



Conservation and Management Measures (CMMs) and Resolutions of the Western Central Pacific Fisheries Commission (WCPFC)

Compiled 2 Nov 2020 - 09:46

INTRODUCTION

This Booklet provides as a compendium the currently in force Conservation and Management Measures and Resolutions. 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 are included in this Booklet, and they are provided in the form as agreed by the Commission.

Notes on Interpreting Commission Decisions

Based on the nomenclature that was adopted at the Second Meeting of the WCPFC (see WCPFC/Comm2/29 14 December 2005)

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.

The short-hand reference to the relevant Conservation and Management Measure is commonly CMM 20xx-xx and for Resolutions it is Res.20xx-xx. Such decisions are sequentially numbered and include the year of adoption.

List of current Conservation and Management Measures and Resolutions of the Western and Central Pacific Fisheries Commission
(as at 2 November 2020)

Reference	Title
2004-03	Specifications for the Marking and Identification of Fishing Vessels
Res. 2004-04	Resolution on Conservation and Management Measures
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
2008-03	Conservation And Management of Sea Turtles <i>(effective until 31 December 2019, then replaced by CMM 2018-04)</i>
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 <i>(Replaced CMM 2008-05 and CMM 2006-03)</i>
2009-05	Conservation and Management Measure Prohibiting Fishing on Data Buoys AND Information Package on Data Buoys as at 18 May 2010
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
2010-01	Conservation and Management Measure for North Pacific Striped Marlin
2011-03	Conservation and Management Measure to address impact of purse seine fishing activity on cetaceans
2012-03	Conservation and Management Measure for implementation of the ROP by vessels fishing north of 20N
Res. 2012-01	Resolution on the best available science
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 Conservation and Management Measures and Resolutions of the Western and Central Pacific Fisheries Commission
(as at 2 November 2020)

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
2014-02	Conservation and Management Measure Commission VMS (Replaced CMM 2011-02 (2012-2014), which replaced CMM 2007-02 (2008 – 2011))
2014-03	Standards, specifications and procedures for the Western and Central Pacific Fisheries Commission Record of Fishing Vessels (Replaced CMM 2013-03 (June 2014 – June 2015))
2014-06	Conservation and Management Measures to develop and implement a harvest strategy approach for key fisheries and stocks in the WCPO <i>AND Harvest Strategy Workplan as at Dec 2020</i>
2015-02	Conservation and Management Measure for South Pacific Albacore Replaced CMM 2010-05 (2015-2011), CMM 2005-02 (2006 - 2010)
2015-06	Conservation and Management Measure on target reference point for skipjack tuna
2016-02	Conservation and Management Measure for the Eastern High Seas Pocket Special Management Area Replaced CMM 2010-02 (2011-2016)
Res. 2017-01	Resolution on Provisional Application of CMM 2017-01
2017-02	Conservation and Management Measure on Minimum standards for Port State Measures
2017-03	Conservation and Management Measure for the protection of WCPFC Regional Observer Programme Observers (Replaced CMM 2016-03 (2017))
2017-04	Conservation and Management Measure on Marine Pollution (effective 1 Jan 2019)
Res. 2018-01	Resolution on Labour Standards for Crew on Fishing Vessels
2018-01	Conservation and Management Measure for bigeye, yellowfin and skipjack tuna in the Western and Central Pacific Ocean (Replaced CMM 2017-01 (2018), CMM 2016-01 (2017), CMM 2015-01 (2016), CMM 2014-01 (2015), CMM 2013-01 (2014), CMM 2012-01 (2013), replaced CMM 2008-01/CMM 2011-01 (2009-2012), which replaced and CMM 2005-01, and CMM 2006-01.)

List of current Conservation and Management Measures and Resolutions of the Western and Central Pacific Fisheries Commission
(as at 2 November 2020)

Reference	Title
2018-03	Conservation and Management Measure to mitigate the impact of fishing for highly migratory fish stocks on seabirds (replaced CMM 2017-06, CMM 2015-03 (effective 1 Jan 2017), and CMM 2012-07(1 July 2014), which replaced CMM 2007-04) <i>AND Safe handling and release guidelines for seabirds as at Dec 2019;</i>
2018-04	Conservation and Management Measure of Sea Turtles (replaces CMM 2008-03 on 1 January 2020)
2018-05	Conservation and Management Measure for the Regional Observer Programme (Replaced CMM 2007-01)
2018-06	Conservation and Management Measure for WCPFC Record of Fishing Vessels and Authorisation to Fish (Replaced CMM 2017-05 (2017) 2013-10 (2014), CMM 2009-01(2010), and CMM 2004-01 (2005))
2019-01	Cooperating Non-Members (Replaced CMM 2009-11)
2019-02	Conservation and Management Measure for Pacific Bluefin tuna (Replaced CMM 2018-02 (2019), CMM 2017-08 (2018), CMM 2016-04 (2017), CMM 2015-04 (2016), CMM 2014-04 (2015), CMM 2013-09 (2014), which replaced CMM 2012-06 (2013), which replaced CMM 2010-04, which replaced CMM 2009-07)
2019-03	Conservation and Management Measure for North Pacific Albacore (Replaced CMM 2005-03)
2019-04	Conservation and Management Measure for Sharks (Effective 1 November 2020 (except for Indonesia), replaced CMM 2010-07, CMM 2011-04, CMM 2012-04, CMM 2013-08 and CMM 2014-05) CMM 2010-07 had replaced CMM 2009-04, which replaced CMM 2008-06 and CMM 2006-05 <i>AND Guidelines for safe release of encircled whale sharks as at Dec 2015; Best handling practices for safe release of mantas and mobulids as at Dec 2017; Best handling practices for safe release of sharks (other than whale sharks and mantas/mobulids) as at Dec 2018.</i>

List of current Conservation and Management Measures and Resolutions of the Western and Central Pacific Fisheries Commission
(as at 2 November 2020)

Reference	Title
2019-06	Conservation and Management Measure for Compliance Monitoring Scheme (<i>Replaced CMM 2018-07 (2019), CMM 2017-07 (2018), CMM 2015-07 (2016), CMM 2014-07 (2015), CMM 2013-02 (2014), CMM 2010-03 (2011), CMM 11-06 (2012), CMM 12-02 (2013)</i>)
2019-07	Conservation and Management Measure to Establish a List of Vessels Presumed to have carried out Illegal, Unreported and Unregulated Fishing activities in the WCPO (<i>Replaced CMM 2010-06 (2011 – 2019), CMM 2007-03 (2008-2010)</i>)
2019-08	Conservation and Management Measure for Charter Notification Scheme (<i>Replaced CMM 2016-05 (2016-2019), CMM 2015-05 (2016), CMM 2012-05 (2013- 2015), CMM 2011-05 (2012), which replaced CMM 09-08 (exp 31 Dec 2011)</i>)
Res. 2019-01	Resolution on Climate Change as it relates to the Western and Central Pacific Fisheries Commission

Glossary of common Acronyms and Terms

Acronym	Explanation
ALC	Automatic Location Communicator (VMS unit)
B_{MSY}	biomass that will support the maximum sustainable yield
3IA	3rd Implementing Agreement (PNA)
C of C	Code of Conduct
CCMs	Commission Members, Cooperating Non-Members and Participating Territories
CDS	catch documentation scheme
CMMs	Conservation and Management Measures
CMR	Compliance Monitoring Report
CMS	Compliance Monitoring Scheme
CNM	WCPFC Cooperating Non Members: Ecuador; El Salvador; Nicaragua, Panama, Liberia, Thailand, Vietnam
COFI	FAO Committee on Fisheries
CPUE	catch per unit effort
dCMR	Draft Compliance Monitoring Report
DP	Delegation Paper
ED	Executive Director
EEZ	Exclusive Economic Zone
EHSP-SMA	Eastern High Seas Pocket-Special Management Area
EM	electronic monitoring
EPO	Eastern Pacific Ocean
ER	electronic reporting
F	Fishing Mortality Rate
F_{current}	average fishing mortality rate over the period xxxx–xxxx
F_{msy}	Maximum rate of fishing mortality
FAC	Finance and Administration Committee
GRT	Gross Registered Tonnage
GT	Gross Tonnage
HCR	harvest control rule
HMS	Highly Migratory Species
HS	High Seas
HSBI	High seas boarding and inspection
HSP	High Seas Pocket
IATTC	Inter-American Tropical Tuna Commission
IMO	International Maritime Organisation
IP	Information Paper

IPOA	International Plan of Action
IRCS	International Radio Call Sign
ISC	International Science Committee
ITU	International Telecommunication Union
IUU	Illegal, Unreported and Unregulated Fishing
IW	International Waters
IWG	Intersessional Working Group
LOA	Length Overall
LR	Lloyd's Register
LRP	Limit reference point
LSPSV	Large Scale Purse Seine Vessels
MCS	Monitoring, Control and Surveillance
MHLC	Multilateral High Level Conference
Min.	Minimum
Members	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.
MSE	Management strategy evaluation
msy	maximum sustainable yield
MTU	Mobile Transceiver Unit (VMS unit)
NC	Northern Committee
NOAA	National Oceanic Atmospheric Organisation (USA)
OFP	Oceanic Fisheries Programme (SPC)
Participating Territories	American Samoa, Commonwealth of the Northern Mariana Islands, French Polynesia, Guam, New Caledonia, Tokelau, Wallis and Futuna.
PNA	Parties to the Nauru Agreement
Prep Con	Preparatory Conference
pCMR	Provisional Compliance Monitoring Report
RFMO	Regional Fisheries Management Organisation
RFV	Record of Fishing Vessels
ROP	Regional Observer Programme
RREG	Regional Register (Forum Fisheries Agency)
SC	Science Committee
SB	Spawning biomass
SIDS	Small Island Developing States
SIP	Strategic Investment Plan (for Special Requirements of developing States)

SOLAS	Safety of Life at Sea
SPC	Secretariat Pacific Community
SRF	Special Requirements Fund
SSB	Spawning stock biomass
SSP's	Standards, Specifications and Procedures
TCC	Technical and Compliance Committee
TOR	Terms of Reference
TRP	Target reference point
UNCLOS	United Nations Convention on the Law of the Sea
UST	Multilateral Treaty on Fisheries Between Certain Governments of the Pacific Island States and the Government of the United States of America (Commonly called the US Treaty.)
UVI	Unique Vessel Identifier
VDS	Vessel Day Scheme
VID	Vessel identifier (WCPFC assigned identifier to a vessel record in RFV)
VMS	Vessel Monitoring System
WCPFC	Western and Central Pacific Fisheries Commission
WCPFC Convention Area	Area of competence of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, as defined in Article 3 of the Convention
WCPFC Statistical Area	The WCPFC Statistical Area is defined in para. 8 of "Scientific data to be provided to the Commission"
WCPO	Western Central Pacific Ocean
WIN	WCPFC Identification Number
WP	Working Paper

