later than 30 days after the trip completion.

## **VMS**

4. Adjacent coastal states/territories shall receive continuous near real-time VMS data pursuant to paragraph 22 of the Commission's Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes; and through a standing request under paragraph 5 of these Rules and Procedures

## **VESSEL LIST**

5. The Commission Secretariat shall maintain a 'live list' of all fishing vessels present in the E-HSP, based on near-real time VMS information. This list will be made available to Commission Members through the WCPFC website.

## **TRANSHIPMENT**

6. Any transshipment activities undertaken in the E-HSP shall be in accordance with applicable CMMs. Vessels intending to tranship (either unloading or receiving) in the E-HSP shall indicate this to the Commission, in the reporting format as described in paragraph 2 of this measure.

## **COMPLIANCE**

7. Vessels found to be non-compliant with this measure shall be dealt with in accordance with CMM 2010-06, and any other applicable measures adopted by the Commission.

## **REVIEW OF MEASURE**

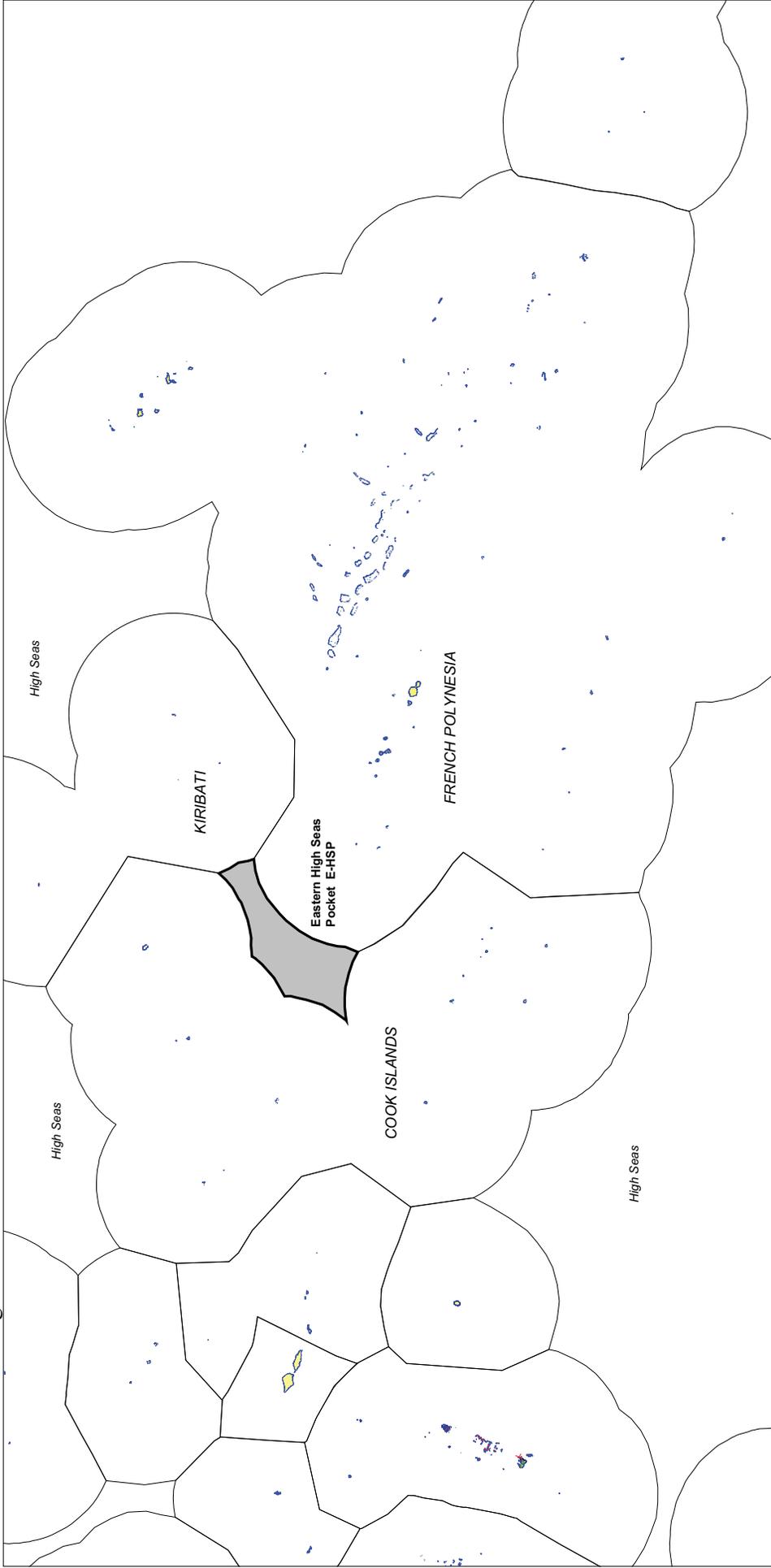
8. The measures described above shall be reviewed every two years, in conjunction with the relevant advice from the Technical and Compliance Committee (TCC). This review shall consider, inter alia, whether the measure is having the intended effect and the extent to which all CCMs and fishing sectors are contributing to achieving the Commission's conservation objectives.

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<sup>1</sup> Of anticipated point of entry or exit.

9. The Commission shall consider, at its 8<sup>th</sup> Regular Session, the expansion of the Special Management Area to the high seas within 100 miles from the EEZ boundaries of coastal states.
10. This measure shall remain in place until such time as the Commission adopts an alternative measure for the E-HSP.

Attachment A: Eastern High Seas Pocket



**Coordinates of the Eastern High Seas Pocket - Special Management Area**

**These coordinates are without prejudice to any negotiations or work on current boundaries and are subject to change as boundaries are resolved.**

<b>LONGITUDE</b>	<b>LATITUDE</b>
-155.495308	-11.375548
-155.498321	-11.391248
-155.375667	-11.6652
-155.144789	-12.031226
-155.087069	-12.286791
-155.011312	-12.527927
-154.988916	-12.541928
-155.011131	-12.528155
-155.4405	-12.58823
-155.8398	-12.7045
-156.3396	-12.96024
-156.748	-13.26971
-157.0805	-13.57845
-157.4277	-13.99567
-157.6434	-14.37697
-157.7986	-14.73752
-157.9131	-15.11709
-157.962	-15.46605
-158.039622	-15.653761
-158.122829	-15.877123
-158.127739	-15.869203
-158.231024	-15.803568
-158.36955	-15.745447
-158.496828	-15.694033
-158.661362	-15.634953
-158.821586	-15.583395
-159.026918	-15.539192
-159.190663	-15.503491
-159.372631	-15.472738
-159.548569	-15.453715
-159.736692	-15.448871
-159.90316	-15.449959
-160.083542	-15.463548
-160.226654	-15.480612
-160.365423	-15.495182
-160.451319	-15.514117
-160.406016	-15.448192
-160.316351	-15.338878
-160.217964	-15.213622
-160.156932	-15.110787
-160.074995	-14.978629

-160.011413	-14.890788
-159.926847	-14.750107
-159.87787	-14.621808
-159.79653	-14.407807
-159.75968	-14.275899
-159.711458	-14.113648
-159.682425	-13.98575
-159.655144	-13.863674
-159.621745	-13.726376
-159.619708	-13.634445
-159.616001	-13.561895
-159.614094	-13.509574
-159.561966	-13.476838
-159.464666	-13.417237
-159.323121	-13.349332
-159.212807	-13.287211
-159.104174	-13.209011
-158.983445	-13.143509
-158.882253	-13.049931
-158.744371	-12.94646
-158.649624	-12.872332
-158.560938	-12.795621
-158.495677	-12.723884
-158.424306	-12.639442
-158.333838	-12.548261
-158.2853	-12.45563
-158.071642	-12.43816
-157.8909	-12.42376
-157.747379	-12.436771
-157.631174	-12.428707
-157.4811	-12.39678
-157.229515	-12.356368
-157.039477	-12.306157
-156.868471	-12.243143
-156.665366	-12.174288
-156.495214	-12.106995
-156.3649	-12.01769
-156.25113	-11.967768
-156.113903	-11.894359
-156.012144	-11.844092
-155.895851	-11.761728
-155.77415	-11.66355
-155.688884	-11.572012
-155.593209	-11.478779
-155.495308	-11.375548



**SEVENTH REGULAR SESSION**

Honolulu, Hawaii, USA

6-10 December 2010

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**CONSERVATION AND MANAGEMENT MEASURE FOR  
SOUTH PACIFIC ALBACORE**

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**Conservation and Management Measure 2010-05<sup>1</sup>**

*The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean*

*In accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean:*

*Recalling that* the Scientific Committee notes that there are critical biological uncertainties for South Pacific albacore;

*Noting that* while current catch levels from the South Pacific albacore stock appear to be sustainable, given the age-specific mortality of the longline fleets, any significant increase in effort would reduce CPUE to low levels with only moderate increases in yields. CPUE reductions may be more severe in areas of locally concentrated fishing effort.

*Further noting that* while future increases in albacore catch are likely to be sustainable, estimates of MSY are highly uncertain because of the extrapolation of catch and effort well beyond any historical levels. Projections demonstrated that longline exploitable biomass, and hence CPUE, would fall sharply if catch and effort were increased to MSY levels. Therefore, the economic consequences of any such increases should be carefully assessed beforehand.

**Adopts**, in accordance with the Article 10 of the WCPFC Convention that:

1. Commission Members, Cooperating Non-Members, and participating Territories (CCMs) shall not increase the number of their fishing vessels actively fishing for South Pacific albacore in the Convention Area south of 20°S above current (2005) levels or recent historical (2000-2004) levels.
2. The provisions of paragraph 1 shall not prejudice the legitimate rights and obligations under international law of small island developing State and Territory CCMs in the Convention Area for whom South Pacific albacore is an important component of the domestic tuna fishery in waters under their national jurisdiction, and who may wish to pursue a responsible level of development of their fisheries for South Pacific albacore.

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<sup>1</sup> By adoption of this CMM (CMM 2010-05) the Commission rescinds CMM 2005-02 which has been revised and replaced.

3. CCMs that actively fish for South Pacific albacore in the Convention Area south of the equator shall cooperate to ensure the long-term sustainability and economic viability of the fishery for South Pacific albacore, including cooperation and collaboration on research to reduce uncertainty with regard to the status of this stock.

4. CCMs shall report annually to the Commission the catch levels of their fishing vessels that have taken South Pacific Albacore as a bycatch as well as the number and catch levels of vessels actively fishing for South Pacific albacore in the Convention area south of 20°S. Initially this information will be provided for the period 2006-2010 and then updated annually.

5. This measure will be reviewed annually on the basis of advice from the Scientific Committee on South Pacific albacore.



**SEVENTH REGULAR SESSION**

Honolulu, Hawaii, USA

6-10 December 2010

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**CONSERVATION AND MANAGEMENT MEASURE TO ESTABLISH  
A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT  
ILLEGAL, UNREPORTED AND UNREGULATED FISHING ACTIVITIES IN THE WCPO**

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**Conservation and Management Measure 2010-06<sup>1</sup>**

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

*Recalling* that the FAO Council adopted on 23 June 2001 an International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU). This plan stipulates that the identification of the vessels carrying out illegal, unreported and unregulated (IUU) fishing activities should follow agreed procedures and be applied in an equitable, transparent and non-discriminatory way.

*Concerned* that IUU fishing activities in the Convention Area undermine the effectiveness of the conservation measures adopted by the WCPFC.

*Further concerned* that there is a possibility that vessel owners engaged in such fishing activities may have re-flagged their vessels to avoid compliance with WCPFC measures.

*Determined* to address the challenge of an increase in IUU fishing activities by way of measures to be applied in respect to vessels, without prejudice to further measures adopted in respect of CCMs and non CCMs under the relevant WCPFC instruments.

*Considering* the action undertaken in other regional tuna fisheries organizations to address this issue;

*Conscious* of the need to address, as a matter of priority, the issue of vessels conducting IUU fishing activities;

*Noting* that efforts to prevent, deter and eliminate IUU fishing must be addressed in the light of all relevant international fisheries instruments and in accordance with other international obligations, including the rights and obligations established under the World Trade Organization (WTO) Agreement; and

*Recalling* Articles 23 and 25 of the WCPF Convention regarding the obligations of members of the Commission and provisions for compliance and enforcement;

*Adopts the following conservation and management measures in accordance with Article 10 of the Convention:*

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<sup>1</sup> By adoption of this CMM 2010-06, which reflected Attachment T and U of the WCPFC7 Summary Report, the Commission rescinds CMM 2007-03 which has been revised and replaced.

## **Identification of IUU activities**

1. At each annual meeting, the Commission will identify those vessels which have engaged in fishing activities for species covered by the Convention within the Convention Area in a manner which has undermined the effectiveness of the WCPF Convention and the WCPFC measures in force, and shall establish, and, as necessary, amend in subsequent years, a list of such vessels (the IUU Vessel List), in accordance with the procedures and criteria set out in this conservation measure.
2. This identification shall be suitably documented, *inter alia*, on reports from Members, Cooperating Non-Members and Participating Territories (collectively CCMs) relating to WCPFC Conservation measures in force, trade information obtained on the basis of relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) data, statistical documents and other national or international verifiable statistics, as well as any other information obtained from port States and/or gathered from the fishing grounds that is suitably documented. Information from CCMs should be provided in the format approved by the Commission.
3. For the purposes of this conservation measure, vessels fishing for species covered by the WCPFC Convention are presumed to have carried out IUU fishing activities, as described in the IPOA on IUU fishing, in the Convention Area when a CCM presents suitably documented information that such vessels, *inter alia*:
  - a. Harvest species covered by the WCPFC Convention in the Convention Area and are neither on the WCPFC record of authorized vessels nor a fishing vessel fishing exclusively in waters under the jurisdiction of its flag State, or
  - b. Conduct fishing activities in waters under the jurisdiction of a coastal State, without permission of that State, or in contravention of its law and regulations, or
  - c. Do not record or report their catches made in the Convention Area consistent with WCPFC measures, or make false reports, or
  - d. Take and land undersized fish in a way that undermines WCPFC conservation measures, or
  - e. Fish in a closed area or during a closed season in a way that undermines WCPFC conservation measures, or
  - f. Use prohibited fishing gear in a way that undermines WCPFC conservation measures, or
  - g. Tranship with, participate in joint fishing operations with, support or re-supply vessels included in the IUU Vessel List, or
  - h. Are without nationality and harvest species covered by the WCPFC Convention in the Convention Area, or
  - i. Engage in any other fishing activities that undermine the provisions of the WCPF Convention or any other WCPFC conservation measures, or
  - j. Are under the control of the owner of any vessel on the WCPFC IUU Vessel List. (Procedures for applying this paragraph are attached as Annex A)

## **Information on alleged IUU fishing activities**

4. At least 70 days before the annual meeting of the Technical and Compliance Committee (TCC), CCMs shall transmit to the Executive Director their list of vessels presumed to be carrying out IUU activities in the Convention Area during the current or the previous year, accompanied by suitably documented information, as provided in para 2, concerning the presumption of this IUU activity.

5. Before or at the same time as transmitting a list of presumed IUU vessels to the Executive Director, the CCM shall notify, either directly or through the Executive Director, the relevant flag State of a vessel's inclusion on this list and provide a copy of the pertinent suitably documented information. The flag State shall promptly acknowledge receipt of the notification. If no acknowledgement is received within 10 days of the date of transmittal, the CCM shall retransmit the notification through an alternative means of communication.

#### **Draft IUU Vessel List**

6. The Executive Director shall draw up a draft IUU Vessel List incorporating the lists of vessels and suitably documented information received pursuant to para 4, and any other suitably documented information at his disposal, and shall transmit it, together with all the supporting information provided, to all CCMs, as well as to non-CCMs with vessels on the list, at least 55 days before the TCC's annual meeting.

7. The Executive Director shall request each CCM and non-CCM with vessels on the draft IUU Vessel List to notify the owner of the vessels of their inclusion in that list, and of the consequences of their inclusion being confirmed in the IUU Vessel List.

8. Upon receipt of the draft IUU Vessel List, CCMs shall closely monitor the vessels included in that list in order to follow their activities and possible changes of name, flag or registered owner.

9. As appropriate, CCMs and non-CCMs with vessels on the list should transmit, at least 10 days before the TCC's annual meeting, their comments to the Executive Director, including suitably documented information, showing that the vessels have fished in a manner consistent with WCPFC conservation measures or the laws and regulations of a State when fishing in waters under the jurisdiction of that State, or have fished exclusively for species not covered by the WCPFC Convention.

10. The Executive Director shall re-circulate the draft IUU Vessel List, 7 days in advance of the TCC's annual meeting, to the CCMs and the non-CCMs concerned, together with all the suitably documented information provided pursuant to paras 4 and 9 above.

11. CCMs and non-CCMs may at any time submit to the Executive Director any additional suitably documented information regarding any vessels on the draft IUU Vessel List. The Executive Director shall circulate this additional information to all CCMs and to the non-CCMs concerned immediately upon receipt of such information.

#### **Provisional and current IUU Vessel List**

12. The WCPFC's IUU Vessel List adopted during the previous year, as well as any new suitably documented information regarding this list, including intersessional amendments, shall be transmitted to CCMs and the non-CCMs concerned in conjunction with the draft IUU Vessel List and materials outlined in para 6.

13. CCMs and non-CCMs with vessels on the current WCPFC IUU Vessel List should transmit at least 30 days before the annual meeting of the TCC, but may submit at any time, to the Executive Director suitably documented information regarding any of the vessels on the current WCPFC IUU Vessel List, including, where appropriate, suitably documented information as provided for in paragraph 25. The Executive Director shall re-circulate the current WCPFC IUU Vessel List two weeks in advance of the annual meeting of the TCC to the CCMs and non-CCMs concerned, together with all the information provided pursuant to paragraph 12 and this paragraph.

14. At its annual meeting, the TCC shall:

- (i) following consideration of the draft IUU Vessel List and the suitably documented information circulated under paras 6, 10 and 11, adopt a Provisional IUU Vessel List; and
- (ii) following consideration of the current WCPFC IUU Vessel List and the suitably documented information circulated under paras 12 and 13, recommend to the Commission which, if any, vessels should be removed from the current WCPFC IUU Vessel List.

15. The TCC shall not include a vessel on the Provisional IUU Vessel List if the vessel's flag State demonstrates that:

- a. The vessel fished in a manner consistent with WCPFC Conservation Measures or the laws and regulations of a State when fishing in waters under the jurisdiction of that State, or have fished exclusively for species not covered by the WCPFC Convention, or
- b. Effective action has been taken in response to the IUU fishing activities in question, such as, *inter alia*, prosecution or the imposition of sanctions of adequate severity; or
- c. That the case regarding the vessel or vessels that conducted IUU fishing activities has been settled to the satisfaction of the CCM that originally submitted the vessel for listing and the flag State involved.

16. The TCC shall not include a vessel on the Provisional IUU Vessel List if the notifying CCM did not follow the provisions of para 5.

17. The TCC shall recommend removal of a vessel from the current WCPFC IUU Vessel List only if the vessel's flag State submits to the Executive Director the information provided in para 25 of this measure.

18. Following the examination referred to in para 14, the TCC shall submit the Provisional IUU Vessel List to the Commission for its consideration, and as appropriate, recommend any proposed changes to the current WCPFC IUU Vessel List.

19. The draft IUU Vessel List, Provisional IUU Vessel List, and the WCPFC IUU Vessel List shall contain the following details for each vessel:

- (i) name and previous names, if any;
- (ii) flag and previous flags, if any;
- (iii) owner and previous owners, including beneficial owners, if any;

- (iv) operator and previous operators, if any;
- (v) call sign and previous call signs, if any;
- (vi) Lloyds/IMO number;
- (vii) photographs, where available;
- (viii) date first included on the IUU Vessel List; and
- (ix) summary of activities which justify inclusion of the vessel on the list, together with references to all relevant documents informing of and evidencing those activities.

### **WCPFC IUU Vessel List**

20. At its annual meeting the Commission shall review the Provisional IUU Vessel List, taking into account any new suitably documented information related to vessels on the Provisional IUU Vessel List, and any recommendations to amend the current WCPFC IUU Vessel List made pursuant to paragraph 18 above, and adopt a new WCPFC IUU Vessel List. To the maximum extent possible CCMs and non CCMs shall provide any new suitably documented information at least two weeks before the annual meeting of the Commission.

21. Upon adopting the new WCPFC IUU Vessel List, the Commission shall request CCMs and non-CCMs with vessels on the WCPFC IUU Vessel List to:

- a. notify the owner of the vessels of its inclusion on the WCPFC IUU Vessel List and the consequences that result from being included in the list, and
- b. take all the necessary measures to eliminate these IUU fishing activities, including, if necessary, the withdrawal of the registration or the fishing licenses of these vessels, and to inform the Commission of the measures taken in this respect.

22. CCMs shall take all necessary non-discriminatory measures under their applicable legislation, international law and each CCMs' international obligations, and pursuant to paras 56 and 66 of the IPOA-IUU to:

- a. ensure that fishing vessels, support vessels, mother ships or cargo vessels flying their flag do not participate in any transshipment or joint fishing operations with, support or re-supply vessels on the WCPFC IUU Vessel List;
- b. ensure that vessels on the WCPFC IUU Vessel List that enter ports voluntarily are not authorized to land, tranship, refuel or re-supply therein but are inspected upon entry;
- c. prohibit the chartering of a vessel on the WCPFC IUU Vessel List;
- d. refuse to grant their flag to vessels on the WCPFC IUU Vessel List in accordance with para 1f, Section A, in Conservation and Management Measure 2009-01;
- e. prohibit commercial transactions, imports, landings and/or transshipment of species covered by the WCPFC Convention from vessels on the WCPFC IUU Vessel List;

- f. encourage traders, importers, transporters and others involved, to refrain from transactions in, and transshipment of, species covered by the WCPFC Convention caught by vessels on the WCPFC IUU Vessel List;
- g. collect, and exchange with other CCMs, any appropriate information with the aim of searching for, controlling and preventing false import/export certificates for species covered by the WCPFC Convention from vessels on the WCPFC IUU Vessel List.

23. The Executive Director shall take any measure necessary to ensure publicity of the WCPFC IUU Vessel List, in a manner consistent with any applicable confidentiality requirements, including placing it on the WCPFC website. Furthermore, the Executive Director shall transmit the WCPFC IUU Vessel List to the FAO and to other regional fisheries organizations for the purposes of enhancing cooperation between the WCPFC and these organizations aimed at preventing, deterring and eliminating IUU fishing.

24. Without prejudice to the rights of CCMs and coastal states to take proper action, consistent with international law, including applicable WTO obligations, the CCMs shall not take any unilateral trade measures or other sanctions against vessels on the draft or Provisional IUU Vessel Lists, pursuant to paras 6 or 14, or that have been removed from the WCPFC IUU Vessel List, pursuant to paras 17 and 20, on the grounds that such vessels are involved in IUU fishing activities.

#### **Modification of the WCPFC IUU Vessel List**

25. CCMs and non-CCMs with a vessel on the WCPFC IUU Vessel List may request the removal of the vessel from the list at any time during the intersessional period by submitting to the Executive Director suitably documented information demonstrating that:

- a) it has adopted measures that will seek to ensure that the vessel complies with all WCPFC measures; and
- b) it will be able to assume effectively flag state duties with regards to the monitoring and control of the vessel's fishing activities in the Convention Area; and
- c) it has taken effective action in response to the IUU fishing activities that resulted in the vessel's inclusion in the WCPFC IUU Vessel List, including prosecution or the imposition of sanctions of adequate severity; or
- d) the vessel has changed ownership and that the new owner can establish that the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it, and that the new owner has not participated in IUU fishing activities, or
- e) the case regarding the vessel or vessels that conducted IUU fishing activities has been settled to the satisfaction of the CCM that originally submitted the vessel for listing and the flag State involved.

26. The Executive Director will transmit the removal request, with all the supporting information, to the CCMs within 15 days following the receipt of the removal request. CCMs shall promptly acknowledge receipt of the removal request. If no acknowledgement is received within 10 days of the date of transmittal, the Executive Director shall retransmit the removal request and shall use additional means available to ensure the request has been received.

27. Each Commission Member shall examine the removal request and notify the Executive Director in writing of its decision, and the rationale therefore, regarding the removal of the vessel within 40 days

following the notification by the Executive Director. Decisions on the request to remove the vessel shall be made in accordance with Rule 30 of the Rules of Procedure.

28. If Commission Members agree to the removal of the vessel from the WCPFC IUU Vessel List within the period stipulated in para 27, the Executive Director will inform CCMs, non-CCMs, FAO and other regional fisheries management organizations, and will remove the vessel from the WCPFC IUU Vessel List, as published on the WCPFC website.

29. If Commission Members disagree with the request for the removal of the vessel from the IUU Vessel List, the vessel will be maintained on the WCPFC IUU Vessel List and the Executive Director will inform the CCMs and/or non-CCMs that made the removal request.

### **Review**

30. This Conservation and Management Measure shall be subject to review and, as appropriate, revision by the TCC.

**PROCEDURES FOR APPLYING  
PARAGRAPH 3(J) OF WCPFC CMM 2010-06**

These procedures are to be followed by the Commission in applying paragraph 3(j) of this CMM. The procedures must work in concert and not conflict with the procedures outlined in this CMM, and the rules and responsibilities of TCC and the Commission.