Table of Contents

Conservation and Management Measures (currently in force)	12
CMM 2004-03 Specifications for the Marking and Identification of Fishing Vessels	12
CMM 2004-04 Resolution on Conservation and Management Measures	16
CMM 2006-04 Conservation and Management Measure For Striped Marlin in the Southwest Pacific	18
CMM 2006-07 Conservation and Management Measure for the Regional Observer Programme	19
CMM 2006-08 Western and Central Pacific Fisheries Commission Boarding and Inspection Procedures	24
CMM 2008-03 Conservation and Management of Sea Turtles	35
CMM 2008-04 Conservation and Management Measure to Prohibit the use of Large Scale Driftnets on the High Seas in the Convention Area	40
CMM 2009-02 Conservation and Management Measure on the Application of High Seas FAD Closures and Catch Retention	42
CMM 2009-03 Conservation and Management for Swordfish	45
CMM 2009-05 Conservation and Management Measure Prohibiting Fishing on Data Buoys - see information package below	50
CMM 2009-06 Conservation and Management Measure on Regulation of Transshipment	52
CMM 2009-09 Conservation and Management Measure for Vessels without Nationality	61
CMM 2009-10 Conservation and Management Measure to Monitor Landings of Purse Seiners at Ports so as to Ensure Reliable Catch Data by Species	63
CMM 2010-01 Conservation and Management Measure for North Pacific Striped Marlin	65
CMM 2011-03 Conservation and Management Measure to Address the Impact of Purse Seine Activity on Cetaceans	67
CMM 2012-03 Conservation and Management Measure for Implementation of the ROP by vessels fishing north of 20N	69
CMM 2013-04 Conservation and Management Measure for WCPFC Implementation of a Unique Vessel Identifier (UVI)	70
CMM 2013-05 Conservation and Management Measure on daily catch and effort reporting	73
CMM 2013-06 Conservation and Management Measure on the criteria for the consideration of conservation and management proposals	75
CMM 2013-07 Conservation and Management Measure on the special requirements of Small Island Developing States and Territories	77
CMM 2014-02 Conservation and Management Measure for Commission VMS	81
CMM 2014-03 Standards, specifications and procedures for the Western and Central Pacific Fisheries Commission Record of Fishing Vessels	85
CMM 2014-06 Conservation and Management Measures to develop and implement a harvest strategy approach for key fisheries and stocks in the WCPO	111
CMM 2015-02 Conservation and Management Measure for South Pacific Albacore	117
CMM 2015-06 Conservation and Management Measure on a Target Reference Point for WCPO Skipjack Tuna	119
CMM 2016-02 Conservation and Management Measure for Eastern High Seas Pocket Special Management Area	121
CMM 2017-02 Conservation and Management Measure on minimum standards for Port State Measures	125
CMM 2017-03 Conservation and Management Measure for the protection of WCPFC Regional Observer Programme Observers	135
CMM 2017-04 Conservation and Management Measure on Marine Pollution	140
CMM 2018-01 Conservation and Management Measure for bigeye, yellowfin and skipjack tuna in the Western and Central Pacific Ocean	143
CMM 2018-03 Conservation and Management Measure to mitigate the impact of fishing for highly migratory fish stocks on seabirds	159

CMM 2018-04 Conservation and Management Measure of Sea Turtles	169
CMM 2018-05 Conservation and Management Measure for the Regional Observer Programme	173
CMM 2018-06 Conservation and Management Measure for WCPFC Record of Fishing Vessels and Authorisation to Fish	183
CMM 2019-01 Cooperating Non-Members	191
CMM 2019-02 Conservation and Management Measure for Pacific Bluefin	196
CMM 2019-03 Conservation and Management Measure for North Pacific Albacore	202
CMM 2019-04 Conservation and Management Measure for Sharks	205
CMM 2019-06 Conservation and Management Measure for the Compliance Monitoring Scheme	213
CMM 2019-07 Conservation and Management Measure to establish a list of vessels presumed to have carried out Illegal, Unreported and Unregulated Fishing Activities in the WCPO	233
CMM 2019-08 Conservation and Management Measure for Charter Notification Scheme	244
Recently agreed Conservation and Management Measures (not yet in force)	246
CMM 2019-05 Conservation and Management Measure on Mobulid Rays caught in association with fisheries in the WCPFC Convention Area	246
Resolutions of the Western and Central Pacific Fisheries Commission	250
Resolution 2005-03 Resolution on Non-Target Fish Species	250
Resolution 2008-01 Resolution on Aspirations of Small Island Developing States and Territories	251
Resolution 2012-01 Resolution on the best available science	254
Resolution 2017-01 Resolution on the Provisional Application of CMM 2017-01	257
Resolution 2018-01 Resolution on Labour Standards for Crew on Fishing Vessels	258
Resolution 2019-01 Resolution on Climate Change as it relates to the Western and Central Pacific Fisheries Commission	260
Supplementary Information on CMMs	262
suppl_CMM 2008-03 WCPFC Guidelines for the Handling of Sea Turtles	262
suppl_CMM 2008-03 WCPFC Guidelines for the Handling of Sea Turtles (Graphics)	264
suppl_CMM 2009-05 Data Buoy Information Package	269
suppl_CMM 2012-04 Guidelines for the safe release of encircled whale sharks	274
suppl_CMM 2010-07 Best handling practices for the safe release of mantas and mobulids	275
suppl_CMM 2010-07 Best handling practices for the safe release of Sharks (other than Whale Sharks and Mantas/Mobulids)	277
suppl_CMM 2014-06 Updated workplan for the adoption of Harvest strategies under CMM 2014-06	279
suppl_CMM 2018-03 Safe Handling and release Guidelines for Seabirds	289



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

Specifications for the Marking and Identification of Fishing Vessels¹

Conservation and Management Measure – 2004 – 03

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;

¹As 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.

— — —



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

RESOLUTION ON CONSERVATION AND MANAGEMENT MEASURES

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.



THIRD REGULAR SESSION

Apia, Samoa

11-15 December 2006

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

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.



THIRD REGULAR SESSION

Apia, Samoa

11-15 December 2006

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

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 4th 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**

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

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

11-15 December 2006

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

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.



FIFTH REGULAR SESSION

8-12 December 2008

Busan, Korea

CONSERVATION AND MANAGEMENT OF SEA TURTLES

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 manner¹ 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 plan² or activity that has been reviewed by the Scientific Committee (SC) and the Technical and Compliance Committee (TCC)

¹ "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 minimal³ 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.

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

³ 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.



FIFTH REGULAR SESSION

Busan, Republic of Korea

8-12 December 2008

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

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 4th 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 driftnets¹ 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 configured² 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.

¹ “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.

² “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

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

Conservation and Management Measure 2009-02

Recalling that CMM 2008-01¹ 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.

¹ 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.



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

CONSERVATION AND MANAGEMENT FOR SWORDFISH

Conservation and Management Measure 2009-03¹

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.

¹ 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	
2000	140	0		0	22	15	103	10	41	17	
2001	159	0		0	22	12	132	10	41	17	
2002	144	0		0	22	11	151	10	42	17	
2003	134	0	16[#]	0	24	15	132	12	55	17	
2004	121	0	15	8	22	25	99	8	39	17	
2005	100	0	6	14	23	15	57	6	40	19	
2006	55	0	8		6			4	27	26	2
2007	54	1 [^]		15 *	4		74 ^{^^}	3	16	30	2

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

[^]See Belize catch and effort data (by-catch) reported to the Commission on 29 April 2008.

^{^^}See New Zealand Annual Report (Part 2) for the period 1 January-31 December 2007

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

Annex 2 –

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 [#] vessels south of 20S		Chartered vessels [*]		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.



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

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

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 WCPFC 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.



SIXTH REGULAR SESSION

Papeete, Tahiti, French Polynesia
7-11 December 2009

CONSERVATION AND MANAGEMENT MEASURE ON THE REGULATION OF TRANSHIPMENT

Conservation and Management Measure 2009-06¹

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;

¹ The Commission agreed at WCPFC15 (2018) to include a footnote to Annex I and Annex III to reflect the adoption of the WCPFC E-reporting Standards for high seas transshipment declarations and high seas transshipment notices. A template was also agreed for paragraph 11 annual reports.

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, 2010².
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;

² Except paragraph 13(c) this Measure shall enter into effect 1 January 2011.

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.
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 – Transshipment 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-authorised non-CCM vessel.

22. In cases where transshipment involves a non-CCM vessel specified in paragraph 18 20.a, any required communications to the Executive Director, including pre-transshipment notices and transshipment 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 transshipping 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 transshipment and the circumstances giving rise to the force majeure within 12 hours of the completion of transshipment. The CCMs responsible for each vessel shall provide the Executive Director with a WCPFC Transshipment Declaration consistent with the requirement under paragraph 10 within 15 days of the transshipment.

SECTION 2 – TRANSHIPMENT FROM PURSE SEINE FISHING VESSELS

25. In accordance with Article 29 (5) of the Convention, transshipment 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 transshipment 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 (or its replacement CMM);

- 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 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 to 30 shall be prohibited from commencing transshipping on the high seas in the Convention Area.

SECTION 2 – 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 I³

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 product⁴ (including species and its processed state⁵) to be transhipped
6. the state of fish (fresh or frozen)
7. the quantity of by-product⁶ to be transhipped,
8. the geographic location⁷ of the highly migratory fish stock catches
9. the date and location⁸ 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 origin⁹ of that product.

³ CCMs shall submit information required in Annex I or in accordance with WCPFC E-reporting Standards for high seas transshipment declarations and high seas transshipment notices.

⁴ Tuna and tuna-like species

⁵ Whole; gutted and headed; gutted, headed and tailed; gutted only, not gilled; gilled and gutted; gilled, gutted and tailed; shark fins.

⁶ Non tuna and tuna-like species

⁷ 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.

⁸ 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.

⁹ 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 transshipments 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 III¹⁰

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 location¹¹ 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^{12 13}

¹⁰ CCMs shall submit information required in Annex III or in accordance with WCPFC E-reporting Standards for high seas transhipment declarations and high seas transshipment notices.

¹¹ 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.

¹² Not required for receiving vessels

¹³ 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

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

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
Papeete, Tahiti, French Polynesia
7-11 December 2009

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

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.



SEVENTH REGULAR SESSION

Honolulu, Hawaii, USA

6-10 December 2010

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

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.



EIGHTH REGULAR SESSION

Tumon, Guam, USA

26-30 March 2012

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

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.



**COMMISSION
NINTH REGULAR SESSION**

Manila, Philippines
2-6 December 2012

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

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
TENTH REGULAR SESSION
Cairns, Australia
2-6 December 2013

**CONSERVATION AND MANAGEMENT MEASURE FOR WCPFC IMPLEMENTATION OF A
UNIQUE VESSEL IDENTIFIER (UVI)**

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>).¹ 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

¹ 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 ≥ 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
≥ 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.⁴

⁴ 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.



COMMISSION
TENTH REGULAR SESSION
Cairns, Australia
2-6 December 2013

**CONSERVATION AND MANAGEMENT MEASURE ON DAILY CATCH AND EFFORT
REPORTING**

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’¹ 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’¹, the main activity of the day must be entered in the log at the end of the day.

¹ 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.



**COMMISSION
TENTH REGULAR SESSION**
Cairns, Australia
2-6 December 2013

**CONSERVATION AND MANAGEMENT MEASURE ON THE CRITERIA FOR THE
CONSIDERATION OF CONSERVATION AND MANAGEMENT PROPOSALS**

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.

.....



**COMMISSION
TENTH REGULAR SESSION**
Cairns, Australia
2-6 December 2013

**CONSERVATION AND MANAGEMENT MEASURE ON THE SPECIAL
REQUIREMENTS OF SMALL ISLAND DEVELOPING STATES AND
TERRITORIES**

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.