**Ownership and control**

1. For the purposes of these procedures, the legal or natural person(s) or entity/entities that own and control a vessel (the “owner(s) of record”) are those indicated on the WCPFC Record of Fishing Vessels or the WCPFC Interim Register of non-Member Carrier and Bunker Vessels. If a vessel is not on either of those lists, then the owner of record is the owner or owners as indicated on the vessel’s national registration document.

2. For the purposes of these procedures, a vessel shall be considered to have the same owner(s) of record where one or more of the legal or natural person(/s) or entity/entities indicated on the WCPFC Record of Fishing Vessels or the WCPFC Interim Register of non-Member Carrier and Bunker Vessels is the same. If a vessel is not on either of those lists, then the owner(s) of record is/are the same where one or more of the legal or natural person/s or entity/entities indicated on the vessel’s national registration document is/are the same.

3. For the purpose of considering whether to add or remove a vessel or vessels from the Provisional WCPFC IUU Vessel List or the WCPFC IUU Vessel List pursuant to paragraph 3j and paragraph 25(d) of this CMM, the owner(s) of record will not be considered to have changed unless the new owner(s) of record provides suitably documented information demonstrating to the satisfaction of the Commission that the ownership of the vessel has changed, that the previous owner(s) of record no longer has any legal, financial or real interests in it, and that the new owner(s) of record has not participated in any IUU fishing activities.

**Identification and nomination of vessels**

4. For the purposes of these procedures, a vessel may be nominated by a CCM under paragraph 3(j) of this CMM if it meets the condition in paragraph (a) below, and the conditions in either paragraphs (b) or (c) below:

- a. The fishing vessel to be nominated:
  - i. is currently operating in the Convention Area; or
  - ii. has operated in the Convention Area at any time since the date of the infringement(s) that led to the listing of the underlying vessel(s) on the WCPFC IUU Vessel List (as defined below in paragraph (b)); and
  - iii. is, or was at any time since the date of infringement(s) that led to the listing of the underlying vessel(s) (as defined below in paragraph (b)) on the WCPFC IUU Vessel List, on the WCPFC Record of Fishing Vessels or the WCPFC Interim Register of non-Member Carrier and Bunker Vessels.
- b. The owner of record is the owner of record of three or more vessels currently on the WCPFC IUU Vessel List (hereafter “the underlying vessel(s)”).
- c. The owner of record has one or more vessels that have been included on the WCPFC

IUU Vessel List for the last two years or more (hereafter “the underlying vessels”).

5. For the purposes of these procedures, all additional vessels fully or partly owned by the same owner of record as the underlying vessel(s) that meet condition 4(a) shall be considered together and either all or none will be placed on the WCPFC IUU Vessel List. Similarly, all additional vessels fully or partly owned by the same owner of record as the underlying vessel(s) that meet condition 4(a) will be considered as one and either all or none will be removed from the WCPFC IUU Vessel List.

#### **Information to be provided**

6. CCMs shall submit suitably documented information demonstrating that the fishing vessels they wish to nominate under paragraph 3(j) of this CMM meet the criteria set out in paragraph 4 of these procedures. CCMs shall submit this information to the Executive Director 70 days before the annual meeting of the TCC along with the list of fishing vessels being nominated (hereinafter “3j” vessels).

7. Before or at the same time as transmitting a list of 3j vessels to the Executive Director, the CCM shall notify, either directly or through the Executive Director, the relevant flag State of the vessels’ inclusion on this 3j list, and provide a copy of the pertinent suitably documented information. The flag State shall promptly acknowledge receipt of the notification. If no acknowledgment is received within 10 days of the date of transmittal, the CCM shall retransmit the notification through an alternative means of communication.

#### **Draft IUU Vessel List**

8. The Executive Director shall include on the Draft IUU Vessel List, which is drawn up and circulated in accordance with the provisions of this CMM, those 3j vessels that have been nominated by CCMs in accordance with these procedures.

9. The Executive Director shall notify the relevant flag states of the inclusion of their 3j vessels on the draft IUU Vessel List and of the consequences of these vessels being confirmed on the IUU Vessel List.

10. As appropriate, relevant flag states with 3j vessels on the Draft IUU Vessel List may transmit to the Executive Director, at least 10 days before the TCC’s annual meeting, suitably documented information showing the 3j vessels do not meet the criteria outlined in paragraph 4 of these procedures. The Executive Director shall circulate this information to all CCMs immediately upon receipt of such information.

11. Small island developing CCMs may provide additional information to the Executive Director prior to TCC, or anytime before the Annual Commission meeting to advise that the proposed IUU listing of such 3j vessels would constrain the operation of domestic processing, transshipment facilities, or associated vessels of small island developing CCMs, or would undermine existing investment in FFA member countries. The Executive Director shall circulate this information to all CCMs immediately upon receipt of such information.

#### **Provisional and current WCPFC IUU Vessel List**

12. At its annual meeting, with respect to 3j vessels that are on the Draft IUU Vessel List, the TCC shall:

- a. consider suitably documented information, if any, provided by a CCM or a non-CCM, as well as any relevant information regarding the status of an investigation, judicial or administrative proceeding related to the underlying vessel(s) and the cooperation and

- b. responsiveness of the owner of record in such proceedings; consider information related to 3j vessels that may be submitted by small island developing CCMs pursuant to paragraph 11: and
- c. following consideration of this information, decide whether to include the nominated 3j vessels on the Provisional IUU Vessel List developed in accordance with the provisions of this CMM.

13. As appropriate, relevant flag states with 3j vessels on the current WCPFC IUU Vessel List may transmit, at least 20 days before the TCC's annual meeting, but may submit at any time, to the Executive Director suitably documented information showing the 3j vessels do not meet the criteria outlined in paragraph 4 of these procedures, or any other relevant information, including suitably documented information as provided for in paragraph 1. The Executive Director shall circulate this information to all CCMs immediately upon receipt of such information.

14. The TCC shall not include 3j vessels on the Provisional IUU Vessel List if suitably documented information is provided by any CCM that the vessels no longer have a common owner of record with the underlying vessel(s) that triggered the nomination under paragraph 4.

15. At its annual meeting, with respect to 3j vessels that are on the current WCPFC IUU Vessel List the TCC shall:

- a. consider suitably documented information, if any, provided by a CCM or non-CCM, as well as any relevant information regarding the status of an investigation, judicial or administrative proceeding related to the underlying vessel(s) and the cooperation and responsiveness of the owner of record in such proceedings; and
- b. following consideration of the suitably documented information, recommend to the Commission whether or not the 3j vessels should be removed from the WCPFC IUU Vessel List.

16. The TCC shall recommend removal of 3j vessels from the current WCPFC IUU Vessel List if suitably documented information:

- a. is provided that the vessels no longer have a common owner of record with the underlying vessel(s) that triggered the nomination under paragraph 4; or
- b. is provided that demonstrates that significant progress has been made to resolve the matter related to the underlying vessel(s) that triggered the nomination of the 3j vessels, and the CCM that originally submitted the 3j vessels for listing is satisfied.

#### **WCPFC IUU Vessel List**

17. Once 3j vessels are included on the Provisional IUU Vessel List, they shall be treated as part of that List and, where appropriate, the WCPFC IUU Vessel List, in accordance with paragraphs 20-24 of this CMM.

#### **Modification of the WCPFC IUU Vessel List**

18. Relevant flag states may request to remove 3j vessels from the WCPFC IUU Vessel List at any time during the intercessional period by submitting to the Executive Director suitably documented information that:

- a. the vessels no longer have a common owner of record with the underlying vessel(s)

- b. that triggered the nomination under paragraph 4; or  
significant progress has been made to resolve the matter related to the underlying vessel(s) that triggered the nomination of the 3j vessels, and the CCM that originally submitted the 3j vessels for listing is satisfied.

19. Small island developing CCMs may also request removal of 3j vessels from the WCPFC IUU Vessel List at any time during the intercessional period by submitting to the Executive Director information that the listing of such 3j vessels has resulted in a disproportionate burden on the operation of domestic processing, transshipment facilities, or associated vessels of small island developing CCMs, or has undermined existing investment in FFA member countries.

20. Removal requests for 3j vessels shall be treated in accordance with paragraphs 26-29 of this CMM.

21. If the underlying vessel is removed from the WCPFC IUU List, all additional vessels fully or partly owned by the same owner of record as the underlying vessel(s) and listed pursuant to the 3j procedures contained herein will be automatically removed at the same time.



**SEVENTH REGULAR SESSION**

Honolulu, Hawaii, USA

6-10 December 2010

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**CONSERVATION AND MANAGEMENT MEASURE FOR SHARKS**

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**Conservation and Management Measure 2010-07<sup>1</sup>**

*The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;*

*In accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;*

*Recognizing* the ecological and cultural significance of sharks in the western and central Pacific Ocean (WCPO);

*Recalling* that the United Nations Food and Agriculture Organization (FAO) International Plan of Action for the Conservation and Management of Sharks calls on FAO members, within the framework of their respective competencies and consistent with international law, to cooperate through regional fisheries organizations with a view to ensuring the sustainability of shark stocks as well as to adopt National Plans of Action for the conservation and management of sharks;

*Recognizing* the need to collect data on catch, effort, discards, and trade, as well as information on the biological parameters of many species, to enable effective shark conservation and management;

*Recognizing further* that certain species of pelagic sharks, such as basking shark and great white shark, have been listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

*Resolves* as follows:

1. Commission Members, Cooperating non-Members, and participating Territories (CCMs) shall implement, as appropriate, the FAO International Plan of Action for the Conservation and Management of Sharks (IPOA Sharks).
2. CCMs shall advise the Commission (in Part 2 of the annual report) on their implementation of the IPOA Sharks, including, results of their assessment of the need for a National Plan of Action and/or the status of their National Plans of Action for the Conservation and Management of Sharks.

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<sup>1</sup> By adoption of this CMM (CMM 2010-07), the Commission rescinds CMM 2009-04 which has been revised and replaced.

3. National Plans of Action or other relevant policies for sharks should include measures to minimize waste and discards from shark catches and encourage the live release of incidental catches of sharks.

4. Each CCM shall include key shark species<sup>2</sup>, as identified by the Scientific Committee, in their annual reporting to the Commission of annual catch and fishing effort statistics by gear type, including available historical data, in accordance with the WCPF Convention and agreed reporting procedures. CCMs shall also report annual retained and discarded catches in Part 2 of their annual report. CCMs shall as appropriate, support research and development of strategies for the avoidance of unwanted shark captures (e.g. chemical, magnetic and rare earth metal shark deterrents).

5. The Commission shall consider appropriate assistance to developing State Members and participating Territories for the implementation of the IPOA and collection of data on retained and discarded shark catches.

*And adopts*, in accordance with Articles 5 and 10 of the Convention, that:

6. CCMs shall take measures necessary to require that their fishers fully utilize any retained catches of sharks. Full utilization is defined as retention by the fishing vessel of all parts of the shark excepting head, guts, and skins, to the point of first landing or transshipment.

7. CCMs shall require their vessels to have on board fins that total no more than 5% of the weight of sharks on board up to the first point of landing. CCMs that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5% ratio through certification, monitoring by an observer, or other appropriate measures. CCMs may alternatively require that their vessels land sharks with fins attached to the carcass or that fins not be landed without the corresponding carcass.

8. As finer resolution data become available, the specification of the ratio of fin weight to shark weight described in paragraph 7 shall be periodically reviewed by the Scientific Committee (SC) and the SC will recommend any appropriate revisions to the Commission for its consideration. The SC and the Technical and Compliance Committee (TCC) are directed to consider if additional appropriate measures that give affect to paragraph 7 are required.

9. CCMs shall take measures necessary to prohibit their fishing vessels from retaining on board, transshipping, landing, or trading any fins harvested in contravention of this Conservation and Management Measure (CMM).

10. In fisheries for tunas and tuna-like species that are not directed at sharks, CCMs shall take measures to encourage the release of live sharks that are caught incidentally and are not used for food or other purposes.

11. Nothing in this measure shall prejudice the sovereignty and sovereign rights of coastal States, including for traditional fishing activities and the rights of traditional artisanal fishers, to apply alternative measures for the purpose of exploring, exploiting, conserving and managing

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<sup>2</sup> The key shark species are blue shark, silky shark, oceanic whitetip shark, mako sharks, and thresher sharks, porbeagle shark (south of 20°S, until biological data shows this or another geographic limit to be appropriate) and hammerhead sharks (winghead, scalloped, great, and smooth).

sharks, including any national plans of action for the conservation and management of sharks, within areas under their national jurisdiction.

12. CCMs shall advise the Commission in Part 2 of the annual report on the implementation of this CMM and any alternative measures adopted under paragraph 11

13. On the basis of advice from the SC, the TCC and the Commission, CCMs shall review the implementation and effectiveness of this measure, and any alternative measures applied under paragraph 11 above, and shall consider the application of additional measures for the management of shark stocks in the Convention Area, as appropriate.

14. In 2010, the SC, and if possible in conjunction with the Inter-American Tropical Tuna Commission, provide preliminary advice on the stock status of key shark species and propose a research plan for the assessment of the status of these stocks.

15. This CMM shall apply to sharks caught in association with fisheries managed under the WCPF Convention, and to sharks listed in Annex 1 of the 1982 Convention.

16. The Commission shall consider appropriate assistance to developing State Members and participating Territories for the implementation of this measure, including, in accordance with Article 7 of the Convention, in areas under national jurisdiction.

17. This CMM shall replace 2009-04.



**COMMISSION  
EIGHTH REGULAR SESSION**  
Tumon, Guam, USA  
26-30 March 2012

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**COMMISSION VESSEL MONITORING SYSTEM<sup>1</sup>**

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**Conservation and Management Measure 2011-02**

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

**Recalling** the relevant provisions of the Convention, in particular Articles 3 and 24 (8), (9) and (10);

**Noting** the importance of the vessel monitoring system as a tool to effectively support the principles and measures for the conservation and management of highly migratory species within the Convention Area;

**Mindful** of the rights and obligations of Commission Members, Cooperating Non-Members and participating Territories (CCMs) in promoting the effective implementation of conservation and management measures adopted by the Commission;

**Further mindful** of the key principles upon which the vessel monitoring system is based, including the confidentiality and security of information handled by the system, and its efficiency, cost-effectiveness and flexibility.

**Adopts**, in accordance with Article 10 of the WCPFC Convention the following process relating to the implementation of the WCPFC Vessel Monitoring System (Commission VMS):

1. A Commission VMS.
2. The system shall commence, to be activated 1 January 2008, in the area of the Convention Area south of 20°N, and east of 175°E in the area of the Convention Area north of 20°N.
3. With respect to the area north of 20°N and west of 175°E, the system will be activated at a date to be determined by the Commission.
4. Any fishing vessels fishing for highly migratory fish stocks on the high seas within the areas of the Convention Area described in para 2 above that move into the area north of 20°N and west of 175°E shall keep their ALCs activated and continue to report to the Commission in accordance with this Conservation and Management Measure.

5. Definitions

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<sup>1</sup> By adoption of this CMM (CMM-2011-02) the Commission rescinds CMM-2007-02 which has been revised and replaced.

(a) Automatic location communicator (ALC) means a near real-time satellite position fixing transmitter;

(b) FFA Secretariat means the Secretariat of the Pacific Islands Forum Fisheries Agency based at Honiara, Solomon Islands;

(c) FFA VMS means the vessel monitoring system developed, managed and operated by the FFA Secretariat and members of the Pacific Islands Forum Fisheries Agency;

6. Applicability

(a) The Commission VMS shall apply to all fishing vessels that fish for highly migratory fish stocks on the high seas within the Convention Area.

(b) It shall apply to all vessels in excess of 24 metres in length with an activation date of 1 January 2008, and it shall apply to all vessels 24 metres in length or less with an activation date of 1 January 2009.

(c) Any CCM may request, for the Commission's consideration and approval, that waters under its national jurisdiction be included within the area covered by the Commission VMS. Necessary expenses incurred in the inclusion of such area into the Commission VMS shall be borne by the CCM which made the request.

7. Nature and specification of the Commission VMS

(a) The Commission VMS shall be a stand-alone system:

- developed in and administered by the Secretariat of WCPFC under the guidance of the Commission, which receives data directly from fishing vessels operating on the high seas in the Convention Area; and
- with the added capability that it can accept VMS data forwarded from the FFA VMS, so that the fishing vessels operating on the high seas in the Convention Area will have the option to report data via the FFA VMS.

(b) The Commission shall develop rules and procedures for the operation of the Commission VMS, including, *inter alia*:

- vessel reporting, including the specifications of the data required, its format and reporting frequencies;
- rules on polling;
- ALC failure alternates;
- cost recovery;
- cost sharing;
- measures to prevent tampering; and
- obligations and roles of fishing vessels, CCMs, the FFA Secretariat and the Commission Secretariat.

(c) Security standards of the Commission VMS data shall be developed by the Commission, consistent with the WCPFC Information Security Policy.

(d) All CCM fishing vessels required to report to the Commission VMS shall use a functioning ALC that complies with the Commission's minimum standards for ALCs.

(e) The minimum standards for ALCs used in the Commission VMS are appended at Annex 1.

8. In establishing such standards, specifications and procedures, the Commission shall take into account the characteristics of traditional fishing vessels from developing States.

8. In establishing such standards, specifications and procedures, the Commission shall take into account the characteristics of traditional fishing vessels from developing States.

9. Obligation of CCMs

(a) Each flag CCM shall ensure that fishing vessels on the high seas in the Convention Area comply with the requirements established by the Commission for the purposes of the Commission VMS and are equipped with ALCs that shall communicate such data as determined by the Commission.

(b) CCMs shall cooperate to ensure compatibility between national and high seas VMSs.

10. Review

After two years of implementation, the Commission shall conduct a review of the implementation of this Conservation and Management Measure and consider further improvements to the system as required.

**Draft Minimum Standards for Automatic Location Communicators (ALCs) used in the Commission Vessel Monitoring System**

Pursuant to Article 24 (8) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), the Commission hereby establishes the following minimum standards for ALCs:

1. The ALC shall automatically and independently of any intervention on the vessel communicate the following data:
  - (i) ALC static unique identifier;
  - (ii) the current geographical position (latitude and longitude) of the vessel; and
  - (iii) the date and time (expressed in Universal Time Constant [UTC]) of the fixing of the position of the vessel in para 1 (ii) above.
2. The data referred to in paras 1 (ii) and 1 (iii) shall be obtained from a satellite-based positioning system.
3. ALCs fitted to fishing vessels must be capable of transmitting data referred to in para 1, hourly.
4. The data referred to para 1 shall be received by the Commission within 90 minutes of being generated by the ALC, under normal operating conditions.
5. ALCs fitted to fishing vessels must be protected so as to preserve the security and integrity of data referred to in para 1.
6. Storage of information within the ALC must be safe, secure and integrated under normal operating conditions.
7. It must not be reasonably possible for anyone other than the monitoring authority to alter any of that authority's data stored in the ALC, including the frequency of position reporting to that authority.
8. Any features built into the ALC or terminal software to assist with servicing shall not allow unauthorized access to any areas of the ALC that could potentially compromise the operation of the VMS.
9. ALCs shall be installed on vessels in accordance with their manufacturer's specifications and applicable standards.
10. Under normal satellite navigation operating conditions, positions derived from the data forwarded must be accurate to within 100 square metres Distance Root Mean Squared (DRMS), (i.e. 98% of the positions must be within this range).
11. The ALC and/or forwarding service provider must be able to support the ability for data to be sent to multiple independent destinations.
12. The satellite navigation decoder and transmitter shall be fully integrated and housed in the same tamper-proof physical enclosure.



## EIGHTH REGULAR SESSION

Tumon, Guam, USA

26-30 March 2012

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### CONSERVATION AND MANAGEMENT MEASURE FOR PROTECTION OF CETACEANS FROM PURSE SEINE FISHING OPERATIONS

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#### Conservation and Management Measure 2011-03

*The Western and Central Pacific Fisheries Commission;*

*In accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention);*

**Recognising** the ecological and cultural significance of cetaceans in the Western and Central Pacific Ocean (WCPO);

**Mindful** that cetaceans are particularly vulnerable to being encircled by purse seine nets, due to the propensity of tuna to form schools around them, or for toothed cetaceans to be attracted to the same prey as tuna;

**Committed** to ensuring that potential impacts on the sustainability of cetaceans from accidental mortality through purse seine operations are mitigated;

**Required**, by Articles 5(d) and (e) of the Convention, to adopt management arrangements for cetaceans as non-target and associated or dependent species, as they are incidentally caught by purse-seine fisheries in the WCPO.

**Acknowledging** that the conservation of these species depends on co-operative and coordinated activity at the international level, and that Regional Fisheries Management Organisations play an integral role in mitigating the impacts of fishing on these species;

**Alarmed** by observer reports on fishing activities by vessels flagged to Members, Co-operating Non-Members and Participating Territories that indicate a number of instances of interactions with these species, and instances of misreporting of such interactions in logbooks;

Adopts the following Conservation and Management Measure in accordance with Article 10 of the Convention:

1. CCMs shall prohibit their flagged vessels from setting a purse seine net on a school of tuna associated with a cetacean in the high seas and exclusive economic zones of the Convention Area, if the animal is sighted prior to commencement of the set.
2. CCMs shall require that, in the event that a cetacean is unintentionally encircled in the purse seine net, the master of the vessel shall:
  - (a) ensure that all reasonable steps are taken to ensure its safe release. This shall include stopping the net roll and not recommencing fishing operation until the animal has been released and is no longer at risk of recapture; and
  - (b) report the incident to the relevant authority of the flag State, including details of the species (if known) and number of individuals, location and date of such encirclement, steps taken to ensure safe release, and an assessment

of the life status of the animal on release (including, if possible, whether the animal was released alive but subsequently died).

3. In taking steps to ensure the safe release of the cetacean as required under paragraph 2(a), CCMs shall require the master of the vessel to follow any guidelines adopted by the Commission for the purpose of this measure.
4. In applying steps under paragraphs 2(a) and 3, the safety of the crew shall remain paramount.
5. CCMs shall include in their Part 1 Annual Report any instances in which cetaceans have been encircled by the purse seine nets of their flagged vessels, reported under paragraph 2(b).
6. The Secretariat shall report on the implementation of this conservation and management measure on the basis of observer reports, as part of the Annual Report on the Regional Observer Programme.
7. This Conservation and Management Measure shall enter into force on January 1, 2013.



## **EIGHTH REGULAR SESSION**

Tumon, Guam, USA

26-30 March 2012

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### **CONSERVATION AND MANAGEMENT MEASURE FOR OCEANIC WHITETIP SHARK**

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#### **Conservation and Management Measure 2011-04**

*The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC);*

*Noting* the Scientific Committee's concern about the steep declining standardized catch rates and size trends of oceanic whitetip shark (*Carcharhinus longimanus*) in longline and purse seine fisheries in the western and central Pacific Ocean and the Committee's recommendation that the WCPFC consider mitigation measures for the species at its eighth regular annual session;

*Also noting* that there are other species of sharks that show negative trends currently, or others that may in the future, and a more comprehensive approach to shark conservation may be considered for the other species where a non-retention policy may not be appropriate, this measure should therefore not set a precedent for managing all shark species in the Western and Central Pacific.

*Recognizing* the resolution of the Inter-American Tropical Tuna Commission (IATTC) on oceanic whitetip shark and desiring conservation and management measures that are consistent with those of the IATTC;

*Adopts* the following measures in accordance with Article 10 of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention):

1. Members, Cooperating Non-Members and Participating Territories (CCMs) shall prohibit vessels flying their flag and vessels under charter arrangements to the CCM from retaining on board, transshipping, storing on a fishing vessel, or landing any oceanic whitetip shark, in whole or in part, in the fisheries covered by the Convention.
2. CCMs shall require all vessels flying their flag and vessels under charter arrangements to the CCM to release any oceanic whitetip shark that is caught as soon as possible after the shark is brought alongside the vessel, and to do so in a manner that results in as little harm to the shark as possible.

3. CCMs shall estimate, through data collected from observer programs and other means, the number of releases of oceanic whitetip shark, including the status upon release (dead or alive), and report this information to the WCPFC in Part 1 of their Annual Reports.
4. The Commission shall consider the special needs of Small Island Developing States and Territories, including supplying species identification guides for their fleets and develop guidelines and training for the safe release of sharks.
5. Observers shall be allowed to collect biological samples from oceanic white tip sharks that are dead on haulback in the WCPO, provided that the samples are part of a research project approved by the Scientific Committee. In order to get approval, a detailed document outlining the purpose of the work, number of samples intended to be collected and the spatio-temporal distribution of the sampling effect must be included in the proposal. Annual progress of the work and a final report on completion will be presented to the Scientific Committee.
6. This measure shall be amended if appropriate at the 2012 Commission meeting taking into consideration the results of the stock assessment and be reviewed periodically thereafter.
7. This Conservation and Management Measure shall enter into force on January 1, 2013 and remain in place until the Commission decides otherwise.