.....



COMMISSION
ELEVENTH REGULAR SESSION
Faleata Sports Complex, Apia, SAMOA
1 - 5 December 2014

COMMISSION VESSEL MONITORING SYSTEM¹

Conservation and Management Measure 2014-02

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.²
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

¹ By adoption of this CMM (CMM-2014-02) the Commission rescinds CMM-2011-02 which has been revised and replaced.

² Activated on 31 December 2013

(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.

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.



**COMMISSION
ELEVENTH REGULAR SESSION**
Faleata Sports Complex, Apia, SAMOA
1 - 5 December 2014

**STANDARDS, SPECIFICATIONS AND PROCEDURES FOR THE WESTERN AND
CENTRAL PACIFIC FISHERIES COMMISSION RECORD OF FISHING VESSELS**

Conservation and Management Measure 2014-03¹

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, including any agreed amendments, 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.

¹ By adoption of this CMM (CMM-2014-03) the Commission rescinds CMM 2013-03 which has been revised and replaced.

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:²
 - 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;

² The Commission may consider additional modes of transmission, such as modes involving direct links between the Commission's and CCMs' databases.

10. Develop and maintain the technical and administrative systems needed to receive vessel data from CCMs via any of the following modes:
 - 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;³
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.
16. Maintains a list of RFV Port Codes for the city (port) of vessel registration, which accommodates vessel record data submitted by CCMs in accordance with these SSPs. RFV Port Codes will be in the format of a two letter ISO3166 country code and four characters, and the list will be determined by the Secretariat based on International

³ Although vessels with only the minimum required data will be added to and maintained on the RFV, this does not relieve the responsible CCM of its obligations to provide all the data required under the WCPFC’s applicable conservation and management measures. The consequences of failing to provide such data will be specified outside of these SSPs, such as in the WCPFC’s compliance monitoring scheme.

standard codes, where available. CCMs can submit request for the Secretariat to issue a new RFV Port Code for a Port of Registry not currently included in the RFV Port Code List maintained by the Secretariat. In response to a CCMs request, the Secretariat will acknowledge receipt and will issue a new RFV Port Code in accordance with the timeframes in paragraph 11 and paragraph 12 of these SSPs. The Secretariat will also ensure that the updated RFV Port Code list is accessible to CCMs through the web portal described in Attachment 4, and from the Secretariat.

17. Review vessel record data received from CCMs and other relevant sources, and as appropriate, advise the submitting CCM of possible errors, possible omissions or possible duplicate records related to the vessel record data submitted by that CCM to the RFV.

Attachment 1. List of Fields in the WCPFC RFV and their Format and Content

Min.⁴	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 2013-10: 5/6
√	Data action code	Text	<p>This field is not for inclusion in the RFV itself, but must be used by CCMs in their data submissions</p> <p>Enter “ADDITION” for vessels have not been on the RFV that are to be added to the RFV; enter “MODIFICATION” for vessels currently on the RFV the information for which is being modified, including vessels that were previously on the RFV but was deleted (delisted) at some stage by the same CCM (relisted) or different submitting CCM (reflagged); or enter “DELETION” for vessels currently on the RFV that are to be removed from the RFV by the same “Submitted by CCM”</p>	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. Leave blank if it is an ADDITION; if the vessel is being added to the RFV (i.e., it is not currently on the RFV nor has	10503	(Needed to match vessels)

⁴ Fields marked “√” in this column together comprise the “minimum data requirements” for inclusion on the RFV, as described in paragraphs 11 and 12.

Min. ⁴	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
			the vessel previously been listed on the RFV).		
√	Name of the fishing vessel	Text	Name of the fishing vessel as indicated on flag State registration, in UPPER CASE	SEA MAPLE II	2013-10: 6(a)
√	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 2013-10: 5/6
√	Registration number	Text	Alphanumeric registration identifier assigned by the flag State, as indicated on flag State registration, in UPPER CASE	XX123	2013-10: 6(a)
√	WCPFC Identification Number (WIN)	Text	Vessel identifier assigned by flag State in accordance with CMM 2004-03, in UPPER CASE	ABC1234	2013-10: 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	2013-10: 6(a)
√	Port of registry	Text	Enter six-character RFV Port Code for the city (port) of vessel registration, as listed in WCPFC	FJ-SUV JP-004	2013-10: 6(a)

Min. ⁴	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
			RFV Port Code list maintained by the WCPFC Secretariat. ⁵ The format for the RFV Port Code will be: two-letter ISO code format (ISO 3166; Attachment 7), a dash (-) and a three character alphanumeric code as assigned by the Secretariat.		
√	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, first/given name(s) (separated by a comma)		Sea Maple LLC Doe, John;Gomez, Steven	2013-10: 6(b)
√	Address of the owner or owners	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	2013-10: 6(b)
√	Name of the master	Text Enter last/family name, first/given name(s) (separated by a comma)		Doe, John Doe, John;Doe, Jill	2013-10: 6(c)

⁵ RFV Port Code list will be maintained and published by the Secretariat in accordance with paragraph 16.

Min. ⁴	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
		If multiple masters, separate entries with “,”			
	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	2013-10: 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” - If the CCM does not know if the vessel has any previous flags, enter “NONE KNOWN”	NONE	2013-10: 6(d)
√	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	2013-10: 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	2013-10: 6(f)

Min. ⁴	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
√	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	2013-10: 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>)	2013-10: 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	2013-10: 6(h)
√	Type of vessel	Text	- Enter the single most appropriate vessel type listed in the WCFPC List of Vessel Types (Attachment 5), use the abbreviation exactly as written	LLT (<i>for Tuna longliners</i>)	2013-10: 6(i)
	Normal crew complement	Number (integer)	The number of crew members normally on board the vessel, including officers	6	2013-10: 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), use the abbreviation exactly as written, or leave blank if the vessel is not	LLD (<i>for Drifting longlines</i>)	2013-10: 6(k)

Min. ⁴	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
			used to harvest fish		
√	Length	Number (decimal)		50	2013-10: 6(l)
√	Type of length	Text	Description of type of length. - If overall length or length overall, enter “OVERALL”; - If registered length, enter “REGISTERED”; - If between perpendiculars, enter “BETWEENPP”; - If waterline length, enter “WATERLINE”	OVERALL WATERLINE REGISTERED BETWEENPP	2013-10: 6(1)
√	Unit of length	Text	Enter “m” for meters or “ft” for feet	m	2013-10: 6(1)
	Moulded depth	Number (decimal)		7	2013-10: 6(m)
	Unit of depth	Text	Enter “m” for meters or “ft” for feet	m	2013-10: 6(m)
√	Beam	Number (decimal)		7	2013-10: 6(n)
√	Unit of beam	Text	Enter “m” for meters or “ft” for feet	m	
√	Gross registered tonnage (GRT) or gross tonnage (GT)	Number (decimal)		138	2013-10: 6(o)
√	Type of tonnage	Text	Enter “GRT” for gross registered tonnage or “GT” for gross tonnage	GT	2013-10: 6(o)
	Power of main engine or engines	Number (decimal)		350	2013-10: 6(p)

Min.⁴	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
	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	2013-10: 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	2013-10: 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	2013-10: 6(q)
	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	2013-10: 6(q)

Min.⁴	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
	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	2013-10: 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	2013-10: 6(q)
	Units of fish hold capacity	Text	Enter “CM” for cubic meters or “MT” for metric tonnes	CM	2013-10: 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 jurisdiction (i.e., not authorized to fish on the high seas)	High seas fishing permit	2013-10: 6(r)
	Authorization number granted by the flag State	Text	Enter the unique identifier assigned to the authorization, if any, and enter “NONE” if the authorization does not have a unique identifier Enter “not applicable” if the vessel is not authorized by its flag	XX123	2013-10: 6(r)

Min.⁴	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
			State to be used for fishing for HMS beyond areas of national jurisdiction		
	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	2013-10: 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>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>	<p>No specific species</p> <p>All HMS except Pacific bluefin tuna</p>	2013-10: 6(r)
√	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	2013-10: 6(r)

Min.⁴	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
√	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	2013-10: 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
√	Charter – CCM-flagged vessel	Text	Enter “charter”, “lease” or a descriptor of similar mechanism if paragraph 2 of CMM 2012-05 applies to the vessel; otherwise, enter “not applicable” 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	Charter	2012-05: 2

Min. ⁴	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
			vessels and submitting the required information to the ED		
√	Charter – non-CCM-flagged carrier or bunker	Text	<p>Enter “charter”, “lease” or a descriptor of similar mechanism if paragraph 41 of CMM 2013-10 (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 2013-10 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	2013-10: 41
√	Host CCM	Text	If the vessel is under charter, lease or a similar mechanism and paragraph 41 of CMM 2013-10 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, leave blank	AT (<i>for Austria</i>)	2013-10: 41 2012-05: 2
√	Name of charterer	<p>Text</p> <p>If multiple charterers, separate entries with “;”</p> <p>If company, enter full name of the company</p>	If vessel is under charter, lease or similar mechanism and paragraph 41 of CMM 2013-10 or paragraph 2 of CMM 2012-05 applies to it, enter the name of the charterer; otherwise, leave blank	<p>Sea Maple LLC</p> <p>Doe, John;Gomez, Steven</p>	2013-10: 41 2012-05: 2

Min. ⁴	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
		If personal name, enter last/family name, first/given name(s) (separated by a comma)			
√	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 2013-10 or paragraph 2 of CMM 2012-05 applies to it, enter the address of the charterer; otherwise leave blank	1234 Ebony Ln, Honolulu, HI 12345, USA 1234 Ebony Ln, Honolulu, HI 12345, USA;4321 Ynobe Rd, Honolulu, HI 54321, USA	2013-10: 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 2013-10 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	2013-10: 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 2013-10 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	2013-10: 41 2012-05: 2
	Reason for deletion	Text	This field need not be included in the single-table depiction of the RFV, but must be used by CCMs in their data submissions Enter one of the following: “Voluntary relinquishment or non-renewal”, “Withdrawal”, “No longer entitled to fly flag”,	Voluntary relinquishment or non- renewal	2013-10: 7(c)

Min.⁴	Field name	Field format	Field description/instructions	Example	Ref. in CMMs
			<p>“Scrapping, decommissioning or loss”,</p> <p>“Other: [specify reason]”, or</p> <p>“Not applicable” (if the vessel is not being deleted)</p>		
	IMO or LR number	Number (integer)	<p>The IMO ship identification number is made of the three letters “IMO” followed by the seven-digit number assigned to all ships by IHS Fairplay (formerly known as Lloyds Register-Fairplay). Enter the seven-digit number, otherwise should be left blank.</p> <p>From 1 January 2016, this becomes a required field for fishing vessels 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 (CMM 2013-10 footnote 4)</p>	1234567	CMM 2013-10 6(s)

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:⁶

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

B) File name

The name of the file must be: XX_RFV_UPDATES_DDMMYYYY.sssss

where:

- XX – two letter ISO country code (Attachment 7) of the CCM providing the file
- DDMMYYYY – the date of the provision of the file
- sssss – the standard file suffix (xls or xlsx if Excel file)

For example:

⁶ These photograph specifications, with the exception of items 1 and 6.d, do not have to be met until 1 January 2017.