**COMMISSION  
NINTH REGULAR SESSION**

Manila, Philippines  
2-6 December 2012

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**CONSERVATION AND MANAGEMENT MEASURE FOR IMPLEMENTING THE REGIONAL  
OBSERVER PROGRAMME BY VESSELS FISHING FOR FRESH FISH NORTH OF 20°N**

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**Conservation and Management Measure 2012-03**

*The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;*

*Recalling* Article 28(1) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPF Convention), which requires the Commission to develop a Regional Observer Programme (ROP) to, among other things, collect verified catch data, and to monitor the implementation of the conservation and management measures adopted by the Commission;

*Further recalling* Article 28(7) of the WCPF Convention, which requires the Commission to develop procedures and guidelines for the operation of the Regional Observer Programme;

*Cognizant* of Conservation and Management Measure (CMM) 2007-01, which established the procedures to develop the ROP, in particular paragraph 9 of Annex C of CMM2007-01, which gives considerations on special circumstances for fishing vessels used exclusively to fish for fresh fish in the area north of 20 degrees north;

*Recommends*, in accordance with paragraph 9 of Attachment K, Annex C of the CMM2007-01,

**The ROP for fishing vessels used exclusively to fish for fresh fish in the area north of 20 degrees north shall be implemented in the following manner:**

1. No later than 31 December 2014, CCMs shall commence implementation of observer programmes for fishing vessels used to fish for fresh fish beyond the national jurisdictions in the area north of 20 degrees north.
2. For such fishing vessels, CCMs shall achieve 5% coverage of the effort of each fishery fishing for fresh fish by the end of December 2014.
3. Observers shall be sourced from the WCPFC ROP.



**COMMISSION  
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**CONSERVATION AND MANAGEMENT MEASURE FOR PROTECTION OF WHALE  
SHARKS FROM PURSE SEINE FISHING OPERATIONS**

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**Conservation and Management Measure 2012-04**

*The Western and Central Pacific Fisheries Commission;*

*In accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention);*

*Recognising* the ecological and cultural significance of whale sharks in the Western and Central Pacific Ocean (WCPO);

*Mindful* that whale sharks are particularly vulnerable to exploitation including from fishing;

*Concerned* about the potential impacts of purse seine operations on the sustainability of whale sharks;

*Required*, by Article 5(d) and (e) of the Convention, to adopt management arrangements for whale sharks as non-target and associated or dependent species, as they are incidentally caught by purse-seine fisheries in the WCPO.

*Acknowledging* that the conservation of whale sharks depends on co-operative and coordinated activity at the international level, and that Regional Fisheries Management Organisations play an integral role in mitigating the impact of fishing on these species;

*Alarmed* by observer reports on fishing activities by vessels flagged to Members, Co-operating Non-Members and Participating Territories that indicate a number of instances of interactions with whale sharks and instances of misreporting of these interactions in logbooks;

*Noting* that the Parties to the Nauru Agreement (PNA) have prohibited the purse seine vessels fishing in their exclusive economic zones from conducting sets on or around whale sharks;

*Recalling* that Article 8 of the Convention requires compatibility of conservation management

measures established for the high seas and those adopted for areas under national jurisdiction;

**Adopts** the following Conservation and Management Measure in accordance with Article 10 of the Convention:

1. This measure shall apply to the high seas and exclusive economic zones of the Convention Area. CCMs shall prohibit their flagged vessels from setting a purse seine on a school of tuna associated with a whale shark if the animal is sighted prior to the commencement of the set.

2. For fishing activities in PNA exclusive economic zones, the prohibition shall be implemented in accordance with the Third Arrangement implementing the Nauru Agreement as amended on 11 September 2010.

3. Notwithstanding Paragraph 1 above, for fishing activities in exclusive economic zones of CCMs north of 30 N, CCMs shall implement either this measure or compatible measures consistent with the obligations under this measure and report the measures taken in the Part 2 report.

4. CCMs shall require that, in the event that a whale shark is not deliberately encircled in the purse seine net, the master of the vessel shall:

(a) ensure that all reasonable steps are taken to ensure its safe release.; and

(b) report the incident to the relevant authority of the flag State, including the number of individuals, details of how and why the encirclement happened, where it occurred, steps taken to ensure safe release, and an assessment of the life status of the whale shark on release (including whether the animal was released alive but subsequently died).

4. In taking steps to ensure the safe release of the whale shark as required under paragraph 4(a), CCMs shall require the master of the vessel to follow any guidelines adopted by the Commission for the purpose of this measure.

5. In applying steps under paragraphs 1, 4(a) and 5, the safety of the crew shall remain paramount.

6. CCMs shall advise in their Part 1 Annual Report of any instances in which whale sharks have been encircled by the purse seine nets of their flagged vessels, including the details required under paragraph 4(b).

7. The Secretariat shall report on the implementation of this conservation and management measure on the basis of observer reports, as part of the Annual Report on the Regional Observer Programme.

8. This Conservation and Management Measure shall enter into force on January 1, 2014.



**COMMISSION  
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**CHARTER NOTIFICATION SCHEME**

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**Conservation and Management Measure 2012-05<sup>1</sup>**

The Western and Central Pacific Fisheries Commission (WCPFC)

*ACKNOWLEDGING* the important contribution of chartered vessels to sustainable fisheries development in the Western & Central Pacific Ocean;

*CONCERNED* with ensuring that charter arrangements do not promote IUU fishing activities or undermine conservation and management measures;

*REALIZING* that there is a need for the WCPFC to establish procedures for charter arrangements;

Adopts, in accordance with Article 10 of the WCPF Convention that:

1. The provisions of this measure shall apply to Commission Members and Participating Territories that charter, lease or enter into other mechanisms with vessels eligible under Para.4 flagged to a another State or Fishing Entity for the purpose of conducting fishing operations in the Convention Area as an integral part of the domestic fleet of that chartering Member or Participating Territory.
2. Each chartering Member or Participating Territory shall notify the Commission of any vessel to be identified as chartered in accordance with this measure by submitting electronically where possible to the Executive Director by 1 July 2010 the following information with respect to each chartered vessel:
  - a) name of the fishing vessel;
  - b) WCPFC Identification Number (WIN);
  - c) name and address of owner(s);
  - d) name and address of the charterer;
  - e) the duration of the charter arrangement; and

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<sup>1</sup> By adoption of this CMM (CMM-2012-05) the Commission rescinds CMM-2011-05 which has been revised and replaced.

f) the flag state of the vessel.

Upon receipt of the information the Executive Director will immediately notify the flag State.

3. After 1 July 2010, each chartering Member or Participating Territory shall notify the Executive Director as well as the flag State, within 15 days, or in any case within 72 hours before commencement of fishing activities under a charter arrangement of:

a) any additional chartered vessels along with the information set forth in paragraph 2;

b) any change in the information referred to in paragraph 2 with respect to any chartered vessel; and

c) termination of the charter of any vessel previously notified under paragraph 2.

4. Only vessels listed on the WCPFC Record of Fishing Vessels or the WCPFC Interim Register of Non-CCM Carriers and Bunkers, and not on the WCPFC IUU vessel list, or IUU List of another RFMO, are eligible for charter.

5. The Executive Director shall make the information required in paragraph 2 and 3 available to all CCMs.

6. Each year the Executive Director shall present a summary of all notified chartered vessels to the Commission for review. If necessary, the Commission may review and revise this measure.

7. The Commission will continue to work on the development of a broader framework for the management and control of chartered vessels. In particular, this work shall cover the issues of attribution of catch and effort by chartered vessels and the relationship between the flag State and the chartering Member or Participating Territory on control of, and responsibilities towards, the chartered vessels.

8. This Measure shall expire on 31 December 2015 unless renewed by the Commission.



**COMMISSION  
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**CONSERVATION AND MANAGEMENT MEASURE TO MITIGATE THE IMPACT  
OF FISHING FOR HIGHLY MIGRATORY FISH STOCKS ON SEABIRDS**

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**Conservation and Management Measure 2012-07<sup>1</sup>**

*The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean*

*Concerned* that some seabird species, notably albatrosses and petrels, are threatened with global extinction.

*Noting* advice from the Commission for the Conservation of Antarctic Marine Living Resources that together with illegal, unreported and unregulated fishing, the greatest threat to Southern Ocean seabirds is mortality in longline fisheries in waters adjacent to its Convention Area.

*Noting* scientific research into mitigation of seabird bycatch in surface longline fisheries has showed that the effectiveness of various measures varies greatly depending on the vessel type, season, and seabird species assemblage present.

*Noting the advice of the Scientific Committee* that combinations of mitigation measures are essential for effective reduction of seabird bycatch.

*Resolves* as follows:

1. Commission Members, Cooperating Non-members and participating Territories (CCMs) shall, to the greatest extent practical, implement the International Plan of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries (IPOA-Seabirds) if they have not already done so.
2. CCMs shall report to the Commission on their implementation of the IPOA-Seabirds, including, as appropriate, the status of their National Plans of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries.

*Adopts*, in accordance with Article 5 (e) and 10 (i)(c) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean the Commission the following measures to address seabird bycatch:

*South of 30° South*

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<sup>1</sup> This conservation and management measure will replace CMM 2007-04 and go into effect on 1 July 2014; until then, all the provisions of CMM 2007-04 will remain in effect.

1. CCMs shall require their longline vessels fishing south of 30°S, to use at least two of these three measures: weighted branch lines, night setting and tori lines. Table 1 does not apply south of 30° South. See Annex 1 for specifications of these measures.

*North of 23° North*

2. CCMs shall require their longline vessels fishing north of 23°N, to use at least two of the mitigation measures in Table 1, including at least one from Column A. See Annex 1 for specifications of these measures.

**Table 1: Mitigation measures**

<i>Column A</i>	<i>Column B</i>
<i>Side setting with a bird curtain and weighted branch lines<sup>2</sup></i>	<i>Tori line<sup>3</sup></i>
<i>Night setting with minimum deck lighting</i>	<i>Blue-dyed bait</i>
<i>Tori line</i>	<i>Deep setting line shooter</i>
<i>Weighted branch lines</i>	<i>Management of offal discharge</i>

*Other Areas*

3. In other areas (between 30°S and 23°N), where necessary, CCMs are encouraged to have their longline vessels employ one or more of the seabird mitigation measures listed in Table 1.

*General Principles*

4. For research and reporting purposes, each CCM with longline vessels that fish in the Convention Area south of 30°S or north of 23°N shall submit to the Commission in part 2 of its annual report annually information describing which of the mitigation measures they require their vessels to use, as well as the technical specifications for each of those mitigation measures. Each such CCM shall also include in its annual reports for subsequent years any changes it has made to its required mitigation measures or technical specifications for those measures.

5. CCMs are encouraged to undertake research to further develop and refine measures to mitigate seabird bycatch including mitigation measures for use during the setting and hauling process and should submit to the Secretariat for the use by the SC and the TCC any information derived from such efforts. Research should be undertaken in the fisheries and areas to which the measure will be used.

6. The SC and TCC will annually review any new information on new or existing mitigation measures or on seabird interactions from observer or other monitoring programmes. Where necessary, an updated suite of mitigation measures, specifications for mitigation measures, or recommendations for areas of application will then be provided to the Commission for its consideration and review as appropriate.

<sup>2</sup> If using side setting with a bird curtain and weighted branch lines from Column A this will be counted as two mitigation measures.

<sup>3</sup> If tori line is selected from both Column A and Column B this equates to simultaneously using two (i.e. paired) tori lines.

7. CCMs are encouraged to adopt measures aimed at ensuring that seabirds captured alive during longlining are released alive and in as good condition as possible and that wherever possible hooks are removed without jeopardizing the life of the seabird concerned. Research into the survival of released seabirds is encouraged.

8. The intersessional working group for the regional observer programme (IWG-ROP) will take into account the need to obtain detailed information on seabird interactions to allow analysis of the effects of fisheries on seabirds and evaluation of the effectiveness of bycatch mitigation measures.

9. CCMs shall annually provide to the Commission, in Part 1 of their annual reports, all available information on interactions with seabirds reported or collected by observers, including mitigation used, observed and reported species specific seabird bycatch rates and numbers, to enable the Scientific Committee to estimate seabird mortality in all fisheries to which the WCPFC Convention applies. See Annex 2 for Part 1 reporting template guideline. Alternatively, statistically rigorous estimates of species-specific seabird interaction rates (for longline, interactions per 1,000 hooks) and total numbers should be reported.

10. This Conservation and Management Measure shall be implemented by CCMs in the following manner:

- In areas south of 30 degrees South, no later than 1 July 2014.
- In areas north of 23 degrees North, and in relation to large-scale longline vessels of 24 meters or more in overall length, no later than 1 July 2014.

In 2013 the SC will assess to the extent possible the implications of the North Pacific small-vessel exemption on seabird interaction rates and make any appropriate recommendations, the TCC will evaluate the constraints and opportunities for small vessels to employ seabird mitigation measures in the North Pacific, and the Commission will consider appropriate seabird mitigation requirements for vessels less than 24m in length in the North Pacific.

12. This Conservation and Management measure replaces CMM2007-04, which is hereby repealed.

## **Annex 1. Specifications**

### **1. Tori lines (South of 30° South)**

#### **1a) For vessels $\geq 35$ m total length**

- i. Deploy at least 1 tori line. Where practical, vessels are encouraged to use a second tori line at times of high bird abundance or activity; both tori lines shall be deployed simultaneously, one on each side of the line being set. If two tori lines are used baited hooks shall be deployed within the area bounded by the two tori lines.
- ii. A tori line using long and short streamers shall be used. Streamers shall be: brightly coloured, a mix of long and short streamers.
  - a. Long streamers shall be placed at intervals of no more than 5 m, and long streamers must be attached to the line with swivels that prevent streamers from wrapping around the line. Long streamers of sufficient length to reach the sea surface in calm conditions must be used.
  - b. Short streamers (greater than 1m in length) shall be placed no more than 1m apart.
- iii. Vessels shall deploy the tori line to achieve a desired aerial extent greater than or equal to 100 m. To achieve this aerial extent the tori line shall have a minimum length of 200m, and shall be attached to a tori pole  $>7$ m above the sea surface located as close to the stern as practical.
- iv. If vessels use only one tori line, the tori line shall be deployed windward of sinking baits.

#### **1b) For vessels $< 35$ m total length**

- i. A single tori line using either long and short streamers, or short streamers only shall be used.
- ii. Streamers shall be: brightly coloured long and/or short (but greater than 1m in length) streamers must be used and placed at intervals as follows:
  - a. Long streamers placed at intervals of no more than 5m for the first 55 m of tori line.
  - b. Short streamers placed at intervals of no more than 1m.
- iii. Long streamers shall be attached to the line with swivels that prevent streamers from wrapping around the line. All long streamers shall reach the sea-surface in calm conditions.
- iv. Vessels shall deploy the tori line to achieve a desired aerial extent of 75 m. To achieve this aerial extent the tori line shall have a minimum length of 100m, and shall be attached to a tori pole  $>6$ m above the sea surface located as close to the stern as practical. If the tori line is less than 150 m in length, it must have a towed object attached to the end so that the aerial extent is maintained over the sinking baited hooks.
- v. If two tori lines are used, the two lines must be deployed on opposing sides of the main line.

## **2. Tori lines (North of 23° North)**

### **2a) Long Streamer**

- i. Minimum length: 100 m
- ii. Must be attached to the vessel such that it is suspended from a point a minimum of 5 m above the water at the stern on the windward side of the point where the hookline enters the water.
- iii. Must be attached so that the aerial extent is maintained over the sinking baited hooks.
- iv. Streamers must be less than 5m apart, be using swivels and long enough so that they are as close to the water as possible.
- v. If two (i.e. paired) tori lines are used, the two lines must be deployed on opposing sides of the main line.

### **2b) Short Streamer**

- i. Must be attached to the vessel such that it is suspended from a point a minimum of 5 m above the water at the stern on the windward side of a point where the hookline enters the water.
- ii. Must be attached so that the aerial extent is maintained over the sinking baited hooks.
- iii. Streamers must be less than 1m apart and be 30 cm minimum length.
- iv. If two (i.e. paired) tori lines are used, the two lines must be deployed on opposing sides of the main line.

## **3. Side setting with bird curtain and weighted branch lines**

- i. Mainline deployed from port or starboard side as far from stern as practicable (at least 1m), and if mainline shooter is used, must be mounted at least 1m forward of the stern.
- ii. When seabirds are present the gear must ensure mainline is deployed slack so that baited hooks remain submerged.
- iii. Bird curtain must be employed:
  - Pole aft of line shooter at least 3 m long;
  - Minimum of 3 main streamers attached to upper 2 m of pole;
  - Main streamer diameter minimum 20 mm;
  - Branch streamers attached to end of each main streamer long enough to drag on water (no wind) – minimum diameter 10 mm.

## **4. Night setting**

- i. No setting between nautical dawn and before nautical dusk.
- ii. Nautical dusk and nautical dawn are defined as set out in the Nautical Almanac tables for relevant latitude, local time and date.
- iii. Deck lighting to be kept to a minimum. Minimum deck lighting should not breach minimum standards for safety and navigation.

**5. Weighted branch lines**

- i. Following minimum weight specifications are required:
  - one weight greater than or equal to 40g within 50cm of the hook; or
  - greater than or equal to a total of 45g attached to within 1 m of the hook; or
  - greater than or equal to a total of 60 g attached to within 3.5 m of the hook; or
  - greater than or equal to a total of 98 g weight attached to within 4 m of the hook.

**6. Management of offal discharge**

- i. Either no offal discharge during setting or hauling;
- ii. Or strategic offal discharge from the opposite side of the boat to setting/hauling to actively encourage birds away from baited hooks.

**7. Blue-dyed bait**

- i. If using blue-dyed bait it must be fully thawed when dyed.
- ii. The Commission Secretariat shall distribute a standardized colour placard.
- iii. All bait must be dyed to the shade shown in the placard.

**8. Deep setting line shooter**

- i. Line shooters must be deployed in a manner such that the hooks are set substantially deeper than they would be lacking the use of the line shooter, and such that the majority of hooks reach depths of at least 100 m.

## Annex 2. Guidelines for reporting templates for Part 1 report

The following tables should be included in the Part 1 country reports, summarising the most recent five years.

**Table x: Effort, observed and estimated seabird captures by fishing year for [CCM] [South of 30°S; North of 23°N; or 23°N - 30°S<sup>1</sup>]. For each year, the table gives the total number of hooks; the number of observed hooks; observer coverage (the percentage of hooks that were observed); the number of observed captures (both dead and alive); the capture rate (captures per thousand hooks) and mitigation types used by the fleet.**

Year	Fishing effort				Observed seabird captures	
	Number of vessels	Number of hooks	Observed hooks	% hooks observed	Number	Rate <sup>2</sup>
2006						
2007						
2008						
2009						
2010						
2011						
2012						

<sup>1</sup> State North of 23°N, South of 30°S or 23°N - 30°S, for CCMs fishing in all areas provide separate tables for each; <sup>2</sup> Provide as captures per one thousand hooks.

**Table y: Number of observed seabird captures in [CCM] longline fisheries, 2012, by species and area.**

Species	South of 30°S	North of 23°N	23°N - 30°S	Total
E.g. Antipodean albatross				
E.g. Gibson's albatross				
E.g. Unidentified albatross				
E.g. Flesh footed shearwater				
E.g. Great winged petrel				
E.g. White chinned petrel				
E.g. Unidentified				
<b>Total</b>				



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Cairns, Australia  
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**CONSERVATION AND MANAGEMENT MEASURE FOR BIGEYE, YELLOWFIN  
AND SKIPJACK TUNA IN THE WESTERN AND CENTRAL PACIFIC OCEAN**

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**Conservation and Management Measure 2013-01<sup>1</sup>**

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<sup>1</sup> WCPFC10-2013-32 as adopted by WCPFC10 on Friday 6<sup>th</sup> December 2013, with corrected paragraph numbers.

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## Preamble

*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) were developed to mitigate the overfishing of bigeye and yellowfin tuna and to limit the growth of fishing capacity in the Western and Central Pacific Ocean 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 is subject to overfishing, and that yellowfin stocks are currently being fished at capacity, reductions in fishing mortality are required in order to reduce the risks that these stocks will become overfished;

**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;

*Taking note* of Article 8(1) of the Convention requiring 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* 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 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 system of zone-based FAD set limits to replace the FAD closure and flag-based FAD set limits in their EEZs;

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

## **I. Objectives and general rules**

### **Objectives**

The objectives of this Measure are to ensure that:

#### **General**

1. Compatible measures for the high seas and exclusive economic zones (EEZs) are implemented so that bigeye, yellowfin and skipjack tuna stocks are, at a minimum, maintained at levels capable of producing their maximum sustainable yield 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. The Commission will amend, or replace the objectives with target reference points after their adoption.

### **Skipjack**

2. the Fishing Mortality Rate (F) for skipjack will be maintained at a level no greater than  $F_{msy}$ , i.e.  $F/F_{msy} \leq 1$ .

### **Bigeye**

3. the fishing mortality rate for bigeye tuna will be reduced to a level no greater than  $F_{msy}$ , i.e.  $F/F_{msy} \leq 1$ . This objective shall be achieved through step by step approach through 2017 in accordance with this Measure.

### **Yellowfin**

4. the fishing mortality rate is not greater than  $F_{msy}$ , i.e.  $F/F_{msy} \leq 1$ .

## **General Rules**

### **Attribution of Charter Arrangements**

5. For the purposes of paragraph 9, 10, 16-18, 25, 28, 40, 43, 49, 50, 51, and 52, attribution of catch and effort shall be to the flag State, except that catches and effort of vessels notified as chartered under CMM 2011-05 shall be attributed to the chartering Member, or Participating Territory. Attribution for the purpose of this Measure is without prejudice to attribution for the purposes of establishing rights and allocation.

### **Non-Parties**

6. In giving effect to CMM 2009-11 or its replacement the Commission shall advise non-Parties to the Convention wishing to acquire Co-operating Non Member (CNM) status as follows: (a) that for bigeye tuna the current fishing mortality rate is above that associated with MSY and the Scientific Committee recommends a reduction in F for bigeye tuna; (b) yellowfin tuna is not being overfished but current F is close to  $F_{msy}$  and the Scientific Committee recommends no increase in F for yellowfin tuna; (c) that skipjack tuna is not being overfished and that the Scientific Committee recommended that the Commission consider adopting limits on fishing for skipjack tuna and noted that additional purse seine effort on skipjack tuna will yield only modest long term gains in catches. Therefore, where necessary, the limits that apply to CNMs, particularly on the high seas, will be determined by the Commission in accordance with CMM 2009-11 or its revision.

## **Small Island Developing States**

7. Unless otherwise stated, 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. This paragraph shall not be applied to paragraphs 14 - 24, 30 and 32 – 37.

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

### **Transfer of effort**

9. 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 20S. 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 20N.

10. CCMs shall ensure that the effectiveness of other measures of the Commission is not undermined by a transfer of **longline** fishing effort or capacity to other areas within the Convention Area.

### **Area of Application**

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

12. Coastal States are encouraged to take measures to reduce fishing mortality on juvenile bigeye and yellowfin tuna in archipelagic waters and territorial seas and to notify/inform the WCPFC Secretariat of the relevant measures that they will apply in these waters including longline bigeye catch limits and expected number of FAD sets or bigeye catches from purse seining.

### **Overlap Area**

13. The catch and effort limits in paragraphs 16 - 18 (FAD sets), paragraph 25 (high seas purse seine effort limits), paragraph 40 (bigeye longline catch), and paragraphs 28 and 43 (yellowfin purse seine effort and longline catch) shall be calculated from the relevant historical levels within the Convention Area except for those Member flag

States who, consistent with the WCPFC9 decision (paragraph 80 of WCPFC9 Summary Report), notify of their choice to implement IATTC measures in the overlap area. For those Member flag States who choose to implement IATTC measures in the overlap area, the calculation of their limits for the Convention Area (excluding the overlap area) shall exclude historical catch or effort within the overlap area. 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.

## **II. Measures for 2014-2017**

### **Purse seine fishery in tropical area (20N – 20S)**

#### **FAD Set Management<sup>2</sup>**

##### ***Common measures for 2014-2017***

14. A three (3) months (July, August and September) prohibition of setting on FADs shall be in place for all purse seine vessels fishing in EEZs and high seas (see paragraphs 3 -7 of CMM 2009-02 for the rules for the FAD closure in the high seas).

15. The Commission shall at WCPFC11 adopt arrangements to ensure that this CMM, consistent with the Convention Article 30 2(c), does not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto SIDS. The fifth month FAD closure and alternative FAD set limit in paragraph 17 shall only take effect when these arrangements are agreed.

##### ***Additional FAD Measures for 2014***

16. Each CCM must select one of the following options listed below and notify the Secretariat of that selection by April 1, 2014.<sup>3</sup>

**a.** The prohibition of setting on FADs shall be extended for an additional month, for a total of 4 months (July, August, September, and October). OR

**b.** In addition to the 3-month prohibition of setting on FADs the CCM shall

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<sup>2</sup> For members of the PNA, this measure will be implemented through the Third Arrangement Implementing the Nauru Agreement of May 2008.