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 that has not been on the RFV (active or previously delisted), to be added to the RFV),

“MODIFICATION” (for a vessel that: i) is currently on the RFV and which is to be modified by the current submitted by CCM, and to remain on the RFV; or ii) has previously been on the RFV but was deleted (delisted) at some stage, and which is to be modified by the current submitted by CCM (relisted) or a different submitted by CCM (reflagged).), or

“DELETION” (for a vessel to be removed from the RFV by the same submitted by CCM).

For a MODIFICATION, all the minimum data requirement fields for the vessel must be completed in the record so that the fields to be updated can be clearly identified. For an ADDITION, all minimum data requirement fields with the exception of the VID must be completed. 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 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/Active%20Vessels%20by%20CCM.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 WCPFC 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. WCPFC List of Vessel Types (based on the FAO ISSCFV)

Vessel Types	Abbreviation to be used
Trawlers	TO
Side trawlers	TS
Side trawlers wet-fish	TSW
Side trawlers freezer	TSF
Stern trawlers	TT
Stern trawlers wet-fish	TTW
Stern trawlers factory	TTP
Outrigger trawlers	TU
Trawler nei	TOX
Seiners	SO
Purse seiners	SP
North American type	SPA
European type	SPE
Tuna purse seiners	SPT
Seiner netters	SN
Seiner nei	SOX
Dredgers	DO
Using boat dredge	DB
Using mechanical dredge	DM
Dredgers nei	DOX
Lift netters	NO
Using boat operated net	NB
Lift netters net	BOX
Gillnetters	GO
Trap setters	WO
Pot vessels	WOP
Trap setters nei	WOX
Liners	LO
Handliners	LH
Longliners	LL

Tuna longliners	LLT
Factory longliner	LLF
Freezer longliner	LLZ
Pole and line vessels	LP
Japanese type	LPJ
American type	LPA
Trollers	LT
Liners nei	LOX
Squid jigging line vessel	JIG
Vessels using pumps for fishing	PO
Multipurpose vessels	MO
Seiner-handliners	MSN
Trawler-purse seiners	MTS
Trawler-drifters	MTG
Multipurpose vessels nei	MOX
Recreational fishing vessels	RO
Fishing vessels not specified	FX
Motherships	HO
Salted-fish Motherships	HSS
Factory Motherships	HSF
Tuna Motherships	HST
Motherships for two-boat purse seining	HSP
Motherships nei	HOX
Fish carriers	FO
Hospital ships	KO
Protection and survey vessels	BO
Fishery research vessels	ZO
Fishery training vessels	CO
Non-fishing vessels nei	VOX
Bunker vessels	VOB
Harpoon	HA

Attachment 6. WCPFC List of Fishing Gears (based on the FAO ISSCFG)

Fishing Gears	Abbreviation to be used
With purse lines (purse seine)	PS
- one boat operated purse seines	PS1
- two boat operated purse seines	PS2
Without purse lines (lampara)	LA
Beach seines	SB
Boat or vessel seines	SV
- Danish seines	SDN
- Scottish seines	SSC
- Pair seines	SPR
Seine nets (not specified)	SX
Portable lift nets	LNP
Boat-operated lift nets	LNB
Shore-operated stationary lift nets	LNS
Lift nets (not specified)	LN
Set gillnets (anchored)	GNS
Driftnets	GND
Encircling gillnets	GNC
Fixed gillnets (on stakes)	GNF
Trammel nets	GTR
Combined gillnets-trammel nets	GTN
Gillnets and entangling nets (not specified)	GEN
Gillnets (not specified)	GN
Handlines and pole-lines (hand operated)	LHP
Handlines and pole-lines (mechanized)	LHM
Set longlines	LLS
Drifting longlines	LLD
Longlines (not specified)	LL
Trolling lines	LTL
Hooks and lines (not specified)	LX
Harpoons	HAR
Miscellaneous gear	MIS
Recreational fishing gear	RG

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
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

Country Name	Code
Cape Verde	CV
Cayman Islands	KY
Central African Republic	CF
Chad	TD
Chile	CL
China	CN
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

Country Name	Code
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

Country Name	Code
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

Country Name	Code
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

Country Name	Code
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
Chinese Taipei	TW
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

Country Name	Code
Western Sahara	EH
Yemen	YE
Zaire	ZR

Country Name	Code
Zambia	ZM
Zimbabwe	ZW



**COMMISSION
ELEVENTH REGULAR SESSION
Faleata Sports Complex, Apia, SAMOA
1 - 5 December 2014**

**CONSERVATION AND MANAGEMENT MEASURE ON ESTABLISHING A
HARVEST STRATEGY FOR KEY FISHERIES AND STOCKS IN THE WESTERN
AND CENTRAL PACIFIC OCEAN**

Conservation and Management Measure 2014-06

The Western and Central Pacific Fisheries Commission (WCPFC):

Noting 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 *United Nations Convention on the Law of the Sea* (the 1982 Convention) and the *Agreement for the Implementation of 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* (the UN Fish Stocks Agreement);

Recalling Article 6 (3) of the UN Fish Stocks Agreement and Article 6 of the Convention, which call for the establishment of precautionary stock-specific reference points to implement the precautionary approach, as well as action to be taken if such points are exceeded;

Further recalling that Article 6(1)(a) of the Convention provides that the guidelines set out in Annex II of the UN Fish Stocks Agreement form an integral part of the Convention and shall be applied by the Commission. These guidelines provide guidance on the application of precautionary reference points in the conservation and management of straddling fish stocks and highly migratory fish stocks, including the adoption of provisional reference points when information for establishing reference points is absent or poor;

Further recalling Article 5b of the Convention establishing MSY among the principles for guiding science-based conservation and management of fish stocks under the purview of the Commission;

Noting that Article 7.5.3 of the *FAO Code of Conduct for Responsible Fisheries* also recommends the implementation of stock specific target and limit reference points, inter alia, on the basis of the precautionary approach;

Concerned that fishing mortality for some tuna stocks in the Western and Central Pacific Ocean is in excess of the range of maximum sustainable yield;

Recalling the recommendations from the Performance Review of the WCPFC on the Precautionary Approach and Limit Reference Points, which the Commission considers to be a high priority;

Mindful of the work underway on the development of reference points and harvest control rules for a number of highly migratory fish stocks in the Eastern Pacific Ocean by the Inter-American Tropical Tuna Commission (IATTC).

Adopts, in accordance with Article 10 of the Convention, the following conservation and management measure with respect to establishing harvest strategies for key fisheries in the Western and Central Pacific Ocean:

Objective of this measure

1. To agree that the Commission shall develop and implement a harvest strategy approach for each of the key fisheries or stocks under the purview of the Commission according to the process set out in this conservation and management measure (CMM).

General provisions

2. A harvest strategy is a framework that specifies the pre-determined management actions in a fishery for defined species (at the stock or management unit level) necessary to achieve agreed biological, ecological, economic and/or social management objectives.
3. The Commission agrees that harvest strategies established pursuant to this CMM may be developed for a fishery that targets or catches either a single, or a number of, species (at the stock or management unit level) including as incidental catch, or stocks that are harvested by several fisheries.

Harvest Strategy Principles

4. Harvest strategies are considered to represent a best-practice approach to fisheries management decision making. Harvest strategies are proactive, adaptive and provide a framework for taking the best available information about a stock or fishery and applying an evidence and risk-based approach to setting harvest levels. They provide a more certain operating environment where management decisions relating to the fishery or stocks are more consistent, predictable and transparent.
5. Harvest strategies developed in accordance with this CMM shall set out the management actions necessary to achieve defined and agreed biological, ecological, economic and/or social objectives in the fisheries. Each harvest strategy shall contain a tailored process for conducting assessments of the biological, economic and social conditions of the fisheries and pre-defined rules that manage the fishery or stock in order to attain the objectives.
6. In developing individual harvest strategies for fisheries or stocks within the Western and Central Pacific Ocean, the Commission shall have regard to the principles set out in the Convention, in particular Articles 5 and 6.

Elements of a harvest strategy

7. Each harvest strategy developed in accordance with this CMM shall, wherever possible and where appropriate, contain the following elements:
 - a. Defined operational objectives, including timeframes, for the fishery or stock ('management objectives')
 - b. Target and limit reference points for each stock ('reference points')

- c. Acceptable levels of risk of not breaching limit reference points ('acceptable levels of risk')
 - d. A monitoring strategy using best available information to assess performance against reference points ('monitoring strategy')
 - e. Decision rules that aim to achieve the target reference point and aim to avoid the limit reference point ('harvest control rules'), and
 - f. An evaluation of the performance of the proposed harvest control rules against management objectives, including risk assessment ('management strategy evaluation').
8. Further detail on each of these elements is set out in Annex 1 of this CMM.
9. Notwithstanding paragraphs 7 and 8 of this CMM, in developing individual harvest strategies, the Commission may tailor elements on a case by case basis to suit the specific requirements of a particular fishery or stock. This may include agreeing to interim or provisional elements of a harvest strategy. The absence of appropriate scientific information shall not be used as a reason for postponing or failing to adopt harvest strategies.
10. In developing individual harvest strategies, the Commission shall take into account and apply Article 8 of the Convention, on compatibility of conservation and management measures on harvest strategies and elements thereof that have already been implemented in the region.

Special requirements of Developing States

11. In recognition of 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 Western and Central Pacific Ocean, the Commission will facilitate the effective participation of these States, Territories and Possessions in Commission meetings and those of its subsidiary bodies undertaking work on harvest strategies, and will apply the provisions of Article 30(2) of the Convention in the development of CMMs resulting from that work.
12. Harvest strategies shall not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States Parties, and territories and possessions.

Timelines for the adoption of harvest strategies

13. The Commission shall agree a workplan and indicative timeframes to adopt or refine harvest strategies for skipjack, bigeye, yellowfin, South Pacific albacore, Pacific bluefin and northern albacore¹ tuna by no later than the twelfth meeting of the Commission in 2015. This workplan will be subject to review in 2017. The Commission may agree timeframes to adopt harvest strategies for other fisheries or stocks.

Resources

14. In formulating their budget and work programme, the Commission, Scientific Committee and any relevant WCPFC sub-committees are expected to ensure that the tasks listed in this measure are

¹ Draft timeframes and harvest strategies for stocks which occur mostly in the area north of 20°N to be developed and recommended by the Northern Committee.

sufficiently resourced in terms of time and budget to achieve the agreed timeframes.

15. The Commission may draw on funds earmarked for this purpose from the Voluntary Contributions Fund to achieve the tasks listed in this measure.
16. In the interests of efficiency and ensuring full participation by all CCMs, the Commission may decide to use existing WCPFC meetings to undertake the work set out in this CMM or convene additional workshops or meetings to consider the tasks set out in this CMM.

Additional detail on the elements of a harvest strategy and roles and responsibilities of the Commission and its subsidiary bodies

1. This Annex sets out further details on each of the elements to be developed for individual harvest strategies, wherever possible, and sets out the roles and responsibilities of the Commission and its subsidiary bodies.²

Management objectives

2. For each harvest strategy, the Commission shall determine agreed conceptual management objectives for that fishery or stock. In determining these objectives, the trade-offs between each objective, as well as trade-offs between objectives for different fisheries or stocks and harvest strategies shall be considered and any contradictions and tensions between competing objectives should be reconciled to the extent possible.
3. The Scientific Committee, and, where appropriate, other relevant subsidiary bodies shall translate these conceptual management objectives into operational objectives that have a direct and practical interpretation in the context of the fishery or stock and against which performance can be evaluated ('operational management objectives'), if needed.