<sup>3</sup> Purse seine vessels flagged to a developing coastal state member smaller than 50 m LOA (13+36=49 vessels currently on the WCPFC Record of Fishing Vessels) are exempted from this reduction requirement described in paragraphs 16 - 18. When a SIDS CCM chooses limitation of annual FAD sets stipulated in paragraphs 16 - 18, purse seine vessels newly introduced after January 1 2010 are managed outside of the FAD set limit for that CCM for 3 years following their introduction. After 3 years the FAD sets/total sets by those vessels shall be incorporated into the calculation of the baseline figure for that CCM. Those purse seine vessels exempted or managed outside the FAD set limit shall be notified to the Secretariat by 31 March 2014 or within 15 days of vessels introduced after this date.

limit the total number of FAD sets by its vessels to the number listed in column A in Attachment A.<sup>4</sup>

***Additional FAD Measures for 2015 and 2016***

17. Each CCM must select one of the following options listed below and notify the Secretariat of that selection by December 31 of the previous year.

**a.** The prohibition of setting on FADs shall be extended for an additional two (2) months, for a total of 5 months (January, February, July, August, September). If a non-SIDS CCM chooses this option, the CCM shall take necessary measures to ensure that its total FAD sets in 2015 and 2016 shall not increase from its average number of FAD sets in 2010-2012, as listed in column D in Attachment A. OR

**b.** In addition to the 3-month prohibition of setting on FADs the CCM shall limit the total number of FAD sets by its vessels to the number listed in column B in Attachment A.

***Additional FAD Measures for 2017***

18. In addition to the FAD measures 2015 and 2016, except for those Kiribati flagged vessels fishing in the adjacent high seas, it shall be prohibited to set on FADs in the high seas, unless the Commission decides on other alternative measures at its 2014 or 2015 or 2016 annual meeting.<sup>5</sup>

***Reporting for FAD set limit option***

19. CCMs that select an option that limits the number of FAD sets in addition to the 3-month prohibition of FAD sets (paragraph 16b, 17b) shall implement the limit on FAD sets in accordance with the following:

(a) The captain of a purse seine vessel shall weekly report (i) the number of FAD sets, (ii) the number of total sets, and (iii) estimated bigeye catch in the previous week to the flag CCM and the observer on board.

(b) The flag CCM shall provide information set forth in (19a) every month by its vessels to the Secretariat.

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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.

<sup>5</sup> The high seas FAD closure in paragraph 18 does not apply in 2017 to a CCM that has achieved a verifiable reduction in bigeye catches by its purse seine vessels to 55% from current levels (2010-2012), to be reviewed on the basis of the advice of the Scientific Committee. The measures that the Philippines will take are in Attachment C.

- (c) After the number of FAD set conducted reaches 80% of the set limit, the CCM shall report the information (19a) above weekly to the Secretariat.
- (d) After the number of FAD sets conducted reaches 90% of the set limit, the captain shall report the information daily to the flag CCM authority.
- (e) When the number of FAD set conducted reaches the limit, the CCM shall promptly take necessary measures to ensure that no further sets on FADs shall be made by its purse seine vessels during that calendar year and report the measures taken to the Secretariat.

## **Purse Seine Effort Control**

### ***Exclusive Economic Zones<sup>6</sup>***

20. Coastal States within the Convention Area that are Parties to the Nauru Agreement (PNA) shall restrict the level of purse seine effort in their EEZs to 2010 levels through the PNA Vessel Days Scheme.

21. CCMs shall support the ongoing development and strengthening of the PNA VDS including implementation and compliance with the requirements of the VDS as appropriate.

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

23. Other coastal States within the Convention Area other than those referred to in paragraph 20 and paragraph 22 shall establish effort limits, or equivalent catch limits for purse seine fisheries within their EEZs that reflect the geographical distributions of skipjack, yellowfin, and bigeye tunas, and are consistent with the objectives for those species. Those coastal States 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 30 June 2014.

### ***Reporting against EEZ Limits***

24. PNA shall report to the Commission against its collective annual limit by 1 July for the previous 12-month calendar period. CCMs subject to limits in paragraph 22 and 23 shall report their quantitative limits and their bases in their Annual Report Part 2 for 2013 and shall annually report fishing days in their Annual Report Part 2 for the

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<sup>6</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 20N and south of 20S.

previous 12 month calendar period.

#### ***High Seas purse seine effort limits***

25. For 2014, non-SIDS CCMs shall restrict the level of purse seine effort on high seas to the limits indicated in Attachment D.<sup>7</sup> The Commission shall review these limits at its meeting in 2014 and agree on high seas purse seine effort limits to apply after 2014.

26. Notwithstanding any agreement that may be reached at its annual meetings in 2014, 2015 and 2016 on high seas purse seine effort limits the total effort level for non-SIDS CCMs shall not exceed the total level of effort in Attachment D.<sup>8</sup>

27. The limits in paragraph 25 and 26 do not confer the allocation of rights to any CCM and are without prejudice to future decisions of the Commission.

#### ***Yellowfin tuna purse seine catch***

28. CCMs agree to take measures not to increase catches by their vessels of yellowfin tuna. At its 2014 regular session the Commission will formulate and adopt appropriate limits for CCMs, based on recommendations from the Scientific Committee, and taking into account other measures in this CMM. At its 2014 regular session the Commission will also formulate and adopt any in-season reporting requirements needed to support full implementation of these limits.

29. The Scientific Committee at its 2014 regular session will provide advice to the Commission on the relative impact on fishing mortality for yellowfin, of FAD set measures and any increases of yellowfin purse seine catch in unassociated schools.

#### ***Catch retention***

30. To create a disincentive to the capture of small fish and to encourage the development of technologies and fishing strategies designed to avoid the capture of small tunas and other fish, 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, yellowfin tuna. (See CMM 2009-02 paragraphs 8-12 for the Commission's rules for catch retention in the high seas.) The

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<sup>7</sup> The measures that the Philippines will take are in Attachment C.

<sup>8</sup> The limits in paragraph 25 are without prejudice to the positions of CCMs concerned about whether the effort on which the limits are based was compliant with CMMs.

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.

31. Nothing in paragraph 14-18 and 30 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.

### **Monitoring and control**

32. 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 2011-02 and paragraph 36.

33. 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).

34. 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.

35. 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.

36. 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.

## **FAD Management Plan**

37. By 1 July 2014, CCMs fishing on the high seas shall submit to the Commission Management Plans for the use of FADs by their vessels on the high seas, if they have not done so. These Plans shall include strategies to limit the capture of small bigeye and yellowfin tuna associated with fishing on FADs, including implementation of the FAD closure pursuant to paragraphs 14 – 18. The Plans shall at a minimum meet the Suggested Guidelines for Preparation for FAD Management Plans for each CCM (Attachment E).

38. The Commission Secretariat will prepare a report on additional FAD management options for consideration by the Scientific Committee, the Technical & Compliance Committee and the Commission in 2014, including:

- a. Marking and identification of FADs;
- b. Electronic monitoring of FADs;
- c. Registration and reporting of position information from FAD-associated buoys; and
- d. Limits to the number of FADs deployed or number of FAD sets made.

## **Juvenile Tuna Catch Mitigation Research**

39. CCMs and the Commission shall promote and encourage research to identify ways for vessels to avoid the capture of juvenile bigeye and yellowfin tuna during FAD sets, including, *inter-alia*, the possibility that the depth of the purse seine net is a factor in the amount of juvenile bigeye and yellowfin tuna taken during such sets. Results shall be presented annually, through the Scientific Committee and the Technical and Compliance Committee, to the Commission.

## **Longline fishery**

### **Bigeye Catch limits**

40. The catch limits in 2014 and thereafter for bigeye tuna shall be as specified in Attachment F. Any overage of the catch limit by a CCM shall be deducted from the catch limit for the following year for that CCM.

41. Paragraph 40 does not apply to members that caught less than 2,000 tonnes in 2004. Each member that caught less than 2,000 tonnes of bigeye in 2004 shall ensure that their catch does not exceed 2,000 tonnes in each of the next 4 years (2014, 2015, 2016 and 2017). Consistent with paragraph 6 opportunities for non-members will be decided by the Commission on a case by case basis.

42. The limits in paragraphs 40 and 41 do not confer the allocation of rights to any CCM and are without prejudice to future decisions of the Commission.

### **Yellowfin measures**

43. CCMs agree to take measures not to increase catches by their longline vessels of yellowfin tuna. At its 2014 regular session the Commission will formulate and adopt appropriate limits for CCMs, based on recommendations from the Scientific Committee, and taking into account other measures in this CMM. At its 2014 regular session the Commission will also formulate and adopt any in-season reporting requirements needed to support full implementation of these limits.

### **Monthly bigeye catch report**

44. CCMs listed in Attachment F shall report monthly the amount of bigeye catch by their flagged vessels to the Secretariat by the end of the following month. When 90% of the catch limit for a CCM is exceeded, the Secretariat shall notify that to all CCMs.

### **Spatial Management**

45. CCMs will explore spatial approaches to managing the tropical tuna stocks, particularly bigeye tuna, including zone-based longline management measures and FAD set limits in the purse seine fishery.

### **Other Commercial fisheries**

46. To assist the Commission in the further development of provisions to manage the catch of bigeye, yellowfin, and skipjack tunas the Scientific and Technical and Compliance Committees during their meetings in 2014 will provide advice to the Commission on which fisheries should be included in this effort and what information is needed to develop appropriate management measures for those fisheries.

47. CCMs shall take necessary measures to ensure that the total effort and capacity of their respective other commercial tuna fisheries for bigeye, yellowfin and skipjack tuna but excluding those fisheries taking less than 2,000 tonnes of bigeye, yellowfin, and skipjack, shall not exceed the average level for the period 2001-2004 or 2004.

48. CCMs shall provide the Commission with estimates of fishing effort for these other fisheries or proposals for the provision of effort data for these fisheries for 2013

and future years.

## **Capacity Management**

### **Purse Seine vessels**

49. Other than SIDS and Indonesia, CCMs shall not increase the number of purse seine vessels flying their flag larger than 24m with freezing capacity between 20N and 20S (hereinafter “LSPSVs”) above the current level.<sup>9</sup>

50. The concerned CCMs 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 of the replaced vessel shall be immediately revoked. Notwithstanding the first sentence in this paragraph, for those vessels for which building approval has already been granted and notified to the Commission before 1 March 2014, the construction of those vessels will be in accordance with existing regulations of the concerned CCMs.

### **Longline vessels**

51. Other than SIDS and Indonesia<sup>10</sup>, CCMs shall not increase the number of their longline vessels with freezing capacity targeting bigeye tuna above the current level.

52. Other than SIDS and Indonesia, CCMs shall not increase the number of their ice-chilled longline vessels targeting bigeye tuna and landing exclusively fresh fish, above the current level or above the current number of licenses under established limited entry programmes.<sup>11</sup>

### **Capacity management work plan**

53. The Commission shall develop a scheme for:

- a. Reduction of overcapacity in a way that does not constrain the access to, development of, and benefit from sustainable tuna fisheries, including on the

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<sup>9</sup> China shall limit its number of flagged purse seine vessels to 20 vessels to accommodate vessels moving back under its flag from the flags of other CCMs.

<sup>10</sup> This paragraph shall not create a precedent to respect to application of exemptions non-SIDS CCMs.

<sup>11</sup> The provisions of this paragraph do not apply to those CCMs who apply domestic individual transferable quotas within a legislated/regulated management framework.

high seas, by developing coastal states, in particular small island developing States, territories, and States with small and vulnerable economies; and

b. Transfer of capacity from developed fishing members to developing coastal fishing members within its area of competence where appropriate, including market-based mechanisms for the voluntary transfer.

54. CCMs, other than SIDS, shall jointly develop a scheme to jointly reduce the capacity of LSPSVs to the level of 31 December 2012 and submit it to WCPFC11.

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

### **III. Review of measures**

56. The Commission shall review this CMM annually to ensure that the various provisions are having the intended effect(s). It is anticipated that significant new information will enable a further review in 2014.

### **IV. Final Clause**

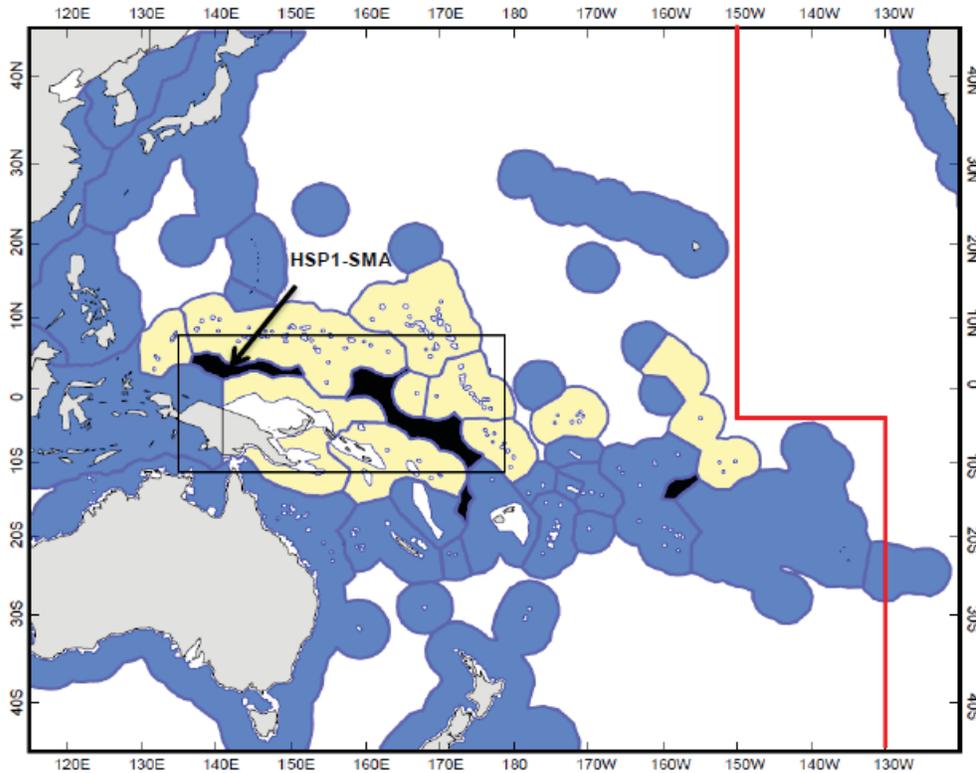
57. This measure replaces CMM 2012-01 and shall remain in effect until 31 December 2017.

## Attachment A: FAD set limits tables (2014 – 2016)

	Column A	Column B	Column D
	2014 FAD set limit	2014 Rule (baseline period is 2010 - 2012)	2015 and 2016 FAD set limit
		2014 Rule (baseline period is 2010 - 2012)	2015 and 2016 Rule (baseline period is 2010 - 2012)
			Baseline for FAD set limits (2010-12 average except for fleets of five or fewer vessel who have the maximum for 2010-12)
CHINA	845	31.5% of average total sets	27.5% of average total sets
ECUADOR	119	31.5% of average total sets	27.5% of average total sets
EL SALVADOR	59	31.5% of maximum total sets (small fleet)	27.5% of maximum total sets (small fleet)
FSM	604	8/9 average FAD sets	7/9 average FAD sets
JAPAN	2,139	31.5% of average total sets	27.5% of average total sets
KIRIBATI	493	36.5% of average total sets	32.5% of average total sets
MARSHALL ISLANDS	1,028	8/9 average FAD sets	7/9 average FAD sets
NEW ZEALAND	183	31.5% of maximum total sets (small fleet)	27.5% of maximum total sets (small fleet)
PAPUA NEW GUINEA	2,215	36.5% of average total sets	32.5% of average total sets
PHILIPPINES (distant-water)	462	31.5% of average total sets	27.5% of average total sets
REPUBLIC OF KOREA	2,286	31.5% of average total sets	27.5% of average total sets
SOLOMON ISLANDS	165	8/9 maximum FAD sets (small fleet)	7/9 maximum FAD sets (small fleet)
EUROPEAN UNION	170	31.5% of maximum total sets (small fleet)	27.5% of maximum total sets (small fleet)
CHINESE TAIPEI	2,416	31.5% of average total sets	27.5% of average total sets
TUVALU	127	36.5% of maximum total sets (small fleet)	32.5% of maximum total sets (small fleet)
USA	2,522	31.5% of average total sets	27.5% of average total sets
VANUATU	349	8/9 maximum FAD sets (small fleet)	7/9 maximum FAD sets (small fleet)
<b>TOTAL</b>	<b>16,183</b>		<b>14,181</b>
			<b>15,864</b>

## Attachment B: WCPFC Convention Area Related to Attachment C

- showing HSP-1 SMA where the arrangements in Attachment C 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.

## **Attachment C: Measure for Philippines**

1. This Attachment of CMM 2013-01 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 (in Attachment B).

### **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 2013-01 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 D. High Seas Purse Seine Effort Limits (days)

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, in accordance with paragraph 6 of this CMM

# The measures that the Philippines will take are in Attachment C

## Attachment E: Preparation of FAD Management Plans

To support obligations in respect of FADs<sup>15</sup> in CMM-2013-01, the FAD Management Plan (FADMP) for a CCM purse seine fleet to be submitted to the Commission shall include:

- An objective
- Scope:
  - Description of its application with respect to:
    - Vessel-types and support and tender vessels,
    - FAD types [anchored (AFAD) AND drifting (DFAD)],
    - maximum FAD numbers permitted to be deployed [per purse seine or ring net vessel per FAD type],
    - reporting procedures for AFAD and DFAD deployment,
    - catch reporting from FAD sets (consistent with the Commission's Standards for the Provision of Operational Catch and Effort Data),
    - minimum distance between AFADs,
    - incidental by-catch reduction and utilization policy,
    - consideration of interaction with other gear types,
    - statement or policy on "FAD ownership".
  - Institutional arrangements for management of the FAD Management Plans
    - Institutional responsibilities,
    - Application processes for FAD deployment approval,
    - Obligations of vessel owners and masters in respect of FAD deployment and use,
    - FAD replacement policy,
    - Reporting obligations,
    - Observer acceptance obligations,
    - Relationship to Catch Retention Plans,
    - Conflict resolution policy in respect of FADs.
  - FAD construction specifications and requirements
    - FAD design characteristics (a description),
    - FAD markings and identifiers,
    - Lighting requirements,
    - radar reflectors,
    - visible distance,
    - radio buoys [requirement for serial numbers],
    - satellite transceivers [requirement for serial numbers].
  - Applicable areas
    - Details of any closed areas or periods e.g. territorial waters, shipping lanes, proximity to artisanal fisheries, etc.

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<sup>15</sup> Fish aggregating devices (FAD) are drifting or anchored floating or submerged objects deployed by vessels for the purpose of aggregating target tuna species for purse seine or ring-net fishing operations

- Applicable period for the FAD-MP
- Means for monitoring and reviewing implementation of the FAD-MP.
- Means for reporting to the Commission

### Attachment F: Bigeye Longline Catch Limits by Flag

CCMs	Catch Limits			
	2014	2015	2016	2017
CHINA	9,398	8,224	8,224	7,049
INDONESIA	5,889	5,889*	5,889*	5,889*
JAPAN	19,670	18,265	18,265	16,860
REPUBLIC OF KOREA	15,014	13,942	13,942	12,869
CHINESE TAIPEI	11,288	10,481	10,481	9,675
USA	3,763	3,554	3,554	3,345

\*Provisional and maybe subject to revision following data analysis and verification



**COMMISSION  
TENTH REGULAR SESSION**  
Cairns, Australia  
2-6 December 2013

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**CONSERVATION AND MANAGEMENT MEASURE FOR COMPLIANCE MONITORING  
SCHEME**

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**Conservation and Management Measure 2013-02**

*The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Commission)*

*In accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention):*

*Recalling* that the Commission has adopted a wide range of conservation and management measures to give effect to the objective of the Convention,

*Noting* that, in accordance with Article 25 of the Convention, Members of the Commission have undertaken to enforce the provisions of the Convention and any conservation and management measures issued by the Commission,

*Noting also* that, in accordance with international law, Members and Cooperating Non-Members of the Commission and Participating Territories have responsibilities to exercise effective control over their flagged vessels and with respect to their nationals,

*Noting further* that Article 23 of the Convention obliges Members of the Commission, to the greatest extent possible, to take measures to ensure that their nationals, and fishing vessels owned or controlled by their nationals, comply with the provisions of this Convention, and that Article 24 of the Convention obliges Members of the Commission to take the necessary measures to ensure that fishing vessels flying their flag comply with the provisions of the Convention and the conservation and management measures adopted pursuant thereto, as well as the obligations of chartering States with respect to chartered vessels operating as an integral part of their domestic fleets,

*Noting* that, in a responsible, open, transparent and non-discriminatory manner, the Commission should be made aware of any and all available information that may be relevant to the work of the Commission in identifying and holding accountable instances of non-compliance with management measures,

*Recalling* the recommendation of the second joint meeting of the tuna Regional Fisheries Management Organizations (RFMOs) that all RFMOs should introduce a robust compliance review mechanism by which the compliance record of each Party is examined in depth on a yearly basis,

*Recognizing* the need to provide such technical assistance and capacity building to developing State Members and Cooperating Non-Members, particularly small island developing State Members and Participating Territories, as may be needed to assist them to meet their obligations and responsibilities, and

*Recognizing further* the responsibility of Members, Cooperating Non-Members and Participating Territories to fully and effectively implement the provisions of the Convention and the conservation and management measures adopted by the Commission, and the need to improve such implementation and ensure compliance with these commitments,

*Adopts the following conservation and management measure in accordance with Article 10 of the Convention, establishing the WCPFC Compliance Monitoring Scheme:*

**Section I - Purpose**

1. The purpose of the WCPFC Compliance Monitoring Scheme (CMS) is to ensure that Members, Cooperating Non-Members and Participating Territories (CCMs) implement and comply with obligations arising under the Convention and conservation and management measures (CMMs) adopted by the Commission. The CMS is designed to:

- (i) assess CCMs' compliance with their obligations;
- (ii) identify areas in which technical assistance or capacity building may be needed to assist CCMs to attain compliance;
- (iii) identify aspects of conservation and management measures which may require refinement or amendment for effective implementation;
- (iv) respond to non-compliance through remedial options that include a range of possible responses that take account of the reason for and degree of non-compliance, and include cooperative capacity-building initiatives and, in case of serious non-compliance, such penalties and other actions as may be necessary and appropriate to promote compliance with CMMs and other Commission obligations;<sup>1</sup> and
- (v) monitor and resolve outstanding instances of non-compliance.

**Section II - Scope and application**

2. The Commission, with the assistance of the Technical and Compliance Committee (TCC) shall evaluate CCMs' compliance with the obligations arising under the Convention and the CMMs adopted by the Commission and identify instances of non-compliance.

3. Each year the Commission shall evaluate compliance by CCMs during the previous calendar year with the obligations in the Convention and CMMs adopted by the Commission with respect to:

- (i) catch and effort limits for target species;
- (ii) catch and effort reporting for target species;
- (iii) reporting for seabird and other non-target species;
- (iv) spatial and temporal closures, and restrictions on the use of fish aggregating devices;
- (v) authorizations to fish and the Record of Fishing Vessels, observer, VMS coverage, and the High Seas Boarding and Inspection Scheme;
- (v) provision of scientific data through the Part 1 Annual Report and the Scientific Data to be provided to the Commission; and

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<sup>1</sup> In accordance with the process for identifying responses to non-compliance adopted by the Commission to complement the Scheme, as provided for in paragraph 24 of this measure.

- (vi) submission of the Part 2 Annual Report, including compliance with the obligations in paragraph 22, and compliance with other Commission reporting deadlines.
- 4. The Commission shall also evaluate compliance by CCMs during the previous calendar year with collective obligations arising from the Convention or CMMs related to fishing activities managed under the Convention.
- 5. Each year, the Commission shall consider and identify whether additional obligations should be evaluated annually or in another specified time period, taking into account:
  - (i) the needs and priorities of the Commission, including those of its subsidiary bodies;
  - (ii) the need to assess and address persistent non-compliance; and
  - (iii) the potential risks posed by non-compliance with particular obligations to achieving the goals of the Convention or specific measures adopted thereunder.
- 6. Through the CMS, the Commission shall also consider and address:
  - (i) compliance by CCMs with recommendations adopted pursuant to the Scheme the previous year, and
  - (ii) responses by CCMs to alleged violations reported under Article 23(5) or 25(2) of the Convention.
- 7. The preparation, distribution and discussion of compliance information pursuant to the CMS shall be in accordance with all relevant rules and procedures relating to the protection and dissemination of, and access to, public and non-public domain data and information compiled by the Commission. In this regard, Draft and Provisional Compliance Monitoring Reports shall constitute non-public domain data, and the Final Compliance Monitoring Report shall constitute public domain data.
- 8. The CMS shall not prejudice the rights, jurisdiction and duties of any CCM to enforce its national laws or to take more stringent measures in accordance with its national laws, consistent with that CCM's international obligations.
- 9. The Commission recognises the special requirements of developing State CCMs, particularly small island developing State Members and Participating Territories, and shall seek to actively engage and cooperate with these CCMs and facilitate their effective participation in the implementation of the CMS including by:
  - (i) ensuring that inter-governmental sub-regional agencies which provide advice and assistance to these CCMs are able to participate in the processes established under the CMS, including by attending any working groups as observers and participating in accordance with Rule 36 of the Commission's Rules of Procedure, and having access to all relevant documents, and
  - (ii) providing appropriately targeted assistance to improve implementation of, and compliance with, obligations arising under the Convention and CMMs adopted by the Commission, including through consideration of the options for capacity building and technical assistance.