Reference points

4. To achieve the agreed operational management objectives, the Commission shall, taking into account relevant advice from the Scientific Committee and other relevant subsidiary bodies, as appropriate, establish stock-specific reference points that identify:
 - i. targets intended to meet management objectives ('target reference points'), and
 - ii. limits intended to constrain harvesting within safe biological limits ('limit reference points').
5. Where the Commission has already adopted target or limit reference points for particular stocks, those agreed reference points shall be incorporated into the harvest strategy for that fishery, unless the Commission decides otherwise.

Acceptable levels of risk

6. The Commission shall define acceptable levels of risk associated with breaching limit reference points, and if appropriate, with deviating from target reference points, taking into account advice from the Scientific Committee and, where appropriate, other subsidiary bodies. In accordance with Article 6(1)(a) of the Convention, the Commission shall ensure that the risk of exceeding limit reference points is very low.
7. Unless the Commission decides otherwise, target reference points shall be conservative and separated from limit reference points with an appropriate buffer, with a view to ensuring that the target reference points are not so close to the limit reference points that the chance that the limits are exceeded is greater than the agreed level of risk.

Monitoring strategy

8. As part of an individual harvest strategy, the Commission may adopt a monitoring strategy for a fishery

² For fisheries based on stocks which occur mostly north of 20°N, the roles and responsibilities are to be separately agreed by the Commission.

or stock relying on data provided to the Commission.

9. For each fishery or stock with an established harvest strategy, the Scientific Committee and other relevant subsidiary bodies, as appropriate, shall periodically evaluate the performance of the fishery or stock against the agreed operational management objectives (as specified through the reference points and harvest control rules). The Scientific Committee shall report its findings and advice to the Commission.

Harvest control rules

10. The Commission shall decide, based on the advice of the SC, on a set of clear, pre-agreed rules or actions used for determining a management action response to changes in indicators of stock status or other indicators, as appropriate, with respect to reference points ('harvest control rules').
11. Notwithstanding paragraph 12 of this Annex, the Commission may decide to implement interim harvest control rules prior to a full management strategy evaluation being completed by the Scientific Committee.

Management strategy evaluation

12. Prior to implementation of formal harvest control rules, an evaluation of the likely performance of any proposed harvest control rules in achieving the operational objectives should be undertaken by the Scientific Committee and other relevant subsidiary bodies, as appropriate. These evaluations may be performed through simulation modelling.
13. As part of this process, the Scientific Committee and other relevant subsidiary bodies, as appropriate shall estimate or describe key uncertainties including with respect to stock assessments and available data



**COMMISSION
TWELFTH REGULAR SESSION**
Bali, Indonesia
3 - 8 December, 2015

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

Conservation and Management Measure 2015-02¹

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 has advised the Commission that longline fishing mortality and longline catch be reduced to avoid further decline in the vulnerable biomass so that economically viable catch rates can be maintained;

Further recalling the recommendation by the Technical and Compliance Committee that the data requirements of CMM 2010-05 needed to be revised in order to make it more verifiable;

Noting that, 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 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 2005 levels or recent historical (2000-2004) levels.

¹ By adoption of this CMM (CMM 2015-02) the Commission rescinds CMM 2010-05 which has been revised and replaced.

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.
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 annual catch levels taken by each of their fishing vessels that has taken South Pacific albacore, as well as the number of vessels actively fishing for South Pacific albacore, in the Convention area south of 20°S. Catch by vessel shall be reported according to the following species groups: albacore tuna, bigeye tuna, yellowfin tuna, swordfish, other billfish, and sharks. Initially this information will be provided for the period 2006-2014 and then updated annually. CCMs are encouraged to provide data from periods prior to these dates.
5. This measure will be reviewed annually on the basis of advice from the Scientific Committee on South Pacific albacore.



**COMMISSION
TWELFTH REGULAR SESSION**
Bali, Indonesia
3-8 December 2015

**CONSERVATION AND MANAGEMENT MEASURE ON A TARGET REFERENCE
POINT FOR WCPO SKIPJACK TUNA**

Conservation and Management Measure 2015-06

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 United Nations Convention on the Law of the Sea of 10 December 1982 and the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA);

Recalling that Annex II of the UNFSA sets out guidelines for the application of precautionary reference points in conservation and management of straddling fish stocks and highly migratory fish stocks;

Recalling also that in article 5 (c) of the Convention, members of the Commission have committed to apply the precautionary approach in accordance with the Convention and all relevant internationally agreed standards and recommended practices and procedures;

Further recalling that Article 6 1 (a) requires members of the Commission in their application of the precautionary approach to apply the guidelines set out in Annex II of the UNFSA and determine, on the basis of the best scientific information available, stock-specific reference points and the action to be taken if they are exceeded;

Noting that the Commission has adopted a Conservation and Management Measure on Establishing a Harvest Strategy for Key Fisheries and Stocks in The Western and Central Pacific Ocean;

Desiring to make progress on the development of a harvest strategy for fisheries for WCPO skipjack tuna through the adoption of a Target Reference Point for this stock;

Adopts, in accordance with Article 10 of the Convention, the following conservation and management measure on a target reference point for WCPO skipjack tuna.

1. The target reference point for the WCPO skipjack tuna stock shall initially be 50 per cent of the estimated recent average spawning biomass in the absence of fishing, ($SB_{F=0, t1-t2}$).
2. This target reference point shall be an interim target reference point until it is reviewed in accordance with paragraph 8 below.
3. The method to be used in estimating the recent average spawning biomass in the absence of fishing shall be the same as that adopted by the Commission for the limit reference point for WCPO skipjack tuna, i.e.
 - a) The time window shall have a length of ten years and be based on the last ten years used in the most recent skipjack stock assessment, i.e. $t1=y_{last}-10$ to $t2=y_{last}-1$ where y_{last} is the last year used in the assessment; and
 - b) The estimation shall be based on the most recent skipjack stock assessment model estimates of recruitment that have been adjusted to reflect conditions without fishing according to the stock recruitment relationship.
4. Conservation and management measures adopted by the Commission shall aim at maintaining the WCPO skipjack tuna stock at the target reference point level on average.
5. The Scientific Committee shall refer to the target reference point in its assessment of the status of the WCPO skipjack tuna stock and in reporting to the Commission on management advice and implications for this stock.
6. The Commission shall use the target reference in the formulation of a harvest control rule and a harvest strategy for fisheries targeting WCPO skipjack tuna in accordance with CMM 2014-06. The harvest control rule shall be designed such that the management control to be implemented would result in the biomass-based target reference point being achieved on average in the long term, taking account of uncertainty.
7. The Commission shall consider and pay particular attention to any future recommendations of the Scientific Committee relating to the target reference point, including any recommendations with respect to potential spatial impacts of fishing on the stock, including possible local depletion or range contraction.
8. The target reference point shall be reviewed by the Commission no later than 2019, and may be reviewed at any time relevant new information is made available, such as any time a new stock assessment is prepared.



**COMMISSION
THIRTEENTH REGULAR SESSION**
Denarau Island, Fiji
5 – 9 December, 2016

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

Conservation and Management Measure 2016-02

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:

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

WCPFC13 Summary Report Attachment K

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

REPORTING

Vessel sightings

2. 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 and time (UTC), position (true degrees), bearing, markings, speed (knots), and vessel type. Vessels should ensure this information is transmitted to the Secretariat within 6 hours of a sighting event taking place.

VMS

3. 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.
4. Flag States shall monitor their vessels operating in the E-HSP, using at minimum the WCPFC VMS, to ensure compliance with this measure.

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. All transshipment activities are prohibited in the E-HSP from 1st January 2019.

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

IMPLEMENTATION AND REVIEW OF MEASURE

8. The Secretariat shall prepare a report on the implementation and compliance of this measure to TCC each year.
9. 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.
10. This measure shall not constitute a precedent and is restricted to the E-HSP.
11. This measure shall replace CMM2010-02, and shall remain in force until such time as the Commission adopts an alternative measure for the E-HSP.

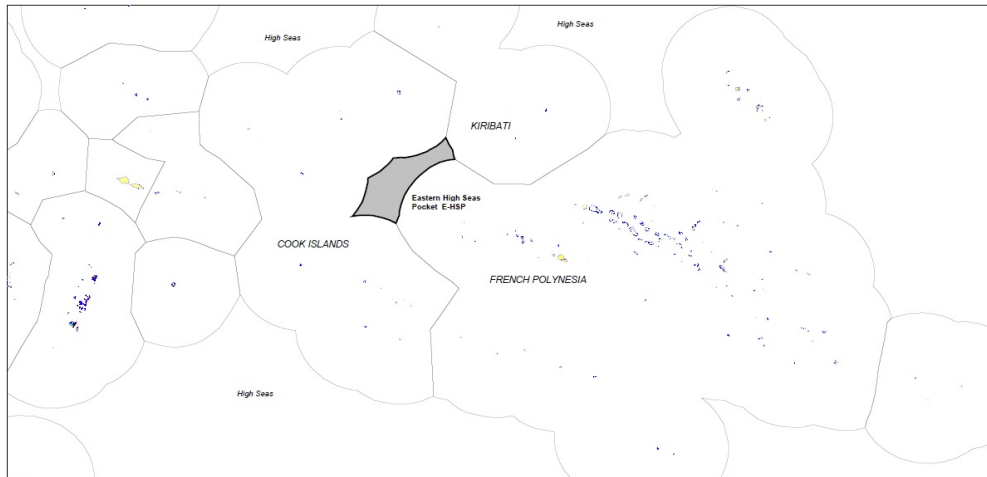
WCPFC13 Summary Report Attachment K

Attachment A: EHSP-SMA Coordinates as at April 2012

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.