### **Section III - Draft Compliance Monitoring Report**

- 10. Prior to the annual meeting of the TCC, the Executive Director shall prepare a Draft Compliance Monitoring Report (the Draft Report) that consists of individual draft

Compliance Monitoring Reports (dCMRs) concerning each CCM and a section concerning collective obligations arising from the Convention or CMMs related to fishing activities managed under the Convention. Each dCMR shall reflect information relating to the relevant CCM's implementation of obligations in the Convention and CMMs adopted by the Commission, as well as any potential compliance issues, where appropriate. Such information shall be sourced from reports submitted by CCMs as required in CMMs and other Commission obligations, such as Parts 1 and 2 of the Annual Reports as well as information available to the Commission through other data collection programs, including but not limited to, high seas transshipment reports, regional observer program reports, Vessel Monitoring System information, High Seas Boarding and Inspection Scheme reports, and charter notifications; and where appropriate, any additional suitably documented information regarding compliance during the previous calendar year. The Draft Report shall present all available information relating to each CCM's implementation of obligations for compliance review by TCC.

11. The Executive Director shall transmit the relevant dCMR to each CCM by 28 July each year.

12. Upon receipt of the relevant dCMR, each CCM may reply to the Executive Director by 28 August each year in order to (where appropriate):

- (i) provide additional information, clarifications, amendments or corrections to information contained in its dCMR;
- (ii) identify any particular difficulties with respect to implementation of any obligations; or
- (iii) identify technical assistance or capacity building needed to assist the CCM with implementation of any obligations.

13. At least three weeks in advance of the TCC meeting, the Executive Director shall compile and circulate to all CCMs the full Draft Report that will include any potential compliance issues, in a form to be agreed to by the Commission, including all information that may be provided under paragraph 12 of this measure.

14. TCC shall review the Draft Report and identify any potential compliance issues for each CCM, based on information contained in the dCMRS, as well as any information provided by CCMs in accordance with paragraph 12 of this measure. CCMs may also provide additional information to TCC with respect to implementation of its obligations. The review shall be held taking into account the confidentiality of information.

#### **Section IV – Provisional Compliance Monitoring Report**

15. Taking into account any additional information provided by CCMs, and, where appropriate, any additional information provided by non-government organisations or other organisations concerned with matters relevant to the implementation of this Convention, TCC shall develop a Provisional Compliance Monitoring Report (the Provisional Report) that will include a provisional assessment of each CCM's Compliance Status and recommendations for any corrective action needed, based on potential compliance issues it has identified in respect of that CCM and using the criteria and considerations for assessing Compliance Status set out in Annex I of this measure.

16. The Provisional Report will also include an executive summary including recommendations or observations from TCC regarding:

- (i) Identification of any CMMs that should be reviewed to address implementation or compliance difficulties experienced by CCMs, including any specific amendments or improvements that have been identified,
- (ii) capacity building requirements or other obstacles to implementation identified by CCMs, in particular small island developing State Members and Participating Territories, and
- (iii) additional priority obligations that should be reviewed under the CMS pursuant to paragraph 5 of this measure.

17. The Provisional Report shall be forwarded to the Commission for consideration at the annual meeting.

### **Section V - Compliance Monitoring Report**

18. At each annual Commission meeting, the Commission shall consider the Provisional Report recommended by the TCC.

19. Up to 30 days prior to the Commission meeting, CCMs may provide the Commission with additional advice or information relating to the Provisional Report, including any steps taken to address identified compliance issues.

20. Taking into account any additional information provided by CCMs, the Commission shall adopt a final Compliance Monitoring Report that includes a Compliance Status for each CCM and recommendations for any corrective action needed, based on compliance issues identified with respect to that CCM.

21. The final Compliance Monitoring Report shall also contain an executive summary setting out any recommendations or observations from the Commission regarding the issues listed in paragraph 16 of this measure.

22. Each CCM shall include, in its Part 2 Annual Report, any actions it has taken to address non-compliance identified in the Compliance Monitoring Report from previous years.

### **Section VI – Responses to Non Compliance**

23. The Commission shall take a graduated response to CCMs identified as having compliance issues, taking into account the type, severity, degree and cause of the non-compliance in question.

24. The Commission hereby establishes an intersessional working group to develop a process to complement the CMS that shall identify a range of responses to non-compliance that can be applied by the Commission through the implementation of the CMS, including cooperative capacity-building initiatives and, as appropriate, such penalties and other actions as may be necessary to promote compliance with Commission CMMs. The intersessional working group shall progress its work electronically to the greatest extent possible and will seek to ensure that all CCMs, particularly small island developing State Members and Participating Territories, have an opportunity to participate. The intersessional working group shall endeavour to develop a process for consideration no later than TCC11 and adoption no later than WCPFC12.

25. Once the Commission adopts a process establishing the range of responses to non-compliance, the TCC shall include a recommendation on the response to non-compliance in

its Provisional Compliance Monitoring Report for consideration by the Commission. The Commission shall identify a response to non-compliance in its Compliance Monitoring Report.

**Application and review**

26. This measure will be effective for 2014 only.

27. At its Eleventh meeting, the Commission will review the operation of the measure, and based on this review, consider and decide on a measure that will apply after 2014.

28. This measure shall be reviewed and revised, as needed, by the Commission to ensure its effectiveness.

## Annex I

### Compliance Status Table

<b>Compliance Status<sup>2</sup></b>	<b>Next Steps</b>
<i>Compliant</i>	None
<i>Non-Compliant</i>	One or more of the following: a. Further clarification of obligation b. Capacity building or technical assistance required c. Additional information required by XX date d. Rectify by XX date e. Other remedial action as determined by the Commission
<i>Priority Non-Compliant</i>	a. Undertake additional review of compliance with WCPFC obligations. b. Other remedial action as determined by the Commission

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<sup>2</sup> All non-compliant statuses will be subject to review during subsequent years until the CCM attains a status of "Compliant"



**COMMISSION**  
**Tenth Regular Session**  
2-6 December 2013  
Cairns, AUSTRALIA

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**STANDARDS, SPECIFICATIONS AND PROCEDURES FOR THE WESTERN AND  
CENTRAL PACIFIC FISHERIES COMMISSION RECORD OF FISHING VESSELS**

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**Conservation and Management Measure 2013-03**

### **Application**

These SSPs shall apply to the record of fishing vessels established under Article 24(7) of the Convention and further specified in any conservation and management measures adopted in relation to such record.

These SSPs shall take effect six months after adoption by the WCPFC.

### **The WCPFC Record of Fishing Vessels**

1. The WCPFC RFV shall consist of an electronic database that, at a minimum:
  - a. Is capable of depicting the current version of the RFV as a single table, in the structure and format shown in Attachment 1;
  - b. Is fully and readily searchable by public users, with the exception of any data deemed by the WCPFC to be non-public domain data and/or to be maintained only on the secure portion of the WCPFC web site;
  - c. Stores all historical data provided by CCMs and is capable of depicting the RFV as it was at any point in time in the past; and
  - d. Includes electronic photographs of the vessels on the RFV.

### **Responsibilities of CCMs**

It shall be the responsibility of CCMs to:

2. Submit complete vessel record data to the WCPFC Secretariat that meet the structure and format specifications of Attachment 1, and submit vessel photographs that meet the specifications of Attachment 2; and
3. Submit vessel record data to the WCPFC Secretariat via one of the following modes:<sup>1</sup>
  - a. Electronic transmission: Submittal via email or other electronic means of electronic data files that meet the electronic formatting specifications of Attachment 3; or
  - b. Manual transmission: Direct RFV data entry via the web portal maintained by the WCPFC Secretariat for this purpose (Attachment 4).

### **Responsibilities of the WCPFC Secretariat**

It shall be the responsibility of the WCPFC Secretariat to:

4. Maintain and utilize the RFV in a manner consistent with the Convention, the WCPFC's conservation and management measures, and the adopted standards, specifications and procedures relating to the RFV;
5. Provide a stable, reliable, fully maintained and supported RFV, including ensuring adequate redundancy and back-up systems to avoid data loss and provide timely data recovery;
6. Ensure that vessel data, once received from CCMs, are not altered, manipulated, or interfered with in any way, except as necessary to incorporate such data into the RFV in accordance with these SSPs;
7. Design and maintain the RFV so that it is capable of depicting the current RFV in the structure and format specified in Attachment 1;
8. Design and maintain the RFV so that numerical data can be displayed and downloaded using common units of measurement;
9. Ensure that the RFV is continuously publicly available via the WCPFC web site, with the exception of any pieces of information deemed by the WCPFC to be non-public domain data and/or to be maintained only on the secure portion of the WCPFC web site;
10. Develop and maintain the technical and administrative systems needed to receive vessel data from CCMs via any of the following modes:

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<sup>1</sup> The Commission may consider additional modes of transmission, such as modes involving direct links between the Commission's and CCMs' databases.

- a. Electronic transmission: Submittal via email or other electronic means of electronic data files that meet the electronic format specifications of Attachment 3;
  - b. Manual transmission: Direct manual data entry by a CCM via a web portal that meets the specifications of Attachment 4;
11. Within 24 hours of the next WCPFC official business day following receipt of vessel record data from a CCM, acknowledge receipt of the data and indicate to the CCM whether the data meet the minimum data requirements (i.e., they include data for all the fields with “□” in the “Min.” column in Attachment 1) and structure and format specifications of Attachments 1 and 2 and, if applicable, whether they meet the electronic formatting specifications of Attachment 3;
12. Within 48 hours (for electronic data transmissions) or 24 hours (for manual data transmissions) of the next WCPFC official business day following receipt from a CCM of vessel record data that meet the minimum data requirements (i.e., they include data for all the fields with “□” in the “Min.” column in Attachment 1) and structure and format specifications of Attachments 1 and 2, and, if applicable, the electronic formatting specifications of Attachment 3, incorporate such data into the RFV;
13. Provide for information on vessels’ “fished / did not fish” status for each year, as submitted by CCMs, to be integrated with the RFV insofar as being able to display, search, and analyze the information; and
14. Monitor and report annually to the TCC the performance of the RFV and its application and, as necessary, make recommendations for improvements or modifications to the system, standards, specifications or procedures established to support it, in order to ensure the RFV continues to function as a stable, secure, reliable, cost-effective, efficient, fully maintained and supported system.
15. Periodically recommend improvements to these SSPs, including, where appropriate, standards and codes that are consistent with those used in other international fora, such as the FAO and UN/CEFACT.

**Attachment 1. List of Fields in the WCPFC RFV and their Format and Content**

Min. <sup>2</sup>	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
√	Submitted by CCM	Text	Country name – in two-letter ISO code format (ISO 3166; Attachment 7)	HR ( <i>for Croatia</i> )	Implied in 2009-01: 5/6
√	Data action code	Text	This field is not for inclusion in the RFV itself, but must be used by CCMs in their data submissions  Enter “ADDITION” for vessels not currently on the RFV that are to be added to the RFV; enter “MODIFICATION” for vessels currently on the RFV the information for which is be modified; or enter “DELETION” for vessels currently on the RFV that are to be removed from the RFV	MODIFICATION	(Needed to instruct Secretariat/RFV of the changes to be made)
√	VID	Number (integer)	This number, generated automatically by the RFV upon inclusion of a vessel, must be provided for vessels being deleted or modified; if the vessel is being added to the RFV (i.e., it is not currently on the RFV), enter “NONE”	10503	(Needed to match vessels)
√	Name of the fishing vessel	Text	Name of the fishing vessel as indicated on flag State registration, in UPPER CASE	SEA MAPLE II	2009-01: 6(a)

<sup>2</sup> Fields marked “√” in this column together comprise the “minimum data requirements” for inclusion on the RFV, as described in paragraphs **Error! Reference source not found.** and **Error! Reference source not found.**

Min. <sup>2</sup>	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
√	Flag of the fishing vessel	Text Enter the country name in two-letter ISO code format (ISO 3166; Attachment 7)	Country name – in two-letter ISO code format (ISO 3166; Attachment 7)	HR ( <i>for Croatia</i> )	Implied in 2009-01: 5/6
√	Registration number	Text	Alphanumeric registration identifier assigned by the flag State, as indicated on flag State registration, in UPPER CASE	XX123	2009-01: 6(a)
√	WCPFC Identification Number (WIN)	Text	Vessel identifier assigned by flag State in accordance with CMM 2004-03, in UPPER CASE	ABC1234	2009-01: 6(a)
√	Previous names (if known)	Text If multiple previous vessel names, separate entries with “,”	List of previous names of the vessel, in UPPER CASE, if known by the CCM  - If the CCM knows that the vessel has no previous names, enter “NONE”  - If the CCM does not know if the vessel has any previous names, enter “NONE KNOWN”	ALPHA DRAGON  ALPHA DRAGON;SEA MAPLE I	2009-01: 6(a)
√	Port of registry	Text	Enter name of the city (port) of vessel registration	Murmansk	2009-01: 6(a)
√	Name of the owner or owners	Text If multiple owners, separate entries with “,” If company, enter full name of the company If personal name, enter last/family name,		Sea Maple LLC  Doe, John;Gomez, Steven	2009-01: 6(b)

Min. <sup>2</sup>	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
√	Address of the owner or owners	Text first/given name(s) (separated by a comma)  Text Separate components of each address with “,” If more than one address, separate addresses with “;”		1234 Ebony Ln, Honolulu, HI 12345, USA  1234 Ebony Ln, Honolulu, HI 12345, USA;4321 Ynobe Rd, Honolulu, HI 54321, USA	2009-01: 6(b)
√	Name of the master	Text Enter last/family name, first/given name(s) (separated by a comma) If multiple masters, separate entries with “;”		Doc, John  Doe, John;Doe, Jill	2009-01: 6(c)
	Nationality of the master	Text Enter the country name in two-letter ISO code format (ISO 3166; Attachment 7) If multiple masters, separate entries with “;”	List the nationality of the master of the vessel	HR ( <i>for Croatia</i> )  HR;HR	2009-01: 6(c)
√	Previous flag (if any)	Text Enter the country name in two-letter ISO code format (ISO 3166; Attachment 7) If multiple previous flags, separate entries with “;”	List previous flag(s) of the vessel, if any  -If vessel has no previous flags, enter “NONE”	NONE	2009-01: 6(d)

Min. <sup>2</sup>	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
√	International Radio Call Sign	Text Enter without any spaces or punctuation	International radio call sign assigned to the vessel, in UPPER CASE without spaces  - If the vessel has not been assigned an IRCS, enter "NONE"	ABC1234	2009-01: 6(e)
√	Vessel communication types and numbers (Inmarsat A, B and C numbers and satellite telephone number)	Text Enter: communication type: x: number/address: x: service type: x.  If multiple communication devices, separate entries with “,”	- Enter descriptions of each of any communication devices on board the vessel that use Inmarsat A, B or C or that have a satellite telephone number  - If no such communication devices are on board, enter "NONE"	Voice Inmarsat mobile: 123456789; Inmarsat C: satellite telephone number: 123456789	2009-01: 6(f)
√	Colour photograph of the vessel	Text  Enter the name of the electronic data file, using the following format:  [WIN]_[Vessel name]_[date of photograph: dd mmm. yyyy].[extension] (jpg or tif)	File name of vessel photograph	XXX123_SEA MAPLE_01.Jul.2010.jpg	2009-01: 6(g)
√	Where the vessel was built	Text  Enter the country name in two-letter ISO code format (ISO 3166; Attachment 7)	Country where the vessel was built, as indicated on flag State registration or other appropriate documentation	LT <i>(for Lithuania)</i>	2009-01: 6(h)
	When the vessel was built	Number (four-digit integer)	Year in which the vessel was built, as indicated on flag State registration or other appropriate documentation	1994	2009-01: 6(h)

Min. <sup>2</sup>	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
√	Type of vessel	Text	- Enter the single most appropriate vessel type listed in the WCFPC List of Vessel Types (Attachment 5), exactly as written	Tuna longliners	2009-01: 6(i)
	Normal crew complement	Number (integer)	The number of crew members normally on board the vessel, including officers	6	2009-01: 6(j)
	Type of fishing method or methods	Text If multiple fishing methods, separate entries with “;”	The type(s) of fishing gear used by the vessel  Enter all the fishing gears listed in the WCFPC List of Fishing Gears that are used, or intended to be used, to harvest HMS (Attachment 6), exactly as written, or if the vessel is not used to harvest fish, enter “not a fish harvester”	Drifting longlines	2009-01: 6(k)
√	Length	Number (decimal)		50	2009-01: 6(l)
√	Type of length	Text	Description of type of length  - If overall length, enter “overall”  - If other type, enter the type	Overall  Waterline	2009-01: 6(1)
√	Unit of length	Text	Enter “m” for meters or “ft” for feet	m	2009-01: 6(1)
	Moulded depth	Number (decimal)		7	2009-01: 6(m)
√	Unit of depth	Text	Enter “m” for meters or “ft” for feet	m	2009-01: 6(m)
√	Beam	Number (decimal)		7	2009-01: 6(n)

Min. <sup>2</sup>	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
√	Unit of beam	Text	Enter "m" for meters or "ft" for feet	m	
√	Gross registered tonnage (GRT) or gross tonnage (GT)	Number (decimal)		138	2009-01: 6(o)
√	Type of tonnage	Text	Enter "GRT" for gross registered tonnage or "GT" for gross tonnage	GT	2009-01: 6(o)
	Power of main engine or engines	Number (decimal)		350	2009-01: 6(p)
	Unit of power of main engine or engines	Text	Enter "HP" for horsepower, "KW" for kilowatts, or "PS" for continental horsepower, also known as Pferdestärke	HP	2009-01: 6(p)
	Freezer type(s)	Text If multiple freezer types, separate entries with ",",	The type(s) of devices used to freeze the catch on board the vessel  Enter one or more of the following: Brine, Blast, Plate, Tunnel, RSW, Ice, Other: [specify type]	Brine Ice;Blast	2009-01: 6(q)
	Freezing capacity	Text If multiple freezer types entered in Freezer type(s) field, separate corresponding multiple entries here with ",", and ensure that the entries are in the same sequence as in the Freezer type(s) field	A measure of the capacity to freeze the catch, expressed in terms of the amount of fish frozen per unit time or the nominal freezing capacity of the freezer units  If no freezing capacity, enter "0"	100 2;5 0	2009-01: 6(q)

Min. <sup>2</sup>	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
	Units of freezing capacity	Text If multiple freezer types entered in Freezer type(s) field, separate corresponding multiple entries here with “;” and ensure that the entries are in the same sequence as in the Freezer type(s) field	If no freezing capacity, enter “NA”	nominal mt mt/day;mt/day NA	2009-01: 6(q)
	Number of freezer units	Text If multiple freezer types entered in Freezer type(s) field, separate corresponding multiple entries here with “;” and ensure that the entries are in the same sequence as in the Freezer type(s) field	The number of freezing units on board the vessel (e.g., the number of ice-making machines, brine chillers, or blast freezers)	2 1;2 0	2009-01: 6(q)
	Fish hold capacity	Number (decimal)	The total amount of fish capable of being stored on the vessel, excluding bait and fish kept for crew consumption, measured by either volume or weight	100	2009-01: 6(q)
	Units of fish hold capacity	Text	Enter “CM” for cubic meters or “MT” for metric tonnes	CM	2009-01: 6(q)
	Form of the authorization granted by the flag State	Text	Enter the name or description of the license, permit or authorization, such as the name of the issuing authority  Enter “not applicable” if the vessel is not authorized by its flag State to be used for fishing for HMS beyond areas of national	High seas fishing permit	2009-01: 6(r)

Min. <sup>2</sup>	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
			jurisdiction (i.e., not authorized to fish on the high seas)		
	Authorization number granted by the flag State	Text	<p>Enter the unique identifier assigned to the authorization, if any, and enter "NONE" if the authorization does not have a unique identifier</p> <p>Enter "not applicable" if the vessel is not authorized by its flag State to be used for fishing for HMS beyond areas of national jurisdiction</p>	XX123	2009-01: 6(r)
	Any specific areas in which authorized to fish	Text	<p>Enter a description of any specific areas in the WCPFC Area in which the authorization is limited</p> <p>Enter "No specific areas" if the authorization is not limited to any specific areas within the WCPFC Area</p> <p>Enter "not applicable" if the vessel is not authorized by its flag State to be used for fishing for HMS beyond areas of national jurisdiction</p>	No specific areas	2009-01: 6(r)
	Any specific species for which authorized to fish	Text	<p>Enter a description of any specific HMS for which the authorization is limited</p> <p>Enter "No specific species" if the authorization is not limited to any specific HMS</p>	<p>No specific species</p> <p>All HMS except Pacific bluefin tuna</p>	2009-01: 6(r)

Min. <sup>2</sup>	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
			Enter "not applicable" if the vessel is not authorized by its flag State to be used for fishing for HMS beyond areas of national jurisdiction		
√	Start of period of validity of authorization	Date (dd-mmm-yyyy)	Leave blank if the vessel is not authorized by its flag State to be used for fishing for HMS beyond areas of national jurisdiction	01-Jul-2010	2009-01: 6(r)
√	End of period of validity of authorization	Date (dd-mmm-yyyy)	Leave blank if the vessel is not authorized by its flag State to be used for fishing for HMS beyond areas of national jurisdiction	30-Jun-2011	2009-01: 6(r)
	Authorized to tranship on the high seas	Text	Enter "yes" if the responsible CCM has made an affirmative determination under para 37 of CMM 2009-06 and has authorized the vessel to be used for transshipping HMS on the high seas in the Convention Area, and the authorization is currently valid; otherwise, enter "no"	Yes	2009-06: 34
	Purse seine vessel authorized to tranship at sea	Text	Enter "yes" if the vessel is a purse seine vessel that has been granted an exemption by the WCPFC to engage in transshipping at sea in the WCPFC Area and has been authorized to do so by the responsible CCM, and the exemption and authorization are currently valid; enter "no" if the vessel is a purse seine vessel that has not been granted such exemption and authorization; or enter "not applicable" if the vessel is not a purse seine vessel	No	2009-06: 29-30

Min. <sup>2</sup>	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
√	Charter – CCM-flagged vessel	Text	<p>Enter “charter”, “lease” or a descriptor of similar mechanism if paragraph 2 of CMM 2012-05 applies to the vessel; otherwise, enter “not applicable”</p> <p>Note: In the case of vessels to which paragraph 2 of CMM 2012-05 applies, the flag CCM is responsible for including the vessel on its record of fishing vessels and submitting the required information to the ED</p>	Charter	2012-05: 2
√	Charter – non-CCM-flagged carrier or bunker	Text	<p>Enter “charter”, “lease” or a descriptor of similar mechanism if paragraph 41 of CMM 2009-01 (carrier or bunker flagged to non-CCM) applies to the vessel; otherwise, enter “not applicable”</p> <p>Note: In the case of vessels to which paragraph 41 of CMM 2009-01 applies (carriers and bunkers flagged to non-CCMs), the host CCM is responsible for including the vessel on its record of fishing vessels and submitting the required information to the ED</p>	Charter	2009-01: 41
√	Host CCM	Text	<p>If the vessel is under charter, lease or a similar mechanism and paragraph 41 of CMM 2009-01 or paragraph 2 of CMM 2012-05 applies to it, enter the name of the chartering/host CCM in two-letter ISO code format (ISO 3166; Attachment 7); otherwise, enter “not applicable”</p>	AT ( <i>for Austria</i> )	2009-01: 41 2012-05: 2

Min. <sup>2</sup>	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
√	Name of charterer	Text If multiple charterers, separate entries with “;” If company, enter full name of the company If personal name, enter last/family name, first/given name(s) (separated by a comma)	If vessel is under charter, lease or similar mechanism and paragraph 41 of CMM 2009-01 or paragraph 2 of CMM 2012-05 applies to it, enter the name of the charterer; otherwise, enter “not applicable”	Sea Maple LLC Doe, John; Gomez, Steven	2009-01: 41 2012-05: 2
√	Address of charterer	Text Separate components of each address with “ , ” If more than one address, separate addresses with “;”	If vessel is under charter, lease or similar mechanism and paragraph 41 of CMM 2009-01 or paragraph 2 of CMM 2012-05 applies to it, enter the address of the charterer; otherwise, enter “not applicable”	1234 Ebony Ln, Honolulu, HI 12345, USA 1234 Ebony Ln, Honolulu, HI 12345, USA;4321 Ynobe Rd, Honolulu, HI 54321, USA	2009-01: 41 2012-05: 2
	Start date of charter	Date (dd-mmm-yyyy)	If vessel is under charter, lease or similar mechanism and paragraph 41 of CMM 2009-01 or paragraph 2 of CMM 2012-05 applies to it, insert the start date of the charter, lease or other mechanism; otherwise, leave blank	30-Jun-2011	2009-01: 41 2012-05: 2
	Expiration date of charter	Date (dd-mmm-yyyy)	If vessel is under charter, lease or similar mechanism and paragraph 41 of CMM 2009-01 or paragraph 2 of CMM 2012-05 applies to it, insert the date of expiration of the charter, lease or other mechanism; otherwise, leave blank	30-Jun-2016	2009-01: 41 2012-05: 2

Min. <sup>2</sup>	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
	Reason for deletion	Text	<p>This field need not be included in the single-table depiction of the RFV, but must be used by CCMs in their data submissions</p> <p>Enter one of the following:  “Voluntary relinquishment or non-renewal”,  “Withdrawal”,  “No longer entitled to fly flag”,  “Scrapping, decommissioning or loss”,  “Other: [specify reason]”, or  “Not applicable” (if the vessel is not being deleted)</p>	Voluntary relinquishment or non-renewal	2009-01: 7(c)

## **Attachment 2. Vessel Photograph Specifications**

The photographs submitted to the WCFPC Secretariat for vessels on the RFV must meet all the specifications listed below. If the appearance of the vessel materially changes after a submission of a photograph (including, but not limited to, the vessel is painted another color, the vessel is renamed, or the vessel undergoes a structural modification) or if the photograph becomes more than five years old, a new photograph must be submitted.

The photograph must:<sup>3</sup>

1. be in full color
2. show the vessel in its current form and appearance
3. show a stem-to-stern side view of the vessel
4. clearly and legibly display the vessel name and WIN
5. be no older than five years
6. be in the form of a single electronic file with the following attributes:
  - a. in jpg or tiff file format;
  - b. a resolution of at least 150 pixels per inch at a size of 6 by 8 inches;
  - c. a size no greater than 500 kilobytes (kB); and
  - d. named using the following naming convention: [WIN]\_[vessel name]\_[date of photograph (dd.mmm.yyyy)].jpg/tif (e.g., XXX123\_SEA MAPLE\_01.Jul.2010.jpg).

## **Attachment 3. Electronic Formatting Specifications**

These specifications describe the electronic files that CCMs must provide if they choose to submit information via the electronic transmission mode (paragraph 3.a).

### **A) File type**

The information must be provided in one of the following formats:

- Microsoft Excel file, or
- Microsoft Access database file

### **B) File name**

The name of the file must be: XX\_RFV\_UPDATES\_DDMMYYYY.ssss

where:

- XX – two letter ISO country code (Attachment 7) of the CCM providing the file
- DDMMYYYY – the date of the provision of the file
- ssss – the standard file suffix (xls or xlsx if Excel file; mdb or accdb if Access file)

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<sup>3</sup> These photograph specifications, with the exception of items 1 and 6.d, do not have to be met until 1 January 2017.

For example:

AU\_RFV\_UPDATES\_11082013.xlsx (Excel file provided by Australia, on 11 August 2013)

### **C) File content**

The RFV update file must contain only the vessels to be added to or deleted from the RFV, or whose details are being updated (i.e., the file must not include vessels for which no changes are being made). The type of change required for a particular vessel must be indicated by the “Data Action Code” (text) field, which must consist of one of the following values: “ADDITION” (for a vessel not currently on the RFV, to be added to the RFV), “MODIFICATION” (for a vessel currently on the RFV and to remain on the RFV), or “DELETION” (for a vessel to be removed from the RFV). For a modification, all the fields for the vessel must be completed in the record so that the fields to be updated can be clearly identified. For a deletion, at a minimum, the following fields must be completed in the record: VID, name of the fishing vessel, flag of the fishing vessel, registration number, WCPFC Identification Number, and reason for deletion.

### **D) File structure**

Each record in the electronic file represents a single vessel. Each record must have the structure specified in Attachment 1, including the same sequence of fields.

Sample MS Excel and MS Access files with the proper formats are available from the Secretariat.

## **Attachment 4. Web Portal Specifications**

These specifications provide details on the web portal interface that the WCPFC Secretariat will maintain to support CCMs’ submission of information via the manual transmission mode (paragraph 3.b).

The WCPFC Secretariat will provide a web portal interface for authorised RFV personnel of CCMs to directly enter and provide updates to RFV data for their vessels, and where applicable chartered vessels. Access to the web portal will be secure, and will require authorised RFV personnel to log in using a CCM-specific user name and password.

The web portal will be hosted on: <https://intra.wcpfc.int/Lists/Vessels/Stats.aspx>

This web portal will be designed to meet the standards and specifications of Attachment 1 and the SSPs, and where data relate to a specific list of alternative categories that is determined by the WCPFC Secretariat, this will be provided where possible as a drop-down menu option. In other instances, the option of numerical entries or text entries will be possible. There will be a capability for photos to be uploaded and updated.

After submission of a change or entry to the RFV via the web portal, each change or entry will be checked by the WCFPC Secretariat for consistency with the SSPs before being incorporated into the RFV. The CCM user will be promptly notified as to whether a given entry or change was incorporated into the RFV, and if not, the nature of the problem.

**Attachment 5. WCFPC List of Vessel Types (based on the FAO ISSCFV)**

**Vessel Types**

Trawlers  
Side trawlers  
Side trawlers wet-fish  
Side trawlers freezer  
Stern trawlers  
Stern trawlers wet-fish  
Stern trawlers factory  
Outrigger trawlers  
Trawler nei  
Seiners  
Purse seiners  
North American type  
European type  
Tuna purse seiners  
Seiner netters  
Seiner nei  
Dredgers  
Using boat dredge  
Using mechanical dredge  
Dredgers nei  
Lift netters  
Using boat operated net  
Lift netters net  
Gillnetters  
Trap setters  
Pot vessels  
Trap setters nei  
Liners  
Handliners  
Longliners  
Tuna longliners  
Pole and line vessels  
Japanese type  
American type  
Trollers  
Liners nei  
Squid jigging line vessel

Vessels using pumps for fishing  
Multipurpose vessels  
Seiner-handliners  
Trawler-purse seiners  
Trawler-drifters  
Multipurpose vessels nei  
Recreational fishing vessels  
Fishing vessels not specified  
Motherships  
Salted-fish Motherships  
Factory Motherships  
Tuna Motherships  
Motherships for two-boat purse seining  
Motherships nei  
Factory longliner  
Freezer longliner  
Fish carriers  
Hospital ships  
Protection and survey vessels  
Fishery research vessels  
Fishery training vessels  
Non-fishing vessels nei  
Bunker vessels

**Attachment 6. WCPFC List of Fishing Gears (based on the FAO ISSCFG)**

**Fishing Gears**

With purse lines (purse seine)  
- one boat operated purse seines  
- two boat operated purse seines  
Without purse lines (lampara)  
Beach seines  
Boat or vessel seines  
- Danish seines  
- Scottish seines  
- Pair seines  
Seine nets (not specified)  
Portable lift nets  
Boat-operated lift nets  
Shore-operated stationary lift nets  
Lift nets (not specified)  
Set gillnets (anchored)  
Driftnets  
Encircling gillnets

Fixed gillnets (on stakes)  
 Trammel nets  
 Combined gillnets-trammel nets  
 Gillnets and entangling nets (not specified)  
 Gillnets (not specified)  
 Handlines and pole-lines (hand operated)  
 Handlines and pole-lines (mechanized)  
 Set longlines  
 Drifting longlines  
 Longlines (not specified)  
 Trolling lines  
 Hooks and lines (not specified)  
 Harpoons  
 Miscellaneous gear  
 Recreational fishing gear

#### **Attachment 7. Country Codes (ISO 3166)**

Country Name	Code
Afghanistan	AF
Albania	AL
Algeria	DZ
American Samoa	AS
Andorra	AD
Angola	AO
Anguilla	AI
Antarctica	AQ
Antigua and Barbuda	AG
Argentina	AR
Armenia	AM
Aruba	AW
Australia	AU
Austria	AT
Azerbaijan	AZ
Bahamas	BS
Bahrain	BH
Bangladesh	BD
Barbados	BB
Belarus	BY
Belgium	BE
Belize	BZ

Country Name	Code
Benin	BJ
Bermuda	BM
Bhutan	BT
Bolivia	BO
Bosnia and Herzegovina	BA
Botswana	BW
Bouvet Island	BV
Brazil	BR
British Indian Ocean Territory	IO
Brunei Darussalam	BN
Bulgaria	BG
Burkina Faso	BF
Burundi	BI
Cambodia	KH
Cameroon	CM
Canada	CA
Cape Verde	CV
Cayman Islands	KY
Central African Republic	CF
Chad	TD
Chile	CL
China	CN

Chinese Taipei	TW
Christmas Island	CX
Cocos (Keeling) Islands	CC
Colombia	CO
Commonwealth of the Northern Mariana Islands	MP
Comoros	KM
Congo	CG
Congo, The Democratic Republic of the	CD
Cook Islands	CK
Costa Rica	CR
Cote D'ivoire	CI
Croatia	HR
Cuba	CU
Cyprus	CY
Czech Republic	CZ
Denmark	DK
Djibouti	DJ
Dominica	DM
Dominican Republic	DO
East Timor	TP
Ecuador	EC
Egypt	EG
El Salvador	SV
Equatorial Guinea	GQ
Eritrea	ER
Estonia	EE
Ethiopia	ET
European Union	EU
Falkland Islands (Malvinas)	FK
Faroe Islands	FO
Federated States of Micronesia	FM
Fiji	FJ
Finland	FI
France	FR
French Guiana	GF
French Polynesia	PF
French Southern Territories	TF
Gabon	GA
Gambia	GM
Georgia	GE
Germany	DE

Ghana	GH
Gibraltar	GI
Greece	GR
Greenland	GL
Grenada	GD
Guadeloupe	GP
Guam	GU
Guatemala	GT
Guinea	GN
Guinea-Bissau	GW
Guyana	GY
Haiti	HT
Heard and Mc Donald Islands	HM
Honduras	HN
Hong Kong	HK
Hungary	HU
Iceland	IS
India	IN
Indonesia	ID
Iran (Islamic Republic of)	IR
Iraq	IQ
Ireland	IE
Israel	IL
Italy	IT
Jamaica	JM
Japan	JP
Jordan	JO
Kazakhstan	KZ
Kenya	KE
Kiribati	KI
Korea (Democratic Republic of)	KP
Korea (Republic of)	KR
Kuwait	KW
Kyrgyzstan	KG
Lao People's Democratic Republic	LA
Latvia	LV
Lebanon	LB
Lesotho	LS
Liberia	LR
Libyan Arab Jamahiriya	LY
Liechtenstein	LI

Lithuania	LT
Luxembourg	LU
Macau	MO
Macedonia (the Former Yugoslav Republic of)	MK
Madagascar	MG
Malawi	MW
Malaysia	MY
Maldives	MV
Mali	ML
Malta	MT
Marshall Islands	MH
Martinique	MQ
Mauritania	MR
Mauritius	MU
Mayotte	YT
Mexico	MX
Moldova (Republic of)	MD
Monaco	MC
Mongolia	MN
Montserrat	MS
Morocco	MA
Mozambique	MZ
Myanmar	MM
Namibia	NA
Nauru	NR
Nepal	NP
Netherlands	NL
Netherlands Antilles	AN
New Caledonia	NC
New Zealand	NZ
Nicaragua	NI
Niger	NE
Nigeria	NG
Niue	NU
Norfolk Island	NF
Norway	NO
Oman	OM
Pakistan	PK
Palau	PW
Panama	PA
Papua New Guinea	PG

Paraguay	PY
Peru	PE
Philippines	PH
Pitcairn	PN
Poland	PL
Portugal	PT
Puerto Rico	PR
Qatar	QA
Reunion	RE
Romania	RO
Russian Federation	RU
Rwanda	RW
Saint Kitts And Nevis	KN
Saint Lucia	LC
Saint Vincent and the Grenadines	VC
Samoa	WS
San Marino	SM
Sao Tome and Principe	ST
Saudi Arabia	SA
Senegal	SN
Serbia	RS
Seychelles	SC
Sierra Leone	SL
Singapore	SG
Slovakia (Slovak Republic)	SK
Slovenia	SI
Solomon Islands	SB
Somalia	SO
South Africa	ZA
South Georgia and the South Sandwich Islands	GS
Spain	ES
Sri Lanka	LK
St. Helena	SH
St. Pierre and Miquelon	PM
Sudan	SD
Suriname	SR
Svalbard and Jan Mayen Islands	SJ
Swaziland	SZ
Sweden	SE
Switzerland	CH
Syrian Arab Republic	SY

Tajikistan	TJ
Tanzania (United Republic of)	TZ
Thailand	TH
Timor-Leste	TL
Togo	TG
Tokelau	TK
Tonga	TO
Trinidad and Tobago	TT
Tunisia	TN
Turkey	TR
Turkmenistan	TM
Turks and Caicos Islands	TC
Tuvalu	TV
Uganda	UG
Ukraine	UA
United Arab Emirates	AE
United Kingdom	GB
United States Minor Outlying Islands	UM
United States of America	US
Uruguay	UY
Uzbekistan	UZ
Vanuatu	VU
Vatican City State (Holy See)	VA
Venezuela	VE
Vietnam	VN
Virgin Islands (British)	VG
Virgin Islands (U.S.)	VI
Wallis and Futuna	WF
Western Sahara	EH
Yemen	YE
Zaire	ZR
Zambia	ZM
Zimbabwe	ZW



COMMISSION  
TENTH REGULAR SESSION  
Cairns, Australia  
2-6 December 2013

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**CONSERVATION AND MANAGEMENT MEASURE FOR WCPFC IMPLEMENTATION OF A  
UNIQUE VESSEL IDENTIFIER (UVI)**

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Conservation and Management Measure 2013-04

**Explanatory Note**

Unique vessel identifiers (UVI) are useful to quickly and accurately identify vessels and trace and verify their activity over time, irrespective of change of name, ownership, or flag. For those reasons, there is a wide recognition that UVIs can be useful in helping combat illegal, unreported, and unregulated (IUU) fishing (e.g. see <http://www.fao.org/fishery/topic/166301/en>).

The International Maritime Organization's (IMO) Ship Identification Number Scheme involves the use of UVIs that are widely used in the merchant shipping sector. IMO numbers are required for passenger and cargo vessels larger than a certain size, but fishing vessels are excluded. Fishing vessels may apply for IMO numbers, but the administering agency will not, without an explicit agreement, issue them to smaller vessels (vessels < 100 gross tons (GT) or gross registered tons (GRT)), even if applied for. Thus, if all vessels under the purview of the WCPFC are to be assigned UVIs, further action would be necessary by the WCPFC and/or through other international initiatives. The deliberations of the WCPFC on the issue of UVIs to date, along with progress in related international initiatives, are summarized below.

**Global Initiatives**

**FAO and the Global Record**

The Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record) is an FAO initiative to improve transparency and traceability in the fisheries sector by providing a reliable identification tool for vessels through their lifespan (<http://www.fao.org/fishery/topic/18051/en>). The FAO has identified an essential element of the Global Record to be the assignment of UVIs to every vessel on the Record. Participation in the FAO Global Record is voluntary.

The twenty-ninth Session of the Committee on Fisheries (COFI) agreed that the FAO would take responsibility for managing the Global Record and that the Global Record would eventually include all fishing vessels of sizes greater than or equal to 10 GT, 10 GRT, or 12 m length overall (LOA) regardless of where the vessels operate. The FAO intends to implement this initiative using a three-phase approach, starting with vessels at least 24 m, 100 GT, or 100 GRT

in size. IHS-Fairplay, the administrator of the IMO Ship Identification Number Scheme, has committed to issuing numbers for these larger vessels at no cost, and is still considering if and how it would issue unique numbers for vessels of smaller sizes. The United Nations General Assembly, in consensus Resolution 67/79 (2012), encouraged the expeditious development of an FAO global record that includes a unique vessel identifier system and, as a first step, uses the IMO numbering scheme for fishing vessels larger than 100 GRT in size.

### **International Maritime Organization**

There is broad recognition that perhaps the most effective approach to expanding the use of UVIs into the fishery sector is to build on the well established IMO Ship Identification Number Scheme (<http://www.imo.org/ourwork/safety/implementation/pages/imo-identification-number-scheme.aspx>), operated by IHS-Fairplay. Under the International Convention for the Safety of Life at Sea (SOLAS), UVIs, in the form of IMO numbers, are required for all cargo ships 300 GT or larger and all passenger vessels 100 GT or larger, but fishing vessels are excluded from the requirement.

In addition to the mandatory requirements under SOLAS, there is a non-binding instrument, IMO Resolution A.600(15), that calls for the application of the IMO Ship Identification Number Scheme to vessels at least 100 GT in size. However, it also excludes vessels solely engaged in fishing. In June 2013, a subsidiary body of the IMO endorsed a proposal to remove the exclusion for vessels solely engaged in fishing. The proposal will be sent to the IMO Assembly in November 2013 for approval. If approved, the IMO Ship Identification Number Scheme would apply on a non-binding basis to fishing vessels greater than or equal to 100 GT.

Despite the exclusions for fishing vessels under the SOLAS requirements and the non-binding IMO resolution, IHS-Fairplay has issued IMO numbers to a large number of fishing vessels (about 23,500; see <http://www.fao.org/fishery/topic/18021/en>).<sup>1</sup> In some of these cases the number is issued upon application by the vessel owner, and in others it is issued automatically by IHS-Fairplay in response to vessel data it has received from flag States.

### **Tuna RFMOs and the Consolidated List of Authorized Vessels**

The tuna RFMOs, through the Kobe process, have endorsed the need to create a harmonized global record of tuna vessels, including UVIs, and for this to be coordinated with the Global Record. The list, known as the Consolidated List of Authorized Vessels, would facilitate the exchange of vessel information and support broader monitoring, control and surveillance (MCS) efforts, such as port State measures, catch documentation, transshipment verification, and vessel monitoring systems.

### **WCPFC Progress**

The WCPFC has considered implementing a UVI scheme for several years. At TCC6 CCMs expressed concern about the difficulty that many CCMs had with respect to providing all the information required under CMM 2009-01 (Record of Fishing Vessels (RFV)), and some CCMs

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<sup>1</sup> For vessels not covered by IMO Resolution A.600(15), the numbers issued by HIS-Fairplay are not technically “IMO numbers,” but they are part of the same unique numbering scheme. These numbers are referred to as “Lloyd’s Register” or “LR” numbers in this proposal.

indicated that improving the maintenance and utility of the RFV should precede work on a UVI. By TCC7, several CCMs, including FFA members, voiced their support for expanding the WCPFC RFV data requirements toward those that would be needed to assign UVIs. The FFA members noted that the FFA Vessel Register had been revised to be compatible with a UVI scheme. At WCPFC9, suggestions were made that: (1) the RFV should include the IMO numbers of vessels that have them, and (2) the Commission could take an immediate step of requiring that all vessels that are eligible for IMO numbers (i.e., vessels  $\geq 100$  GT) obtain them. TCC9 considered a proposal from the United States that would do those two things. Based on the discussion at TCC9, the United States has revised its proposal to delete the exemption for non-steel-hulled vessels.

The following table identifies the number of vessels on the RFV, by size, as of April 2013.

Size of Vessel	Number of Vessels
$\geq 100$ GRT	2,671
50 – 99 GRT	1,364
10 – 49 GRT	1,831

### **Commission Decisions**

For the purpose of improving the Commission’s MCS programs, the Commission agrees that it should establish a scheme in which all vessels on the Record of Fishing Vessels have globally unique vessel identifiers (UVIs). Further work is needed to determine how to accomplish this for small vessels. For large vessels, the existing IMO Ship Identification Number Scheme can be taken advantage of immediately. To do so, the Commission takes the following decisions:

1. Effective 1 January 2016, flag CCMs shall ensure that all their fishing vessels that are authorized to be used for fishing in the Convention Area beyond the flag CCM’s area of national jurisdiction and that are at least 100 GT or 100 GRT in size have IMO or LR numbers issued to them.
2. In assessing compliance with the preceding paragraph, the Commission shall take into account extraordinary circumstances in which a vessel owner is not able to obtain an IMO or LR number despite following the appropriate procedures. Flag CCMs shall report any such extraordinary situations in Part 2 of their annual reports.
3. Paragraph 6 of CMM 2009-01 is revised by removing the original submission deadline, which has passed, and adding a new sub-paragraph (s), with footnote, as follows:

- (s) International Maritime Organization (IMO) number or Lloyd’s Register (LR) number, if issued.<sup>4</sup>

<sup>4</sup> Effective 1 January 2016, flag CCMs shall ensure that all their fishing vessels that are authorized to be used for fishing in the Convention Area beyond the flag CCM’s area of national jurisdiction-and that are at least 100 GT or 100 GRT in size have IMO or LR numbers issued to them.

4. The Commission will continue to explore how to ensure that all vessels on the Record of Fishing Vessels have UVIs.



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**CONSERVATION AND MANAGEMENT MEASURE ON DAILY CATCH AND EFFORT  
REPORTING**

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Conservation and Management Measure 2013-05

The Commission for the Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean:

*Concerned* that full and accurate data from fishing vessels is required to inform stock assessment and other scientific evaluation;

*Noting* that operational level catch and effort data provides significant value to scientific assessment;

*Noting* that members of the Secretariat of the Pacific Community cooperate to ensure consistent reporting frameworks for vessels licensed to fishing in their EEZs through a regional log sheet (“SPC/FFA Regional logsheet”) that is amended from time to time to ensure consistency with all current requirements of the WCPFC “Scientific data to be provided to the Commission”;

*Further noting* the requirements in Article 8 of the Convention for the Commission to take measures for high seas fisheries that are compatible with those that apply in EEZs;

*Desiring to ensure consistent levels of reporting and usefulness of data for all vessels fishing in the Convention Area*;

Adopts in accordance with Article 10 of the WCPFC Convention:

1. Each CCM shall ensure that the master of each vessel flying its flag in the Convention Area shall complete an accurate written or electronic log of every day that it spends at sea on the high seas of the Convention Area as follows:

- a. for days with fishing operations, the log must be completed by recording the effort and catch at the end of each fishing operation (i.e. end of a purse-seine set, end of a longline -haul, or at the end of the day in the case of all other fishing methods); or
- b. for days with no fishing operations but where any other ‘fishing effort<sup>1</sup>’ occurred, then the relevant activities (e.g. “SEARCHING”, “DEPLOY/RETRIEVE FAD”) must be entered in the log at the end of the day; or
- c. for days with no fishing operations and no other ‘fishing effort<sup>1</sup>’, the main activity of the day must be entered in the log at the end of the day.

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<sup>1</sup> according to Article 1(d) of the Convention

2. Information recorded for each day with fishing operations shall, at a minimum, include the following:
  - a. The information specified in sections 1.3 to 1.6 of ANNEX 1 of the Scientific Data to be Provided to the Commission;
  - b. Catch information about other species not listed in those sections, but required to be reported by CCMs under other Commission decisions such as, inter alia, key shark species according to FAO species codes.
  - c. Interaction information about other species not listed in those sections, but required to be reported by CCMs under other Commission decisions such as, inter alia, key cetaceans, seabirds and sea turtles.
3. Each CCM shall require the master of each vessel flying its flag in the Convention Area provides an accurate and unaltered original or copy of the required information to its national authority within 15 days of the end of a trip or transshipment, or within the period specified by any existing national requirement for the provision of such information.
4. Each CCM shall require the master of each vessel flying its flag in the Convention Area to keep an accurate and unaltered original or copy of the required information pertaining to the current trip on board the vessel at all times during the course of a trip.
5. Non-compliance with this measure shall be considered in accordance with CMM 2010-06 or its successor.
6. This CMM is without prejudice to existing or additional reporting requirements.



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**CONSERVATION AND MANAGEMENT MEASURE ON THE CRITERIA FOR THE  
CONSIDERATION OF CONSERVATION AND MANAGEMENT PROPOSALS**

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Conservation and Management Measure 2013-06

***The Commission for the Conservation and Management of Highly Migratory Fish  
Stock in the Western and Central Pacific Ocean:***

***Recognising*** the functions of the Commission as set out in Article 10 of the Convention, including the adoption of conservation and management measures and recommendations;

***Acknowledging*** that the Commission shall give full recognition to the special requirements of developing States, in particular SIDS and territories, in relation to the conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries for such stocks;

***Mindful*** of the vulnerabilities of SIDS and territories in the Convention Area and the impact of the transfer of a disproportionate burden of conservation action onto such SIDS and territories;

***Further acknowledging*** the goals and requirements identified by the Commission at its seventh annual session;

***Desiring*** to adopt criteria for the consideration of conservation and management proposals and the taking of decisions that fully recognize the special requirements of SIDS and territories in the Convention Area;

***Adopts the following conservation and management measure in accordance with  
Articles 10 and 30 of the Convention:***

***General***

1. CCMs shall develop, interpret and apply conservation and management measures in the context of and in a manner consistent with the 1982 Convention and Articles 24, 25 and 26 of the Agreement. To this end, CCMs shall cooperate, either directly or through the Commission, to enhance the ability of developing States, particularly the least developed among them and SIDS and territories in the Convention Area, to develop their own fisheries for

highly migratory fish stocks, including but not limited to the high seas within the Convention Area.

2. The Commission shall ensure that any conservation and management measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto SIDS and territories.

***Impact of new proposals on SIDS and territories***

3. In considering any new proposal the Commission shall apply the following questions to determine the nature and extent of the impact of the proposal on SIDS and territories in the Convention Area:
  - a. Who is required to implement the proposal?
  - b. Which CCMs would this proposal impact and in what way(s) and what proportion?
  - c. Are there linkages with other proposals or instruments in other regional fisheries management organizations or international organizations that reduce the burden of implementation?
  - d. Does the proposal affect development opportunities for SIDS?
  - e. Does the proposal affect SIDS domestic access to resources and development aspirations?
  - f. What resources, including financial and human capacity, are needed by SIDS to implement the proposal?
  - g. What mitigation measures are included in the proposal?
  - h. What assistance mechanisms and associated timeframe, including training and financial support, are included in the proposal to avoid a disproportionate burden on SIDS?
  