LONGITUDE	LATITUDE		
-155.495308	-11.375548	-160.011413	-14.890788
-155.498321	-11.391248	-159.926847	-14.750107
-155.375667	-11.6652	-159.87787	-14.621808
-155.144789	-12.031226	-159.79653	-14.407807
-155.087069	-12.286791	-159.75968	-14.275899
-155.011312	-12.527927	-159.711458	-14.113648
-154.988916	-12.541928	-159.682425	-13.98575
-155.011131	-12.528155	-159.655144	-13.863674
-155.4405	-12.58823	-159.621745	-13.726376
-155.8398	-12.7045	-159.619708	-13.634445
-156.3396	-12.96024	-159.616001	-13.561895
-156.748	-13.26971	-159.614094	-13.509574
-157.0805	-13.57845	-159.561966	-13.476838
-157.4277	-13.99567	-159.464666	-13.417237
-157.6434	-14.37697	-159.323121	-13.349332
-157.7986	-14.73752	-159.212807	-13.287211
-157.9131	-15.11709	-159.104174	-13.209011
-157.962	-15.46605	-158.983445	-13.143509
-158.039622	-15.653761	-158.882253	-13.049931
-158.122829	-15.877123	-158.744371	-12.94646
-158.127739	-15.869203	-158.649624	-12.872332
-158.231024	-15.803568	-158.560938	-12.795621
-158.36955	-15.745447	-158.495677	-12.723884
-158.496828	-15.694033	-158.424306	-12.639442
-158.661362	-15.634953	-158.333838	-12.548261
-158.821586	-15.583395	-158.2853	-12.45563
-159.026918	-15.539192	-158.071642	-12.43816
-159.190663	-15.503491	-157.8909	-12.42376
-159.372631	-15.472738	-157.747379	-12.436771
-159.548569	-15.453715	-157.631174	-12.428707
-159.736692	-15.448871	-157.4811	-12.39678
-159.90316	-15.449959	-157.229515	-12.356368
-160.083542	-15.463548	-157.039477	-12.306157
-160.226654	-15.480612	-156.868471	-12.243143
-160.365423	-15.495182	-156.665366	-12.174288
-160.451319	-15.514117	-156.495214	-12.106995
-160.406016	-15.448192	-156.3649	-12.01769
-160.316351	-15.338878	-156.25113	-11.967768
-160.217964	-15.213622	-156.113903	-11.894359
-160.156932	-15.110787	-156.012144	-11.844092
-160.074995	-14.978629	-155.895851	-11.761728
		-155.77415	-11.66355
		-155.688884	-11.572012
		-155.593209	-11.478779
		-155.495308	-11.375548

Attachment B: Eastern High Seas Pocket





**COMMISSION
FOURTEENTH REGULAR SESSION**

Manila, Philippines
3 – 7 December 2017

**CONSERVATION AND MANAGEMENT MEASURE ON MINIMUM
STANDARDS FOR PORT STATE MEASURES**

Conservation and Management Measure 2017-02

The Western and Central Pacific Fisheries Commission (WCPFC):

Deeply concerned about the continuation of illegal, unreported and unregulated (IUU) fishing¹ in the WCPF Convention Area and its detrimental effect upon fish stocks, marine ecosystems and the livelihoods of legitimate fishers in particular in Small Island Developing States and Participating Territories (SIDS), and the increasing need for food security in the region;

Recalling that Article 27(1) of the WCPF Convention affirms that a port State has the right and the duty to take measures to promote the effectiveness of sub-regional, regional and global conservation and management measures;

Conscious of the role of the port CCMs in the adoption of effective MCS measures to promote the sustainable use and the long-term conservation of living marine resources;

Recognizing that port State measures potentially provide a powerful and cost-effective means of preventing, deterring and eliminating IUU fishing;

Aware of the need for increasing coordination at the regional and interregional levels to combat IUU fishing through, inter alia, port State measures;

Recognizing the special requirements of developing countries, in particular SIDS provided for in Article 30 of the WCPF Convention, including the importance of port operations in the domestic economies of many SIDS, the need to ensure that port State measures do not result in transferring a disproportionate burden of conservation action onto developing CCMs, and the need for assistance to developing countries, in particular SIDS to adopt and implement port State measures;

Bearing in mind that CCMs exercise sovereignty over ports in their territory in accordance with their national laws, and consistent with international law;

¹ The definition of IUU fishing is as described in the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU).

Recognizing the importance in the Western and Central Pacific Ocean (WCPO) of measures applied by sub-regional fisheries management arrangements and organisations;

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, hereinafter referred to as the 1982 Convention;

Further recalling the Agreement for the Implementation of 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 of 4 December 1995, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 and the 1995 FAO Code of Conduct for Responsible Fisheries;

Noting that some CCMs are parties to the *FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*;

Noting the Plan of Action adopted in Kobe in January 2007 by the Joint Tuna RFMOs Meeting and the overall Kobe process;

Adopts the following conservation and management measure (CMM) in accordance with Article 10 of the WCPF Convention:

Objective

1. The purpose of this measure is to establish processes and procedures for CCMs to request that port inspections be undertaken on fishing vessels suspected of engaging in IUU fishing or fishing related activities in support of IUU fishing.

General rights and obligations

2. Nothing in this CMM shall prejudice the rights, jurisdiction and duties of CCMs under international law. In particular, nothing in this CMM shall be construed to affect:

- a) the sovereignty of CCMs over their internal, archipelagic and/or territorial waters, or their sovereign rights over their continental shelves and/or exclusive economic zones;
- b) the exercise by port CCMs of their sovereignty over their ports in their territory in accordance with international law, including their right to deny entry thereto as well as adopt more stringent measures than those provided for in this CMM.

3. This CMM shall be interpreted and applied consistently with international law, taking into account applicable international rules and standards.

4. Nothing in this measure affects the entry of vessels to port in accordance with international law for reasons of force majeure or distress, or prevents a port CCM from permitting entry into port to a vessel exclusively for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

2

5. Each flag CCM shall require its flagged vessels to cooperate with any port CCM that is implementing any port State measures under the WCPFC Convention, and this CMM.

Designation of Ports

6. Each port CCM is encouraged to designate ports for the purposes of inspection through the provision of a list of its *designated ports* to the WCPFC Executive Director. Any subsequent designation of ports or changes to this list shall be notified to the WCPFC Executive Director at least 30 days before the designation or change takes effect.

7. The WCPFC Executive Director shall establish and maintain a record of designated ports based on the lists submitted by port CCMs. The record and any subsequent change shall be immediately published on the WCPFC website.

Authorized fisheries Inspectors

8. Port CCMs shall ensure that fisheries inspections are undertaken by Government authorized inspectors. Each inspector shall carry a document of identity issued by the port CCM.

Inspection requirements

9. Port CCMs shall carry out inspections on at least the following vessels:

- a) on any foreign longline, purse seine and carrier vessel that enters their *designated port* and is not listed on the WCPFC Record of Fishing Vessels, other than in cases where the vessel is authorized with another RFMO that the port CCM is a Party to, as practicable;
- b) vessels that appear on the IUU list of an RFMO.

10. A port CCM shall give particular consideration to inspecting those vessels suspected of undertaking IUU fishing activities, including if identified by non-CCMs or other RFMOs, particularly where evidence of IUU fishing or fishing related activities in support of IUU fishing has been provided.

Request for Port Inspection

11. When a CCM has reasonable grounds to believe that a vessel has engaged in IUU fishing or fishing related activities in support of IUU fishing, and is seeking entry in to, or is in the *designated port* of another CCM, it may request that CCM to inspect the vessel or to take other measures consistent with that CCM's port State measures.

12. CCMs shall ensure that requests for inspections, as per paragraph 11, include information on the nature and grounds for suspicion of IUU fishing or fishing related activities in support of IUU fishing. Port CCMs shall acknowledge the receipt of the request for an inspection, and advise whether an inspection will be undertaken based on an assessment of the information provided, availability of resources, and their capacity to do so at the time of the request.

Inspection procedures

13. If an inspection, as per paragraph 12, is undertaken by the port CCM, a report on the outcome (inspection report) shall be provided to the requesting CCM, to the flag CCM and to the Executive Director as soon as practicable, and in any case within 15 days of such request. Where a port CCM cannot provide a report within 15 days, that port CCM shall notify the requesting CCM, flag CCM and the WCPFC Executive Director of the expected date that the inspection report will be provided.

14. On completion of an inspection, the port inspector shall provide a copy of an interim report on the vessel inspection to the vessel master prior to leaving the vessel.

15. Where, following a port inspection, a flag CCM receives an inspection report, as referred to in paragraph 13, indicating that there are clear grounds to believe that its flagged vessel has engaged in IUU fishing or fishing related activities in support of IUU fishing, it shall immediately and fully investigate the matter in accordance with Article 25 of the Convention.

16. In the event a port CCM does not carry out an inspection, following a request under paragraph 11, the requesting CCM may then seek assistance from the WCPFC Secretariat to advise the requesting CCM, using available surveillance information², which designated port the vessel may next enter. The requesting CCM may then request that port CCM of the designated port to undertake an inspection on the vessel in accordance with paragraphs 11 to 15.

17. In cases where there is sufficient evidence indicating that a vessel has committed IUU fishing, or fishing related activities in support of IUU fishing, or is on a RFMO IUU list, port CCMs shall only provide such a vessel authorisation to enter its designated port for inspection and investigation purposes. Activities that support fishing operations inter alia, landing, transshipment, and re-provisioning shall be prohibited.

18. In the establishment of port State measures, CCMs may consider implementing the port State inspection procedures, port inspection reports and port inspector training provided in Annex A, B and C of this CMM as guidelines³. CCMs may also consider implementing FFA standard inspection procedures and reporting frameworks or other such compatible procedures and frameworks.

Coordination and Communication

19. Each port CCM shall notify the Commission of a contact point for the purposes of this measure. Port CCMs shall transmit this information to the Executive Director within 6 months from the date of entry in to force of this CMM. Any subsequent changes shall be notified to the WCPFC Executive Director at least 15 days before such change takes effect. The WCPFC Executive Director shall establish

² Surveillance information can include VMS information and other sources that may provide vessel location information, including information that may be obtained through consultation with other regional organisations.

³ CCMs should also consider investigating implementation of bycatch mitigation equipment.

and maintain a list of port CCM contacts and shall publish this list on the WCPFC website.

20. CCMs shall cooperate and exchange information with relevant CCMs, the WCPFC Secretariat, other regional organisations and relevant international organisations to further the objectives and ensure the effective implementation of this CMM, in accordance with the Commission's confidentiality and data protection requirements, and with national laws.

21. CCMs that establish port State measures shall publicize all relevant measures in an appropriate manner, within 30 days of entering into force of such measures, and shall advise the Commission to facilitate wider distribution through posting on the WCPFC website.

Special Requirements of Small Island Developing States and Participating Territories

22. CCMs shall give full recognition to the Special Requirements of Developing States, in particular SIDS, in relation to the implementation of this CMM. To this end, WCPFC shall provide assistance to CCM SIDS in order to, inter alia:

- a. enhance their ability to develop a legal basis and capacity for the implementation of effective port State measures;
- b. facilitate their participation in any international organizations that promote the effective development and implementation of port State measures; and
- c. facilitate technical assistance to strengthen the development and implementation of port State measures by them, in coordination with relevant international mechanisms.

23. CCMs shall cooperate to establish appropriate mechanisms to assist Developing CCMs, in particular SIDS in the implementation of this CMM, which may include the provision of technical and/or financial assistance through bilateral, multilateral, and regional cooperation channels

24. These mechanisms shall, inter alia, be directed specifically towards:

- developing national and international port State measures;
- developing and enhancing capacity, including for monitoring, control and surveillance and for training at the national and regional levels of port managers, inspectors, and enforcement and legal personnel;
- monitoring, control, surveillance and compliance activities relevant to port State measures, including access to technology and equipment; and
- assisting SIDS CCMs with the costs involved in any proceedings for the settlement of disputes that result from actions they have taken pursuant to this CMM.

25. Starting in 2018, the Commission shall commence development of a mechanism, including through cost recovery, to provide funding support to SIDS CCMs that undertake inspections of foreign fishing vessels in accordance with this measure. The Commission shall use best endeavors to finalize and agree this mechanism by WCPFC16, noting that it will be critical in SIDS' decision making processes about whether to designate their ports under this CMM.

26. CCMs shall, to the extent practicable, encourage the use of ports of SIDS in order to increase the opportunity to undertake inspections, and participation of SIDS in fisheries for WCPO tuna stocks.