4. In cases where the transfer of a disproportionate burden of conservation action has been demonstrated by a SIDS or territory, CCMs shall cooperate, to mitigate the burden for the implementation by the relevant SIDS and territories of specific obligations including through:
  - a. Phased or delayed implementation of specific obligations;
  - b. Exemption of specific obligations;
  - c. Proportional or rotational implementation;
  - d. Establishment of a compensatory funding mechanism in accordance with the financial regulations of the Commission.

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**CONSERVATION AND MANAGEMENT MEASURE ON THE SPECIAL  
REQUIREMENTS OF SMALL ISLAND DEVELOPING STATES AND  
TERRITORIES**

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Conservation and Management Measure 2013-07

***The Commission for the Conservation and Management of Highly Migratory Fish  
Stock in the Western and Central Pacific Ocean:***

***Acknowledging*** that the Commission shall give full recognition to the special requirements of developing States, in particular Small Islands Developing States (SIDS) and territories, in relation to the conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries for such stocks;

***Recognising*** the sovereign rights of coastal States, in particular SIDS and territories in the Convention Area, and their aspirations to develop and manage their domestic fisheries and participate in fishing and related activities on the high seas;

***Conscious*** of the vulnerability and unique needs of SIDS and territories in the Convention Area, which are dependent on the exploitation of marine living resources, including for meeting the nutritional requirements of their respective populations;

***Mindful*** that the majority of members of the WCPFC are SIDS and territories, in whose waters, a significant proportion of the catch of highly migratory fish stocks in the Convention Area is taken;

***Desiring*** to give operational effect to the full recognition of the special requirements of SIDS and territories in the Convention Area, including but not limited to conservation and management initiatives and development aspirations;

***Adopts the following conservation and management measure in accordance with  
Articles 10 and 30 of the Convention:***

***General***

1. Notwithstanding other special requirements of SIDS and territories not identified herein, CCMs shall fully recognise the special requirements of SIDS

and territories in the Convention Area in the implementation of the Convention this measure and other measures.

2. CCMs shall develop, interpret and apply conservation and management measures in the context of and in a manner consistent with the 1982 Convention and Articles 24, 25 and 26 of the Agreement. To this end, CCMs shall cooperate, either directly or through the Commission, to enhance the ability of developing States, particularly the least developed among them and SIDS and territories in the Convention Area, to develop their own domestic fisheries for highly migratory fish stocks, including but not limited to the high seas within the Convention Area.
3. The Commission shall ensure that any conservation and management measure does not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto SIDS and territories.

### ***Capacity Development of Personnel***

4. CCMs shall cooperate directly or through the Commission, to support the capacity development of nationals of SIDS and territories within the Convention Area in any fisheries or related discipline, including the sponsorship of academic study and training programmes.
5. CCMs shall provide, directly or through the Commission, support and assistance to develop the capacity of nationals of SIDS and territories, including through:
  - a. individualized training, including internships;
  - b. institutional support to regional or sub-regional training programs for observers, including through providing financial and technical support to enhance existing programs;
  - c. technical training and assistance in data collection, scientific research, stock assessment, bycatch mitigation, fisheries science and management, fisheries administration and bioeconomic analysis, including through in-country training, workshops, academic exchanges and secondments; and
  - d. training related to monitoring, control and surveillance activities, including through in-country training, workshops, secondments and other personnel exchanges.

### ***Technology transfers***

6. CCMs shall cooperate, consistent with national laws and regulations, directly or through the Commission, and in accordance with their capabilities to actively promote the development and transfer of fisheries science and technology on fair and reasonable terms and conditions to SIDS and territories in the Convention Area.
7. CCMs shall promote, consistent with national laws and regulations, the development of fisheries scientific and technological capacity of SIDS and

territories, with regard to the exploration, exploitation, conservation and management of highly migratory fish stocks, and the protection and preservation of the marine environment, with the aim of accelerating the social and economic development of SIDS and territories.

### ***Fisheries conservation and management***

8. CCMs shall, consistent with national laws and regulations, directly or through the Commission, assist SIDS and territories in their implementation of Commission obligations including but not limited to the implementation of:
  - a. Obligations in the Convention;
  - b. Conservation and management measures;
  - c. Other decisions of the Commission.
9. CCMs shall, directly or through the Commission, assist SIDS and territories in the Convention Area in improving the conservation and management of highly migratory fish stocks through the collection, reporting, verification, exchange and analysis of fisheries data and related information.

### ***Monitoring, control and surveillance***

10. CCMs shall cooperate, consistent with national laws and regulations, directly or through the Commission, to enhance the participation of SIDS and territories in monitoring, control and surveillance through appropriate regional, sub-regional and bilateral arrangements, including training and capacity- building at the local level, development and funding of national and sub-regional observer programmes and access to technology and equipment.
11. To enhance the participation of SIDS and territories in at sea monitoring, control, surveillance and enforcement activities, CCMs shall, as appropriate and through bilateral arrangements with SIDS and territories in the Convention Area, allow for the coordination of inspection vessels, aircraft, equipment and technology.

### ***Support for the Domestic Fisheries Sector and Tuna-Fisheries Related Businesses and Market Access***

12. CCMs shall cooperate, consistent with national laws and regulations, with the SIDS and territories through the provision of technical and economic support to assist SIDS and territories in the region to achieve the objective of maximising benefits from the development of their fisheries resources.
13. CCMs shall endeavour to ensure that the domestic fishing and related industries of the SIDS and territories in the Convention Area, accounts for at least fifty (50) percent of the total catch and value of highly migratory fish

stocks harvested in the Convention Area. To this end, CCMs are encouraged to support investment and collaborative arrangements with SIDS and territories.

14. CCMs shall ensure, consistent with national laws and regulations, that actions are not taken to constrain coastal processing and use of transshipment facilities and associated vessels of SIDS and territories, or undermine legitimate investment in SIDS and territories in the Convention Area.
15. CCMs shall cooperate with SIDS and territories in the Convention Area and endeavor to:
  - a. take actions, consistent with national laws and regulations, with a view toward maintaining and increasing opportunities for employment of nationals of SIDS and territories in the Convention Area;
  - b. promote, consistent with national laws and regulations, the processing, landing, or transshipment of catches within designated ports of SIDS and territories in the Convention Area;
  - c. encourage, consistent with national laws and regulations, the purchase of equipment and supplies, including fuel supplies, from suppliers located in SIDS and territories in the Convention Area; and
  - d. encourage, where appropriate, the use of slipping and repair facilities located in SIDS and territories in the Convention Area.
16. CCMs shall cooperate directly with SIDS and territories in the Convention Area to promote awareness of import conditions.
17. CCMs shall endeavour to take appropriate action to eliminate barriers to trade in fish and fisheries products that are not consistent with international laws and regulations, taking into account the importance of the trade in fish and fisheries products, particularly for SIDS and territories.
18. CCMs shall endeavor to cooperate to identify and promote activities, as appropriate, for the development of the domestic tuna fisheries sector and tuna fisheries related businesses in the SIDS and territories.

***Reporting and Review of Implementation***

19. CCMs shall provide an annual report (Part 2 report) to the Commission on the implementation of this measure.
20. The Commission at each annual session shall review progress in the implementation of the Convention and this measure.

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**CONSERVATION AND MANAGEMENT MEASURE FOR SILKY SHARKS**

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**Conservation and Management Measure 2013-08**

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

*In accordance* with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;

*Recognizing* the ecological and cultural significance of sharks in the western and central Pacific Ocean (WCPO);

*Noting* that the stock assessment undertaken for Silky sharks (*Carcharhinus falciformis*) caught in the Convention Area shows declining standardized catch rates in the Western and Central Pacific Ocean, along with a clear finding that the stock of this low productivity species is overfished, and that overfishing is occurring.

*Recognizing* that the stock assessment also concluded that the species was predominantly caught as by-catch in the WCPO, and that the greatest impact on the stock is attributed to bycatch from the longline fishery, but there are also significant impacts from the associated purse seine fishery which catches predominantly Juvenile individuals.

*Further noting* the Scientific Committee's recommendation that; The Commission should consider measures directed at by-catch mitigation as well as measures directed at targeted catch to improve the status of the silky shark population.

*Adopts* the following measures in accordance with Article 10 of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention):

1. Commission Members, Cooperating Non-Members and Participating Territories (CCMs) shall prohibit vessels flying their flag and vessels under charter arrangements to the CCM from retaining on board, transshipping, storing on a fishing vessel, or landing any silky shark caught in the Convention Area, in whole or in part, in the fisheries covered by the Convention.
2. CCMs shall require all vessels flying their flag and vessels under charter arrangements to the CCM to release any silky shark that is caught in the Convention Area as soon as possible after the shark is brought alongside the vessel, and to do so in a manner that results in as little harm to the shark as possible.

3. CCMs shall estimate, through data collected from observer programs and other means, the number of releases of silky shark caught in the Convention Area, including the status upon release (dead or alive), and report this information to the WCPFC in Part 1 of their Annual Reports.
4. The Commission shall consider the special needs of Small Island Developing States and Territories, including supplying species identification guides for their fleets and develop guidelines and training for the safe release of sharks.
5. Observers shall be allowed to collect biological samples from silky sharks caught in the Convention Area that are dead on haulback in the WCPO, provided that the samples are part of a research project approved by the Scientific Committee. In order to get approval, a detailed document outlining the purpose of the work, number of samples intended to be collected and the spatio-temporal distribution of the sampling effect must be included in the proposal. Annual progress of the work and a final report on completion will be presented to the Scientific Committee.
6. CCM's and the Scientific Committee shall continue work on bycatch mitigation measures and live release guidelines to avoid the initial catch of this species wherever possible, and maximize the number of incidentally caught individuals that can be released alive.
7. This measure shall be amended if appropriate, at the Commission meeting taking into account the results of the stock assessment and be reviewed periodically, thereafter. This measure shall become effective from 1 July 2014.



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**CONSERVATION AND MANAGEMENT MEASURE FOR PACIFIC  
BLUEFIN TUNA**

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**Conservation and Management Measure 2013-09**

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

*Recognizing that* WCPFC6 adopted Conservation and Management Measure for Pacific bluefin tuna (CMM2009-07) and the measure was revised twice since then (CMM2010-04 and CMM2012-06) based on the conservation advice from the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC) on this stock, which again highlighted the importance that the level of F is decreased below the 2002-2004 levels, particularly on juvenile age classes;

*Expressing grave concern* for the latest stock status provided by ISC 13 that Pacific bluefin tuna “biomass level is near historically low levels and experiencing high exploitation rates above all biological reference points (BRPs) commonly used by fisheries managers, and that the risk of spawning stock biomass (SSB) falling below the historically lowest level will increase under F2007-2009 conditions;

*Noting* the conservation advice provided by ISC 13 that;

- Further reduction of fishing mortality, especially for juvenile fish is needed to reduce the risk of SSB falling below its historically lowest level;
- Strengthening the monitoring of recruitment is highly recommended to comprehend the trend of recruitment in a timely manner;

*Also noting* that ISC will update its stock assessment with latest information available by February 2014;

*Recognizing the importance of* development of reference points for conservation and management of Pacific bluefin tuna in 2014;

*Further recalling* that paragraph (4), Article 22 of the WCPFC Convention which requires cooperation between the Commission and the IATTC to reach agreement to harmonize CMMs for fish stocks such as Pacific bluefin tuna that occur in the Convention Areas of both organizations;

*Adopts*, in accordance with Article 10 of the WCPFC Convention that:

1. The interim management objective for Pacific bluefin tuna for 2014 is to ensure that the current (02-04 annual average) level of fishing mortality rate is not increased in the Convention Area.
2. The Commission Members, Cooperating Non-Members and participating Territories (hereinafter referred to as CCMs) shall take measures necessary to ensure that total fishing effort by their vessel fishing for Pacific bluefin tuna in the area north of the 20 degrees north shall stay below the 2002-2004

annual average levels for 2014. Such measures shall include those to reduce all catches of juveniles (age 0-3 (less than 30 kg)) significantly below\* the 2002-2004 annual average levels for 2014.

3. CCMs, in particular those catching juvenile Pacific bluefin tuna, shall take measures to monitor and obtain prompt results of recruitment of juveniles each year. An emergency rule shall be developed in 2014 which stipulates specific rules all CCMs shall comply with when a drastic drop of recruitment is detected.

4. Consistent with their rights and obligations under international laws, and in accordance with domestic laws and regulations, CCMs shall, to the extent possible, take measures necessary to prevent commercial transaction of Pacific Bluefin tuna and its products that undermine the effectiveness of this CMM, especially measures prescribed in the paragraph 2 above. CCMs shall cooperate for this purpose.

5. The CCMs shall cooperate to establish Catch Documentation Scheme (CDS) to be applied to Pacific bluefin tuna as a matter of priority.

6. CCMs shall also take measures necessary to strengthen data collecting system for Pacific bluefin tuna fisheries in order to improve the data quality and timeliness of all the data reporting;

7. CCMs shall submit to ISC by December 15<sup>th</sup>, 2013 all the catch and effort data until 2012 of juvenile and adults of Pacific bluefin tuna.

8. CCMs shall report to Executive Director by 31 July measures they used to implement paragraphs 2, 3, 6, 10 and 11 of this CMM. CCMs shall also monitor the international trade of the products derived from Pacific bluefin tuna and report the results to Executive Director by 31 July. The Northern Committee shall annually review those reports CCMs submit pursuant to this paragraph;

9. The Northern Committee at its Regular session in 2014 shall review this CMM based on the stock status and conservation advice for Pacific bluefin tuna provided by ISC14 in 2014 and take further actions including substantial catch reduction of juveniles (age 0-3 (less than 30 kg));

10. The WCPFC Executive Director shall communicate this Conservation Management Measure to the IATTC Secretariat and its contracting parties whose fishing vessels engage in fishing for Pacific bluefin tuna and request them to take equivalent measures in conformity with this CMM.

11. To enhance effectiveness of this measure, CCMs are encouraged to communicate with and, if appropriate, work with the concerned IATTC contracting parties bilaterally.

12. The provisions of paragraph 2 shall not prejudice the legitimate rights and obligations under international law of those small island developing State Members and participating territories in the Convention Area whose current fishing activity for Pacific bluefin tuna is limited, but that have a real interest in fishing for the species, that may wish to develop their own fisheries for Pacific bluefin tuna in the future.

13. The provisions of paragraph 12 shall not provide a basis for an increase in fishing effort by fishing vessels owned or operated by interests outside such developing coastal State, particularly Small Island

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\* CCMs are required to reduce their juvenile catch at least by 15% below the 2002-2004 annual average levels in 2014

Developing State Members or participating territories, unless such fishing is conducted in support of efforts by such Members and territories to develop their own domestic fisheries



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**WCPFC RECORD OF FISHING VESSELS AND AUTHORIZATION TO FISH**

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**Conservation and Management Measure 2013-10<sup>1</sup>**

**A. Authorization to fish**

1. Each member<sup>2</sup> of the Commission shall:

(a) authorize its vessels to fish in the Convention Area, consistent with article 24 of the Convention, only where it is able to exercise effectively its responsibilities in respect of such vessels under the 1982 Convention, the Agreement and this Convention;

(b) take necessary measures to ensure that its vessels comply with conservation and management measures adopted pursuant to the Convention;

(c) take necessary measures to ensure that fishing for highly migratory fish stocks in the Convention Area is conducted only by vessels flying the flag of a member of the Commission, and in respect of non-member carriers and bunkers, in accordance with Section D of this Measure<sup>3</sup>;

(d) take necessary measures to ensure that any fishing vessel flying its flag conducts fishing in areas under the national jurisdiction of another State only where the vessel holds an appropriate license, permit or authorization, as may be required by such other State;

(e) undertake to manage the number of authorizations to fish and the level of fishing effort commensurate with the fishing opportunities available to that member in the Convention Area;

(f) ensure that no authorization to fish in the Convention Area is issued to a vessel that has a history of illegal, unreported or unregulated (IUU) fishing, unless the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no legal, beneficial or financial interest in, or control of the vessels, or the member concerned is satisfied that, having taken into account all relevant facts, the vessel is no longer engaged in or associated with IUU fishing;

(g) withdraw authorizations to fish consistent with article 25(4) of the Convention;

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<sup>1</sup> This measure revised CMM 2009-01 to incorporate the UVI requirement adopted at WCPFC10. The revisions were: inclusion of paragraph 6(s), footnote 4 and paragraph 11.

<sup>2</sup> The term “member” when used in this measure includes cooperating non-members

<sup>3</sup> This revision (CMM 2009-01 revised) was to correct a cross referencing error in paragraph 36

(h) take into account the history of violations by fishing vessels and operators when considering applications for authorization to fish by fishing vessels flying its flag;

(i) take necessary measures to ensure that the owners of the vessels on the Record flying its flag are citizens, residents or legal entities within its jurisdiction so that any control or punitive actions can be effectively taken against them.

2. Each member of the Commission shall take necessary measures to ensure that its fishing vessels, when in the Convention Area, only tranship to/from, and provide bunkering for, are bunkered by or otherwise supported by:

(a) vessels flagged to members, or

(b) Other vessels flagged to States not members of the Commission only if such vessels are on the WCPFC Interim Register of non-Member Carrier and Bunker Vessels established under section D below (the "Register"); or

(c) Vessels operated under charter, lease, or similar mechanisms in accordance with paragraphs 42 to 44 of this measure.

3. No member of the Commission shall allow any fishing vessel entitled to fly its flag to be used for fishing in the Convention Area beyond areas of national jurisdiction unless it has been authorized to do so by the appropriate authority or authorities of that member.

4. Each such authorization shall set forth for the vessel to which it is issued:

(a) the specific areas, species and time periods for which the authorization is valid;

(b) permitted activities by the vessel;

(c) a prohibition of fishing, retention on board, transshipment or landing by the vessel in areas under the national jurisdiction of another State except pursuant to any license, permit or authorization that may be required by such other State;

(d) the requirement that the vessel keep on board the authorization issued pursuant to paragraph 1 above, or certified copy thereof; any license, permit or authorization, or certified copy thereof, issued by a coastal State, as well as a valid certificate of vessel registration; and

(e) any other specific conditions to give effect to the provisions of the Convention and conservation and management measures adopted pursuant to it.

## **B. Members' record of fishing vessels**

5. Pursuant to article 24(4) on the Convention, each member of the Commission shall maintain a record of fishing vessels entitled to fly its flag and authorized to fish in the Convention Area beyond its area of national jurisdiction, and shall ensure that all such fishing vessels are entered in that record.

6. Each member of the Commission shall submit, electronically where possible, to the Executive Director the following information with respect to each vessel entered in its record:

(a) name of the fishing vessel, registration number, WCPFC Identification Number (WIN), previous names (if known) and port of registry;

(b) name and address of the owner or owners;

- (c) name and nationality of the master;
- (d) previous flag (if any);
- (e) International Radio Call sign
- (f) vessel communication types and numbers (Inmarsat A, B and C numbers and satellite telephone number);
- (g) colour photograph of the vessel;
- (h) where and when the vessel was built;
- (i) type of vessel;
- (j) normal crew complement;
- (k) type of fishing method or methods;
- (l) length (specify type and metric);
- (m) moulded depth (specify metric);
- (n) beam (specify metric);
- (o) gross registered tonnage (GRT) or gross tonnage (GT);
- (p) power of main engine or engines (specify metric);
- (q) carrying capacity, including freezer type, capacity and number, fish hold capacity and capacity of freezer chambers (specify metric);
- (r) the form and number of the authorization granted by the flag State including any specific areas, species and time periods for which it is valid; and.
- (s) International Maritime Organization (IMO) number or Lloyd's Register (LR) number, if issued<sup>4</sup>

7. After 1 July 2005, each member of the Commission shall notify the Executive Director, within 15 days, or in any case within 72 hours before commencement of fishing activities in the Convention Area by the vessel concerned, of:

- (a) any vessel added to its Record along with the information set forth in paragraph 6;
- (b) any change in the information referred to in paragraph 6 with respect to any vessel on its record; and
- (c) any vessel deleted from its record along with the reason for such deletion in accordance with article 24 (6) of the Convention,

8. Each member of the Commission shall submit to the Executive Director, information requested by the Executive Director with respect to fishing vessels entered in its national record of fishing vessels within fifteen (15) days of such request.

9. Before 1 July of each year, each Member shall submit to the Executive Director a list of all vessels that appeared in its record of fishing vessels at any time during the preceding calendar year, together with each vessel's WCPFC identification number (WIN) and an indication of whether each vessel fished for highly migratory fish stocks in the Convention Area beyond its area of national jurisdiction. The indication shall be expressed as (a) fished, or (b) did not fish.

10. Members that operate lease, charter arrangements or similar arrangements that result in data reporting obligations being conferred to a party other than the flag State will make arrangements to ensure that the flag State can meet its obligations under paragraph 9.

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<sup>4</sup> Effective 1 January 2016, flag CCMs shall ensure that all their fishing vessels that are authorized to be used for fishing in the Convention Area beyond the flag CCM's area of national jurisdiction and that are at least 100 GT or 100 GRT in size have IMO or LR numbers issued to them.

11. In assessing compliance with 6(s) above, the Commission shall take into account extraordinary circumstances in which a vessel owner is not able to obtain an IMO or LR number despite following the appropriate procedures. Flag CCMs shall report any such extraordinary situations in Part 2 of their annual reports.

### **C. WCPFC Record of Fishing Vessels**

12. The Commission shall, in accordance with article 24(7) of the Convention and based on the information provided to the Commission in accordance with the Convention and these procedures, establish and maintain its own record of fishing vessels authorized to fish in the Convention Area beyond the national jurisdiction of the member of the Commission whose flag the vessel is flying. Such record shall be known as the WCPFC Record of Fishing Vessels (the "Record").

13. The Record shall include for each vessel an indication of whether or not it was active in the Convention Area beyond its flag State's area of national jurisdiction in each of the preceding years starting in 2007, consistent with the information provided by Members under paragraph 9.

14. The Executive Director shall ensure that due publicity is given to the Record and the Register including making its contents available through an appropriate website.

15. In addition, the Executive Director shall circulate an annual summary of the information contained in the Record and the Register to all members and participating territories (CCMs) of the Commission at least 30 days prior to the annual meeting of the Commission.

16. CCMs shall review their own internal actions and measures taken pursuant to paragraph 1, including sanctions and punitive actions and, in a manner consistent with domestic law as regards disclosure, report annually to the Commission the results of the review. In consideration of the results of such review, the Commission shall, if appropriate, request that the Flag State, or member, of vessels on the Record or the Register take further action to enhance compliance by those vessels with WCPFC conservation and management measures.

17. It is the responsibility of each member of the Commission to ensure that its fishing vessels have been placed on the WCPFC Record of Fishing Vessels in accordance with the requirements of this measure, and any vessel not included in the WCPFC Record of Fishing Vessels shall be deemed not to be authorized to fish for, retain on board, transship or land highly migratory fish stocks in the Convention Area beyond the national jurisdiction of its flag State. Each member of the Commission shall prohibit such activities by any vessel entitled to fly its flag that is not included on the Record and shall treat a violation of this prohibition as a serious violation. Such vessels shall be eligible to be considered for IUU listing.<sup>5</sup>

18. Each CCM shall further prohibit landing at its ports or transshipment to vessels flying its flag of highly migratory fish stocks caught in the Convention Area by vessels not entered on the Record or the Register.

19. Each CCM shall notify the Executive Director, in accordance with the relevant provisions of article 25 of the Convention, of any factual information showing that there are reasonable grounds to

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<sup>5</sup> This revision is to correct an omission in an amendment to this paragraph under CMM 2004-01 that was approved in WCPFC6, but not included in the new CMM 2009-01

suspect that a vessel that is not on the Record or the Register is or has been engaged in fishing for or transshipment of highly migratory fish stocks in the Convention Area.

20. If such vessel is flying the flag of a member of the Commission, the Executive Director shall notify that member and shall request that member to take the necessary measures to prevent the vessel from fishing for highly migratory fish stocks in the Convention Area and to report back on the actions taken with respect to the vessel.

21. Paragraphs 17 to 19 do not apply in respect of vessels that operate entirely in the Exclusive Economic Zone of a CCM and that are flagged to that CCM.

22. If such vessel is flying the flag of a non-member without cooperating status or if the flag of the vessel cannot be determined, the Executive Director shall inform all CCMs so that they may, in addition to measures specified in paragraph 16, take appropriate action consistent with the Convention.

23. The Commission and the CCMs concerned shall communicate with each other, and make the best efforts with FAO and other relevant regional fishery management bodies to develop and implement appropriate measures, where feasible, including the establishment of records of a similar nature in a timely manner so as to avoid adverse effects upon fishery resources in other oceans. Such adverse effects might consist of excessive fishing pressure resulting from a movement of IUU fishing vessels between areas covered by other regional fishery management organizations.

24. If, through a decision of the Commission, a vessel that is contained on the Record is included on the WCPFC IUU List, the flag State or responsible State shall revoke, consistent with applicable national law, the vessels' authorization to fish beyond the national jurisdiction of its flag State. Executive Director shall remove that vessel from the Record as soon as practicable after being notified under paragraph 7(c).