27. In implementing any obligation of this CMM, where the transfer of a disproportionate burden has been demonstrated by a SIDS despite measures in this section, CCMs shall cooperate to identify mechanisms required to mitigate the burden of implementation, which may include key capacity or resource assistance and those mechanisms set out in paragraph 4 of CMM 2013-06. CCMs shall cooperate with that SIDS to adopt or obtain those mechanisms in order to assist that SIDS to implement that obligation.

Periodic review

28. The Commission shall review this measure within 2 years of its entry in to force, which shall include but not be limited to an evaluation of its effectiveness, and any financial and administrative burdens associated with its implementation.

29. In the review of this measure, the Commission may consider additional elements such as notification requirements, port entry, authorization or denial, use of ports, and additional inspection requirements.

Inspectors should:

- a) verify, to the extent possible, that the vessel identification documentation onboard and information relating to the owner of the vessel is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary;
- b) verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organization (IMO) ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;
- c) verify, to the extent possible, that the authorizations for fishing and fishing related activities are true, complete, correct and consistent with the information provided in accordance with Annex A;
- d) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and vessel monitoring system (VMS) data from the flag State or relevant regional fisheries management organizations (RFMOs). Relevant documentation may include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- e) examine, to the extent possible, all relevant fishing gear onboard, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorizations. The fishing gear should, to the extent possible, also be checked to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorized for the vessel;
- f) determine, to the extent possible, whether the fish on board was harvested in accordance with the applicable authorizations;
- g) examine the fish, including by sampling, to determine its quantity and composition. In doing so, inspectors may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;
- h) evaluate whether there is clear evidence for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing;
- i) provide the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master. The master's signature on the report should serve only as acknowledgment of the receipt of a copy of the report. The master should be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State in particular where the master has serious difficulties in understanding the content of the report. A copy of the report should be provided to the master; and
- j) arrange, where necessary and possible, for translation of relevant documentation.

ANNEX B

Guidelines for Port Inspection Reports

1. Inspection report no.		2. Port State			
3. Inspecting authority					
4. Name of principal inspector		ID			
5. Port of inspection					
6. Commencement of inspection	YYYY	MM	DD	HH	
7. Completion of inspection	YYYY	MM	DD	HH	
8. Advanced notification received	Yes		No		
9. Purpose(s)	LAN	TRX	PRO	OTH (specify)	
10. Port and State and date of last port call			YYYY	MM	DD
11. Vessel name					
12. Flag State					
13. Type of vessel					
14. International Radio Call Sign					
15. Certificate of registry ID					
16. IMO ship ID, if available					
17. External ID , if available					
18. Port of registry					
19. Vessel owner(s)					
20. Vessel beneficial owner(s), if known and different from vessel owner					
21. Vessel operator(s), if different from vessel owner					
22. Vessel master name and nationality					
23. Fishing master name and nationality					
24. Vessel agent					
25. VMS	No	Yes: National	Yes: RFMOs	Type:	
26. Status in RFMO areas where fishing or fishing related activities have been undertaken, including any IUU vessel listing					
<i>Vessel identifier</i>	<i>RFMO</i>	<i>Flag State status</i>	<i>Vessel on authorized vessel list</i>	<i>Vessel on IUU vessel list</i>	

27. Relevant fishing authorization(s)						
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>	
28. Relevant transshipment authorization(s)						
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>		
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>		
29. Transshipment information concerning donor vessels						
<i>Name</i>	<i>Flag State</i>	<i>ID no.</i>	<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity</i>
30. Evaluation of offloaded catch (quantity)						
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity offloaded</i>	<i>Difference between quantity declared and quantity determined, if any</i>	
31. Catch retained onboard (quantity)						
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity retained</i>	<i>Difference between quantity declared and quantity determined, if any</i>	
32. Examination of logbook(s) and other documentation			<i>Yes</i>	<i>No</i>	<i>Comments</i>	
33. Compliance with applicable catch documentation scheme(s)			<i>Yes</i>	<i>No</i>	<i>Comments</i>	
34. Compliance with applicable trade information scheme(s)			<i>Yes</i>	<i>No</i>	<i>Comments</i>	
35. Type of gear used						
36. Gear examined in accordance with paragraph e) of Annex B			<i>Yes</i>	<i>No</i>	<i>Comments</i>	
37. Findings by inspector(s)						
38. Apparent infringement(s) noted including reference to relevant legal instrument(s)						
39. Comments by the master						
40. Action taken						
41. Master's signature						
42. Inspector's signature						

ANNEX C

Guidelines for the training of port inspectors

Elements of a training programme for port State inspectors should include at least the following areas:

1. Ethics;
2. Health, safety and security issues;
3. Applicable national laws and regulations, areas of competence and conservation and management measures, port state measures of relevant RFMOs, and applicable international law;
4. Collection, evaluation and preservation of evidence;
5. General inspection procedures such as report writing and interview techniques;
6. Analysis of information, such as logbooks, electronic documentation and vessel history (name, ownership and flag State), required for the validation of information given by the master of the vessel;
7. Vessel boarding and inspection, including hold inspections and calculation of vessel hold volumes;
8. Verification and validation of information related to landings, transshipments, processing and fish remaining onboard, including utilizing conversion factors for the various species and products;
9. Identification of fish species, and the measurement of length and other biological parameters;
10. Identification of vessels and gear, and techniques for the inspection and measurement of gear;
11. Equipment and operation of VMS and other electronic tracking systems; and
12. Actions to be taken following an inspection.



COMMISSION
FOURTEENTH REGULAR SESSION
Manila, Philippines
3 – 7 December, 2017

**CONSERVATION AND MANAGEMENT MEASURE FOR THE PROTECTION OF WCPFC
REGIONAL OBSERVER PROGRAMME OBSERVERS**

Conservation and Management Measure 2017-03¹

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 (the Convention);

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 (ROP);

Further recalling that Annex III, article 3 of the Convention expressly requires that the vessel operator and each member of the crew shall allow and assist any person identified as an observer under the ROP to carry out all duties safely and that the operator or any crew member shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with observers in the performance of their duties;

Committing to the implementation of conservation and management measure (CMM) 2007-01, which clearly states the rights of observers shall include, *inter alia*, the freedom to carry out their duties without being assaulted, obstructed, resisted, delayed, intimidated or interfered with in the performance of their duties;

Recognizing that observers play a critical role in supporting effective management outcomes and therefore it is critical that measures are in place to ensure their safety while undertaking their duties;

Noting that CMM 2007-01 specifies that the responsibilities of vessel operators and captains shall include, *inter alia*, ensuring that ROP observers are not assaulted, obstructed, resisted, delayed, intimidated, interfered with, influenced, bribed or attempted to be bribed in the performance of their duties;

¹ This measure revises and replaces CMM 2016-03. The only change made was to delete footnote 1.

Further Recognizing the commitments in Articles 98 and 146 of the United Nations Convention on the Law of the Sea (UNCLOS), to render assistance and protect human life, and the International Convention on Maritime Search and Rescue, as amended and overseen by the International Maritime Organization, which outlines the responsibilities of governments related to search procedures including the organization and coordination of actions, cooperation between States, and operating procedures for vessel operators and crew;

Further Noting the commitment in Article 94(7) of UNCLOS, regarding the duty of a flag State to cause an inquiry to be held into any loss of life or serious injury to nationals of another State which has been caused by a marine casualty or incident of navigation and involved a ship flying its flag;

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

1. This CMM applies to WCPFC ROP observers on fishing trips operating under the WCPFC ROP.
2. Nothing in this measure shall prejudice the rights of relevant CCMs to enforce their laws with respect to the safety of observers consistent with international law.
3. In the event that a WCPFC ROP observer dies, is missing or presumed fallen overboard, the CCM to which the fishing vessel is flagged shall ensure that the fishing vessel:
 - a. immediately ceases all fishing operations;
 - b. immediately commences search and rescue if the observer is missing or presumed fallen overboard, and searches for at least 72 hours, unless the observer is found sooner, or unless instructed by the flag CCM to continue searching²;
 - c. immediately notifies the flag CCM;
 - d. immediately alerts other vessels in the vicinity by using all available means of communication;
 - e. cooperates fully in any search and rescue operation
 - f. whether or not the search is successful, return the vessels for further investigation to the nearest port, as agreed by the flag CCM and the observer provider;
 - g. provides the report to the observer provider and appropriate authorities on the incident; and
 - h. cooperates fully in any and all official investigations, and preserves any potential evidence and the personal effects and quarters of the deceased or missing observer.

² In the event of force majeure, flag CCMs may allow their vessels to cease search and rescue operations before 72 hours have elapsed.

4. Paragraphs 3(a), (c) and (h) apply in the event that an observer dies. In addition, the flag CCM shall require that the fishing vessel ensure that the body is well-preserved for the purposes of an autopsy and investigation.

5. In the event that a WCPFC ROP observer suffers from a serious illness or injury that threatens his or her health or safety, the CCM to which the fishing vessel is flagged shall ensure that the fishing vessel:

- a. immediately ceases fishing operations;
- b. immediately notifies the flag CCM
- c. takes all reasonable actions to care for the observer and provide any medical treatment available and possible on board the vessel;
- d. where directed by the observer provider, if not already directed by the flag CCM, facilitates the disembarkation and transport of the observer to a medical facility equipped to provide the required care, as soon as practicable; and
- e. cooperates fully in any and all official investigations into the cause of the illness or injury.

6. For the purposes of paragraphs 3 through 5, the flag CCM shall ensure that the appropriate Maritime Rescue Coordination Centre ³, observer provider and Secretariat are immediately notified.

7. In the event that there are reasonable grounds to believe a WCPFC ROP observer has been assaulted, intimidated, threatened, or harassed such that their health or safety is endangered and the observer or the observer provider indicates to the CCM to which the fishing vessel is flagged that they wish for the observer to be removed from the fishing vessel, the CCM to which the fishing vessel is flagged shall ensure that the fishing vessel:

- a. immediately takes action to preserve the safety of the observer and mitigate and resolve the situation on board;
- b. notifies the flag CCM and the observer provider of the situation, including the status and location of the observer, as soon as possible;
- c. facilitates the safe disembarkation of the observer in a manner and place, as agreed by the flag CCM and the observer provider, that facilitates access to any needed medical treatment; and
- d. cooperates fully in any and all official investigations into the incident.

³ <http://sarcontacts.info/>

8. In the event that there are reasonable grounds to believe that a WCPFC ROP observer has been assaulted, intimidated, threatened, or harassed but neither the observer nor the observer provider wishes that the observer be removed from the fishing vessel, the CCM to which the fishing vessel is flagged shall ensure that the fishing vessel:

- a. takes action to preserve the safety of the observer and mitigate and resolve the situation on board as soon as possible;
- b. notifies the flag CCM and the observer provider of the situation as soon as possible; and
- c. cooperates fully in all official investigations into the incident.

9. If any of the events in paragraphs 3 – 7 occur, port CCMs, shall facilitate entry of the fishing vessel to allow disembarkation of the WCPFC ROP observer and, to the extent possible, assist in any investigations if so requested by the flag CCM.