#### **D. WCPFC Interim Register of non-Member Carrier and Bunker Vessels**

25. The Commission encourages all flag states of carrier and bunker vessels that operate in the Convention Area and have been listed on the Temporary Register of Non-CCM Carrier and Bunker Vessels to apply for Cooperating Non-Member (CNM) status as soon as possible. Towards that end, the Secretariat will share copies of this conservation and management measure with appropriate contacts in all such flag States as soon as practicable.

26. The Commission shall consider all such applicants in accordance with the conservation and management measure, noting its ability to grant CNM status to an applicant subject to the restriction that it may only provide carrier and bunker vessels to the fishery.

*2010 to 2012*

27. The Commission hereby establishes an Interim Register of Non-Member Carrier and Bunker Vessels (the "Register").

28. Vessels that are included by the Commission on the Register in accordance with the provisions of this section shall be authorised to be used in the Convention Area to receive transshipments of highly migratory fish stocks and to bunker or otherwise supply CCM-flagged fishing vessels used to fish for highly migratory fish stocks in the Convention Area.

29. Any Member of the Commission may at any time submit to the Executive Director, in electronic format if possible, a list of any carrier vessels and bunker vessels that it wishes to be included on the

Register. This List shall include the information described at paragraph 6 above as well as the flag State of the vessel.

30. The CCM(s) recommending vessels to be included on the Register shall attest that the vessel or vessels being recommended are not vessels:

- (a) with a history of illegal, unreported or unregulated (IUU) fishing, unless the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no legal, beneficial or financial interest in, or control of the vessels, or the CCM concerned is satisfied that, having taken into account all relevant facts, the vessel is no longer engaged in or associated with IUU fishing; or
- (b) that are currently listed on any of the IUU vessel lists adopted by regional fishery management organizations (RFMOs); or
- (c) that were removed from the Register pursuant to paragraph 39 within the one-year period prior to the receipt of the information under paragraph 4.

31. It shall be a condition for inclusion on the Register that the owner or manager/operator of the vessel provides a written undertaking, addressed to the Commission, that the owner, manager/operator and master of the carrier or bunker vessel will fully comply with all applicable decisions of the Commission, including conservation and management measures. Any reference in Commission decisions to member-flagged vessels shall be construed to include non-member flagged-vessels for the purposes of these written undertakings. These undertakings shall include an explicit commitment to allow any inspection duly authorized under the Commission's High Seas Boarding and Inspection Procedures to board and inspect the vessel on the high seas. These undertakings shall also include an agreement to cover the costs associated with complying with Commission decisions, such as the costs of VMS registration and observer placement.

32. Until such time as the Commission undertakes a review to determine vessel specific costs relevant to paragraph 31 above, vessels operators shall commit to pay a nominal fee to contribute to the work of the Commission.

33. It shall be the responsibility of the owner or manager/operator to ensure that any such undertaking is compliant with national laws of its flag State. In addition, the owner or manager/operator of the vessel is encouraged to obtain a statement of support from the flag State, including an explicit statement of its position in respect of high seas boarding and inspection.

34. The Secretariat will post on the Commission website a list of all the applicable conservation and management measures and other applicable Commission decisions that the written undertaking must cover. It will also be a condition that the owner, manager/operator or master of the carrier or bunker vessel will notify the Secretariat of any changes to the information provided under paragraph 29 within 15 days of the change.

35. Failure by the owner, manager/operator or master of a vessel on the Register to fully comply with applicable decisions of the Commission, including conservation and management measures, shall constitute an appropriate basis for placement of such vessel on the Commission's Draft IUU Vessel List in accordance with the relevant conservation and management measure for establishing the WCPFC IUU Vessel List.

36. Within 7 business days of receipt of complete information for a carrier or bunker vessel under paragraphs 29 to 31, the Secretariat will include the vessel on the Register and within 7 business days of

receipt of any changes to such information, the Secretariat will include the updated information in the Register. For each vessel, the Register will include all the information listed in paragraph 6, a copy of the written undertaking provided under paragraph 31, and the CCM(s) that requested inclusion of the vessel on the Register.

37. As soon as possible after receipt of complete information for a carrier and Bunker vessel under paragraphs 29 to 31, the Secretariat shall notify the flag State and provide an opportunity for the flag State to convey its position, including an explicit statement or position in respect of high seas boarding and inspection if not already done so under paragraph 31.

38. The Commission will periodically monitor the IUU vessel lists maintained by RFMOs. At any time that a vessel on the Register is also on one of those IUU vessel lists, the Secretariat will:

- (a) notify Members and the owner of the vessel of its finding and that the vessel will be removed from the Register, effective 30 days from the date of the notice; and
- (b) 30 days from the notice given under sub-paragraph (a), remove the vessel from the Register.

39. The Commission shall monitor the performance of the vessels on the Register with respect to the written undertakings submitted under paragraph 31. If at any time a Member of the Commission finds evidence that the owner, manager/operator or master of a vessel on the Register has failed to fully discharge those undertakings:

- (a) the Member of the Commission shall immediately submit such evidence to the Secretariat;
- (b) the Secretariat will immediately circulate such evidence to the CCMs of the Commission;
- (c) the Commission shall review the evidence and decide whether or not to remove the vessel from the Register. If the Commission is to next meet between 14 and 60 days after the circulation made under paragraph 39(b), such decision shall be made in the next session of the Commission, otherwise it shall be made in accordance with the Commission Rules of Procedure as they relate to inter-sessional decision-making;
- (d) if the Commission decides to remove a vessel from the Register, the Secretariat will notify the owner of the vessel of the decision within 7 days and remove the vessel from the Register 60 days after the Commission's decision.
- (e) The Executive Director shall advise all CCMs and the flag State of the completion of action taken under paragraph 39(d).

40. The Register shall expire 60 days after the Annual Regular Session of the Commission in 2012 unless the Commission decides otherwise at its Regular Annual Session in 2012. The TCC will conduct a review in 2011 and 2012 of the non-CCM flagged fleet including an assessment of potential economic impacts to HMS fisheries in the Convention Area and unforeseen circumstances that could arise through prohibition of non-CCM carriers and bunkers.

#### *2013 and beyond*

41. Noting paragraphs 25 and 26 above the Commission expects that after the annual regular session of the Commission in 2013, the majority of carrier and bunker vessels will be flagged to Members.

42. Notwithstanding this expectation, a carrier or bunker vessel flagged to a non-member but operated under charter, lease or other similar mechanisms as an integral part of the fishery of a CCM shall be considered to be vessels of the host CCM and, where the vessel shall be operating in waters under the jurisdiction of more than one CCM, must be included in the CCM's record of fishing vessels under section B accordingly. In such case, the Record shall distinguish between vessels flagged to the CCM and vessels affiliated through this provision.

43. Such a charter, lease or other arrangement shall provide for the host Member to conduct Monitoring, Control and Surveillance activities relevant to the vessel at any time and allow the Commission to place responsibility on the host Member for ensuring the vessel's compliance with conservation and management measures. Such charter, lease or other arrangement shall include an explicit condition that the vessel will fully comply with all applicable decisions of the Commission, including conservation and management measures. Any reference in Commission decisions to member-flagged vessels shall be construed to include non-member flagged-vessels for the purposes of these conditions. These conditions shall include an explicit commitment to allow any inspection duly authorized under the Commission's High Seas Boarding and Inspection Procedures to board and inspect the vessel on the high seas.

44. Such arrangements may only authorize non-member carrier and bunker vessels to operate in ports and waters under the jurisdiction of a member, as duly authorized by the host Member and the coastal State. The host Member acknowledges that failure by the vessel to comply with conservation and management measures will result in penalties that could include IUU listing, refusal to register other vessels of the same flag and sanctions against the host Member.

**E. General**

45. The Commission shall keep these procedures under review and may amend them as appropriate.

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**INAUGURAL SESSION  
9-10 December 2004  
Pohnpei, Federated States of Micronesia**

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**RESOLUTION ON CONSERVATION AND MANAGEMENT MEASURES**

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**Conservation and Management Measure – 2004 – 04**

*The Commission For The Conservation And Management Of Highly Migratory Fish Stocks In The Western And Central Pacific Ocean,*

Resolves as follows:

**WORK BY THE SCIENTIFIC AND TECHNICAL AND COMPLIANCE COMMITTEES**

1. Utilising the transitional arrangements for the provision of the Commission's scientific advice and taking into consideration the management options identified as feasible by the Scientific Coordinating Group, the following advice shall be given to the Commission at its second annual session:

(a) Estimates of both sustainable catch and effort levels for bigeye, yellowfin and South Pacific albacore;

(b) Five and ten year projections of total biomass and spawning stock biomass for bigeye and yellowfin tuna under: 2003 catch and effort levels, and possible scenarios of changes in catch and effort (i.e. separate analysis of catch limits and effort limits) in the Convention Area for the purse seine, longline and other surface fisheries which have a major impact on bigeye tuna and yellowfin tuna (both separately and combined); including the effects on the stocks of possible time/area closures by fishing method for bigeye and yellowfin tuna;

(c) The effects on the stocks of measures to mitigate the catch of juvenile bigeye and yellowfin including controls on setting on floating objects; and

(d) Estimates of the mortality of non-target species with an initial focus on seabirds, turtles and sharks.

2. The preliminary analyses shall be completed, reviewed by the Scientific Committee, and made available to the Commission at least sixty (60) days in advance of its second session.

3. The Technical and Compliance Committee shall provide advice in advance of the second annual session of the Commission on the issues that may require consideration for the effective

implementation of possible conservation and management measures including time/area closures or alternative measures to control sets on floating objects.

#### **ADOPTION OF CONSERVATION AND MANAGEMENT MEASURES AT WCPFC 2**

4. In responding to the advice of the Scientific Committee and the Technical and Compliance Committee and any information provided by members at least thirty (30) days in advance of the second annual session, the Commission shall adopt in accordance with article 5 of the Convention conservation and management measures necessary to address sustainability concerns. Such measures may include, *inter alia*,

- (a) Catch and/or effort limits;
- (b) Capacity limits for large-scale tuna fishing vessels;
- (c) Measures to address impacts of large-scale tuna fishing vessels so as to ensure compatibility between measures applied outside areas of national jurisdiction and measures being applied by coastal states to manage fishing by such vessels within their zones;
- (d) Time and area closures; and
- (e) Mitigation measures to address the mortality of non-target species e.g. seabirds, turtles and sharks.

5. In accordance with article 6 of the Convention the precautionary approach will be applied and the absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures.

#### **MONITORING AND COMPLIANCE**

6. The Technical and Compliance Committee shall consider the regional observer programme as well as the VMS programme as a matter of priority at its 2005 meeting.

#### **CARRY OVER PROVISIONS OF PREVIOUS RESOLUTIONS**

7. The Resolutions of the MHLC and the Preparatory Conference (adopted at the fourth and fifth sessions of the MHLC and Preparatory Conference resolutions WCPFC/PrepCon/22 and WCPFC/PrepCon/34) calling for measures including reasonable restraint in the expansion of fishing effort and capacity in the Convention Area continue to apply.



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## RESOLUTION ON NON-TARGET FISH SPECIES

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**Resolution-2005-03**

*The Commission For The Conservation And Management Of Highly Migratory Fish Stocks In The Western And Central Pacific Ocean*

*In accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean:*

*Noting* the importance of many non-target fish species such as mahi mahi, rainbow runner and wahoo for sustainable livelihoods in many communities in the Convention Area;

*Recognising* the requirement for members of the Commission to adopt measures to minimise discards, catch of non-target fish species, and the impacts on associated or dependent species;

Resolves as follows:

1. Commission Members, Cooperating Non-members and participating Territories (CCMs) shall encourage their vessels operating in fisheries managed under the WCPFC Convention to avoid to the extent practicable, the capture of all non-target fish species that are not to be retained;
2. Any such non-target fish species that are not to be retained, shall, to the extent practicable, be promptly released to the water unharmed.



**FIFTH REGULAR SESSION**

8-12 December 2008

Busan, Korea

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**RESOLUTION ON ASPIRATIONS OF SMALL ISLAND DEVELOPING STATES AND TERRITORIES**

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**Resolution 2008-01**

*The Commission for the Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean,*

*Recognizing* the sovereign rights of coastal States, in particular Small Islands Developing States (SIDS) and Territories in the Convention Area, aspirations to develop and manage their domestic fisheries,

*Acknowledging* that nothing in the Convention or in measures adopted by the Commission shall prejudice the rights, jurisdiction and duties of States under the 1982 Convention and the Agreement,

*Further recognizing* that the Commission shall function without prejudice to the sovereign rights of the coastal States, in particular SIDS and Territories in the Convention Area, for the purpose of exploring and exploiting, conserving and managing highly migratory fish stocks within areas of national jurisdiction,

*Conscious* of the vulnerability of developing States, in particular SIDS and Territories, which are dependent on the exploitation of marine living resources, including for meeting the nutritional requirements of their populations or parts thereof,

*Recognizing* that the Commission shall give full recognition to the special requirements of developing States, in particular SIDS and Territories, in relation to the conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries for such stocks,

*Further recognizing* that smaller Island Developing States and Territories in the Convention Area have unique needs which require special attention and consideration in the provision of financial, scientific and technological assistance,

*Mindful* that fifteen of twenty five members of the WCPFC are SIDS and Territories, and are members of the Pacific Islands Forum Fishery Agency (FFA members), in whose waters, a significant proportion of the catch of highly migratory fish stocks in the Convention Area is taken.,

**Noting** that these coastal States in the exercise of their sovereign rights have taken measures for the conservation and management of highly migratory fish stocks in the Convention Area, including the monitoring and control of fishing activities in the Convention Area,

**Urging** the Commission, in accordance with Article 8 of the Convention, to develop compatible measures for areas beyond national jurisdiction, including measures that effectively monitor and control fishing activities on the high seas.

***Resolves in accordance to articles 4, 8, 10 and 30 of the Convention that:***

1. CCMs will develop, interpret and apply conservation and management measures in the context of and in a manner consistent with the 1982 Convention and the Agreement. To this end, CCMs shall cooperate, either directly or through the Commission, to enhance the ability of developing States, particularly the least developed among them and SIDS and Territories in the Convention Area, to develop their own fisheries for highly migratory fish stocks, including but not limited to the high seas within the Convention Area.

2. To implement this resolution, developed CCMs shall make concerted efforts and consider innovative options to reduce and or restructure their fleet so as to accommodate aspirations of SIDS and Territories in the Convention Area to develop their own fisheries.

3. Developed CCM's shall cooperate in investments in fishing vessels or other fishing related activities and facilities in SIDS and Territories, provided that such investments are directly linked to the onshore development of domestic fishing industries established in SIDS and Territories in accordance with their legislation.

4. CCM's commit to achieve the goal of ensuring that by 2018, the domestic fishing and related industries of developing States, in particular, the least developed SIDS and Territories, accounts for a greater share of the benefit than what is currently realized of the total catch and value of highly migratory fish stocks harvested in the Convention Area.

5. When adopting Commission conservation and management measures the following principles should be taken into account:

a) CCMs shall ensure that measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto SIDS and Territories.

b) CCMs shall implement measures, including through direct cooperation with SIDS and Territories that enhances the ability of developing States, particularly the least developed SIDS, to develop their own fisheries for highly migratory fish stocks, including but not limited to the high seas within the Convention Area.

6. Developed CCMs shall ensure that conservation and management measures will not be implemented to constrain coastal processing and transshipment facilities and associated vessels of SIDS and Territories, nor shall it be implemented to undermine legitimate investment that has occurred legally in FFA member countries.



**COMMISSION  
NINTH REGULAR SESSION**  
Manila, Philippines  
2-6 December 2012

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**RESOLUTION ON THE BEST AVAILABLE SCIENCE**

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**Resolution 2012-01**

*The Commission for the Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean,*

RECOGNIZING the importance of sound scientific advice as the centre piece for the conservation and management of tuna and tuna-like species in the Western and Central Pacific Ocean in line with international law and recommendations and the needs of the WCPFC Scientific Provider;

AWARE that the availability of adequate scientific information is fundamental to carrying out the objectives of the WCPFC Convention laid down in its Article 2;

RECALLING that in accordance with Article 5 of the WCPFC Convention, CCMs shall adopt measures to ensure long-term sustainability of highly migratory fish stocks in the Convention Area based on the best scientific evidence available,

CONSCIOUS of the vulnerability of developing States, in particular SIDS and Territories, which are dependent on the sustainable exploitation of marine living resources, and therefore on availability of best science,

NOTING the role of the Oceanic Fisheries Programme of the Secretariat of the Pacific Community (SPC-OFP) which is contracted to provide independent scientific advice;

NOTING the role the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC) which provide scientific advice for the northern stocks;

RECOGNIZING the limited financial resources of small island developing coastal States and Territories and wishing to assist in building their scientific capacity;

ACKNOWLEDGING the need to improve the availability and quality of data used for the provision of scientific advice, including on bycatch and discards;

BUILDING on the deliberations and recommendations of the Kobe process;

NOTING the Review of the Performance of the WCPFC and the recommendations related to the quality and provision of scientific advice;

***Resolves in accordance to articles 5, 10, 12, and 13 of the Convention to:***

1. Take all measures which would be appropriate:
  - i. To improve the communication between CCMs, CNMs, the WCPFC, SPC-OFP, ISC, scientific experts by enabling a continuous dialogue, for example, through the use of electronic discussion groups and tele-/video-conferencing;
  - ii. To improve the collection and submission of data to SPC-OFP and ISC, including on bycatches;
  - iii. To support research programs and projects supporting the work of WCPFC SPC-OFP and ISC;
  - iv. To facilitate participation in meetings of the Scientific Committee, as well as in other relevant scientific bodies, of scientists with suitable scientific qualifications from all CCMs;
  - v. To promote the scientific collaboration between WCPFC and IATTC,
  - vi. To contribute to the training of scientific researchers, including young scientists.
2. Preserve and promote the professional independence and excellence of the Scientific Committee, SPC-OFP and ISC, and the relevance of their work to the information needs of the WCPFC, by:
  - i. Enhancing the participation of scientists in meetings of the Scientific Committee, including scientists involved in other tuna RFMOs and other relevant scientific bodies;
  - ii. Promoting the collaboration of scientists with SPC-OFP and ISC;
  - iii. Drafting a code of conduct for the Scientific Committee, SPC-OFP and ISC, for adoption by the WCPFC. For this purpose, the Scientific Committee, SPC-OFP and ISC may develop rules to avoid conflict of interests, to ensure the quality, relevance and professional independence of scientific activities and, where applicable, to maintain the confidentiality of the data used;
  - iv. Drafting a strategic plan for the Scientific Committee, SPC-OFP and ISC for adoption by the WCPFC. The strategic plan shall be used to guide the work of the Scientific Committee, SPC-OFP and ISC in assisting the WCPFC to effectively achieve its mandate.

- v. Ensuring that relevant, professionally independent and objective scientific advice, based on the best available and peer-reviewed scientific analysis, is presented by the Scientific Committee, SPC-OFP and ISC to the WCPFC;
  - vi. Ensuring that sources and history of revisions of all documents submitted to and assessed by the Scientific Committee, SPC-OFP and ISC are fully documented;
  - vii. Providing clear, transparent, and standardized formats for the provision of advice to the WCPFC;
  - viii. Providing for well-defined rules for formulating scientific advice to the WCPFC, reflecting different views while striving for consensus, to promote consistency and transparency;
  - ix. Ensuring that the key role of the Scientific Committee in reviewing the plans, proposals and research programs of WCPFC, as well as reviewing any relevant assessments, analyses, research or work, as well as recommendations prepared for the Commission by SPC-OFP and ISC prior to consideration of such recommendations by the Commission as established by Article 12 of the WCPFC Convention is respected;
3. Strengthen peer review mechanisms within the Scientific Committee, SPC-OFP and ISC by participation of invited experts (e.g. from other RFMOs or from academia), particularly for stock assessments. These outside experts shall be subject to the data confidentiality rules and procedures currently applicable in the WCPFC.
  4. Continue to support the Scientific Committee, SPC-OFP and ISC's initiatives to publish its scientific findings in the scientific peer-reviewed academic literature.
  5. With the aim of meeting the above-mentioned objectives, consider broadening financial support and mechanisms, including *inter alia*, contributing to the "Voluntary Contributions Fund", for the purpose of the implementation of this Resolution, in particular to:
    - i. Contribute to the scientific capacity building of the small island developing States and Territories and to enhance their effective participation in the work of the Scientific Committee;
    - ii. Provide necessary resources for the Scientific Committee.

## Glossary of common acronyms and terms

<b>Acronym</b>	
<b>3IA</b>	3rd Implementing Agreement (PNA)
<b>C of C</b>	Code of Conduct
<b>CCMs</b>	Commission Members, Cooperating Non-Members and Participating Territories
<b>CMMs</b>	Conservation and Management Measures
<b>CMS</b>	Compliance Monitoring Scheme
<b>CNM</b>	WCPFC Cooperating Non Members
<b>COFI</b>	FAO Committee on Fisheries
<b>dCMR</b>	Draft Compliance Monitoring Report
<b>DP</b>	Delegation Paper
<b>ED</b>	Executive Director
<b>EEZ</b>	Exclusive Economic Zone
<b>EPO</b>	Eastern Pacific Ocean
<b>F</b>	Fishing Mortality Rate
<b>msy</b>	maximum sustainable yield
<b>F<sub>msy</sub></b>	Maximum rate of fishing mortality
<b>GRT</b>	Gross Registered Tonnage
<b>GT</b>	Gross Tonnage
<b>HMS</b>	Highly Migratory Species
<b>HS</b>	High Seas
<b>HSP</b>	High Seas Pocket
<b>IATTC</b>	Inter American Tropical Tuna Commission
<b>IMO</b>	International Maritime Organization
<b>IP</b>	Information Paper
<b>IPOA</b>	International Plan of Action
<b>IRCS</b>	International Radio Call Sign
<b>ISC</b>	International Science Committee
<b>ITU</b>	International Telecommunication Union
<b>IUU</b>	Illegal, Unreported and Unregulated
<b>IW</b>	International Waters
<b>IWG</b>	Intersessional Working Group
<b>LOA</b>	Length Overall
<b>LR</b>	Lloyd's Register
<b>LSPSV</b>	Large Scale Purse Seine Vessels
<b>MCS</b>	Monitoring, Control and Surveillance
<b>MHLC</b>	Multilateral High Level Conference
<b>Min.</b>	Minimum

<b>Members</b>	Australia, China, Canada, Cook Islands, European Union, Federated States of Micronesia, Fiji, France, Indonesia, Japan, Kiribati, Republic of Korea, Republic of Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tonga, Tuvalu, United States of America, Vanuatu.
<b>NC</b>	Northern Committee
<b>NOAA</b>	National Oceanic Atmospheric Organisation (USA)
<b>OFFP</b>	Oceanic Fisheries Programme (SPC)
<b>Participating Territories</b>	American Samoa, Commonwealth of the Northern Mariana Islands, French Polynesia, Guam, New Caledonia, Tokelau, Wallis and Futuna.
<b>PNA</b>	Parties to the Nauru Agreement
<b>Prep Con</b>	Preparatory Conference
<b>RFMO</b>	Regional Fisheries Management Organisation
<b>RFV</b>	Record of Fishing Vessels
<b>ROP</b>	Regional Observer Programme
<b>RREG</b>	Regional Register ( Forum Fisheries Agency)
<b>SC</b>	Science Committee
<b>SIDS</b>	Small Island Developing States
<b>SOLAS</b>	Safety of Life at Sea
<b>SPC</b>	Secretariat Pacific Community
<b>SSP's</b>	Standards, Specifications and Procedures
<b>TCC</b>	Technical and Compliance Committee
<b>TOR</b>	Terms of Reference
<b>UNCLOS</b>	United Nations Convention on the Law of the Sea
<b>UST</b>	Multilateral Treaty on Fisheries Between Certain Governments of the Pacific Island States and the Government of the United States of America (also referred to as the US Treaty)
<b>UVI</b>	Unique Vessel Identifier
<b>VDS</b>	Vessel Day Scheme
<b>VID</b>	Vessel identifier
<b>VMS</b>	Vessel Monitoring System
<b>WCPFC</b>	Western and Central Pacific Fisheries Commission
<b>WCPO</b>	Western and Central Pacific Ocean
<b>WIN</b>	WCPFC Identification Number
<b>WP</b>	Working Paper

## **Observer programmes**

Western Central Pacific Fisheries Commission Regional Observer Programme (ROP) observers are from or are employed to work for the following national or sub regional observer programmes:

- AUSTRALIA
- CHINA
- COOK ISLANDS
- FIJI
- FEDERATED STATES OF MICRONESIA
- Parties to the Nauru Agreement (PNA) Observer Agency
- JAPAN
- KIRIBATI
- REPUBLIC OF KOREA
- MARSHALL ISLANDS
- NAURU
- NEW CALEDONIA
- NEW ZEALAND
- PALAU
- PHILIPPINES
- PAPUA NEW GUINEA
- SOLOMON ISLANDS
- TONGA
- TOKELAU
- TUVALU
- CHINESE TAIPEI
- Pacific Islands Forum Fisheries Agency (FFA)
- UNITED STATES OF AMERICA
- VANUATU

WCPFC ROP observers may also be trained and endorsed to work as part of the Inter American Tropical Tuna Commission observer programme when they are onboard vessels that operate in the IATTC Area.