10. In the event that, after disembarkation from a fishing vessel of a WCPFC ROP observer, an observer provider identifies—such as during the course of debriefing the observer—a possible violation involving assault or harassment of the observer while on board the fishing vessel, the observer provider shall notify, in writing, the flag CCM and the Secretariat, and the flag CCM shall:

- a. investigate the event based on the information provided by the observer provider and take any appropriate action in response to the results of the investigation;
- b. cooperate fully in any investigation conducted by the observer provider, including providing the report to the observer provider and appropriate authorities of the incident; and
- c. notify the observer provider and the Secretariat of the results of its investigation and any actions taken.

11. CCMs shall ensure that their national observer providers:

- a. immediately notify the flag CCM in the event that a WCPFC ROP observer dies, is missing or presumed fallen overboard in the course of observer duties;
- b. cooperate fully in any search and rescue operation;
- c. cooperate fully in any and all official investigations into any incident involving an WCPFC ROP observer;
- d. facilitate the disembarkation and replacement of a WCPFC ROP observer in a situation involving the serious illness or injury of that observer as soon as possible;
- e. facilitate the disembarkation of a WCPFC ROP observer in any situation involving the assault, intimidation, threats to, or harassment of that observer to such an extent that the observer wishes to be removed from the vessel, as soon as possible; and

- f. provide the flag CCM with a copy of the observer report on alleged violations involving that provider's observer upon request, pursuant to the WCPFC Rules and Procedures for Protection, Access to, and Dissemination of Data Compiled by the Commission and 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.

12. Notwithstanding paragraph 1 CCMs shall ensure that any authorized High Seas Boarding and Inspection vessels flying their flag cooperate, to the greatest extent possible, in any search and rescue operation involving an observer. CCMs shall also encourage any other vessels flying their flag to participate, to the greatest extent possible, in any search and rescue operations involving a WCPFC ROP observer.

13. Where requested relevant observer providers, and CCMs shall cooperate in each other's investigations including providing their incident reports for any incidents indicated in paragraphs 3 through 8 to facilitate any investigations as appropriate.

14. The Technical and Compliance Committee and the Commission will review this conservation and management measure no later than 2019 and periodically thereafter. Notwithstanding this provision CCMs may submit a proposal to amend this CMM at any time.



**COMMISSION
FOURTEENTH REGULAR SESSION**
Manila, Philippines
3 – 7 December 2017

CONSERVATION AND MANAGEMENT MEASURE ON MARINE POLLUTION

Conservation and Management Measure 2017-04

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

Concerned that marine pollution is increasingly recognised as a significant global problem, with detrimental impacts on ocean and coastal environments, wildlife, economies and ecosystems,

Recalling that the need to prevent and significantly reduce marine pollution of all kinds was affirmed at the United Nations Conference to Support the Implementation of Sustainable Development Goal 14 through the adoption of paragraph 13(g) of the ‘Our ocean, our future: call for action’ declaration;

Convinced that certain activities associated with fishing may affect the Western and Central Pacific marine environment and that these activities may play a notable role in WCPFC’s efforts to minimise incidental mortality of non-target species and impacts on marine ecosystems,

Noting that abandoned, lost or otherwise discarded fishing gear in the marine environment can damage marine, reef and coastal habitats, be harmful to marine life through ghost fishing, entanglement, ingestion and acting as habitat for the spread of invasive species, and create a navigation hazard,

Noting that the provisions of Annex V of International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 (MARPOL), prohibit the disposal of all fishing gear and plastics at sea,

Further noting that the provisions of Annex I, Annex IV and Annex VI of MARPOL manage and restrict the discharge of oil, sewage and air pollutants from ships at sea,

Noting that there is limited monitoring and implementation of MARPOL obligations on fishing vessels, and consequently little information exists about illegal pollution activities by fishing vessels at sea,

Further noting that the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (London Convention) and the 1996 Protocol (London Protocol) manage or prohibit through regulation the dumping into the sea of wastes or other matter.

Recalling that information from observer reports suggests that fishing vessels are responsible for significant amounts of marine pollution in the Western and Central Pacific Ocean, even when observers are aboard, and that marine pollution is likely to be even more significant on fishing vessels, particularly longline fishing vessels, where observer coverage is very low,

Recognising 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 the small island 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 further that Article 30(2) of the Convention requires the Commission to take into account the special requirements of developing States, in particular SIDS 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;

Recalling the adoption of CMM 2013-07 which also recognises the special requirements of SIDS and territories;

Adopts, in accordance with Article 5 (d-f) and 10 (1)(h) of the Convention that:

1. Commission Members, Cooperating Non-Members and Participating Territories (CCMs) that are entitled to ratify, accept, approve or accede to the annexes of MARPOL and the London Protocol are encouraged to do so at the earliest possible opportunity if they have not already done so. CCMs that experience difficulties in becoming Parties to the MARPOL or London Protocol are encouraged to inform the International Maritime Organization of the circumstances thereof, so that consideration can be given to take appropriate action in this respect, including providing necessary technical assistance.
2. CCMs shall prohibit their fishing vessels operating within the WCPFC Convention Area from discharging any plastics (including plastic packaging, items containing plastic and polystyrene) but not including fishing gear.
3. CCMs are encouraged to prohibit their fishing vessels operating within the WCPFC Convention Area from discharging:
 - a) oil or fuel products or oily residues into the sea;
 - b) garbage, including fishing gear¹, food waste, domestic waste, incinerator ashes and

¹ Fishing gear, for the purposes of this measure, that are released into the water with the intention of later retrieval such as FADs, traps and static nets, are not considered garbage.

- cooking oil; and
- c) sewage,
- except as would be permitted under applicable international instruments.
4. CCMs are encouraged to undertake research into marine pollution related to fisheries in the WCPFC Convention Area to further develop and refine measures to reduce marine pollution, and are encouraged to submit to SC and TCC any information derived from such efforts.
 5. CCMs shall encourage their fishing vessels within the WCPFC Convention Area to retrieve abandoned, lost or discarded fishing gear and retain the material on board, separate from other waste for discharge to port reception facilities. Where retrieval is not possible or does not occur, CCMs shall encourage their fishing vessels to report the latitude, longitude, type, size and age of abandoned, lost or discarded fishing gear.
 6. CCMs are requested to ensure adequate port reception facilities are provided to receive waste from fishing vessels. SIDS CCMs are requested to utilise, as appropriate, regional port reception facilities in accordance with international standards.
 7. CCMs are encouraged to ensure that fishing vessels flying their flag and operating within the WCPFC Convention Area inform their flag State of ports in countries that are Party to the annexes of MARPOL which do not have adequate port reception facilities for MARPOL wastes.
 8. CCMs shall cooperate, consistent with national laws and regulations, directly or through the Commission, and in accordance with their capabilities, to actively support SIDS and Territories through the provision of adequate port facilities for receiving and appropriately disposing of waste from fishing vessels.
 9. CCMs are encouraged to develop communication frameworks to enable the recording and sharing of information on fishing gear loss in order to reduce loss and facilitate recovery of fishing gear.
 10. CCMs are further encouraged to develop frameworks or systems to assist fishing vessels to report the loss of gear to their flag State, relevant coastal States, and the Commission.
 11. CCMs are encouraged to conduct training and awareness programs for the crew and master of fishing vessels flying their flag regarding the impacts of marine pollution and operational practices to eliminate marine pollution caused by fishing vessels.
 12. This measure will be reviewed by the Commission every 3 years to consider expanding the scope of measure with respect to the elimination of marine pollution caused by fishing vessels.
 13. The date of implementation for this measure is 1 January 2019.



**COMMISSION
FIFTEENTH REGULAR SESSION**

Honolulu, Hawaii, USA
10 – 14 December 2018

**CONSERVATION AND MANAGEMENT MEASURE FOR BIGEYE, YELLOWFIN
AND SKIPJACK TUNA IN THE WESTERN AND CENTRAL PACIFIC OCEAN**

Conservation and Management Measure 2018-01*

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) have been developed to prevent or mitigate the overfishing of bigeye and yellowfin tuna and to limit the growth of fishing capacity in the Western and Central Pacific Ocean;

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

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

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

** Version issued 2 May 2019*

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

Noting that Article 30(1) of the Convention requires the Commission to give full recognition to the special requirements of developing States that are Parties to the Convention, in particular small island developing States and Territories and possessions, in relation to the conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries on such stocks, including the provision of financial, scientific, and technological assistance;

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

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

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

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

Noting further that the Parties to the Nauru Agreement have adopted and implemented a Vessel Day Scheme for the longline fishery, a Vessel Day Scheme for the purse seine fishery and a registry for FADs in the zones of the Parties, and may establish longline effort limits, or equivalent catch limits for longline fisheries within their exclusive economic zones.

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

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

Acknowledging that the Commission has adopted CMM 2014-06 on Establishing a Harvest Strategy for Key Fisheries and Stocks in the Western and Central Pacific Ocean and a Work Plan to guide the development of key components of a Harvest Strategy, including the

recording of management objectives, adoption of reference points, and development of harvest control rules;

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

PURPOSE

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

PRINCIPLES FOR APPLICATION OF THE MEASURE

Compatibility

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

Area of Application

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

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

Small Island Developing States

5. With the exception of paragraphs 16-25, 31, 33-38, and 50-54, 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.

6. For the avoidance of doubt, where the term “SIDS” is used throughout this measure, the term includes Participating Territories. The term “CCM” means Members, Cooperating Non-Members and Participating Territories.

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

GENERAL PROVISIONS

Charter Arrangements

8. For the purposes of paragraphs 39-41 and 45-49, attribution of catch and effort shall be to the flag State, except that catches and effort of vessels notified as chartered under CMM 2016-05 or its replacement 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.

9. For purposes of paragraphs 39-41 and 45-49, catches and effort of United States flagged vessels operating under agreements with its Participating Territories shall be attributed to the Participating Territories. Such agreements shall be notified to the Commission in the form of notification under CMM 2016-05 or its replacement. Attribution for the purpose of this Measure is without prejudice to attribution for the purposes of establishing rights and allocation.

Overlap Area

10. Where flag CCMs choose to implement IATTC measures in the overlap area, any calculation of limits for the Convention Area (excluding the overlap area) that are done on the basis of historical catch or effort levels, shall exclude historical catch or effort within the overlap area. Notwithstanding decisions on application of catch and/or effort limits, all other provisions of this measure apply to all vessels fishing in the overlap area.

HARVEST STRATEGIES AND INTERIM OBJECTIVES FOR BIGEYE, SKIPJACK, AND YELLOWFIN TUNA

11. This measure is to create a bridge to the adoption of a harvest strategy for bigeye, skipjack, and yellowfin tuna stocks and/or fisheries in accordance with the work plan and indicative timeframes set out in the Agreed Work Plan for the Adoption of Harvest Strategies under CMM 2014-06, which includes the development of management objectives and target reference points. Taking into account the bridging role of this measure and the uncertainty framework for evaluating the impact of management measures on the bigeye stock, the Commission shall work towards achieving and sustaining the aims in paragraphs 12 to 14.

Bigeye

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

Skipjack

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

Yellowfin

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

15. The Commission at its 2019 annual session shall review and revise the aims set out in paragraphs 12 to 14 in light of advice from the Scientific Committee.

PURSE SEINE FISHERY

FAD Set Management

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

17. In addition to the three month FAD closure in paragraph 16, except for those vessels flying the Kiribati flag when fishing in the high seas adjacent to the Kiribati exclusive economic zone,² and Philippines' vessels operating in HSP1 in accordance with Attachment 2, it shall be prohibited to deploy, service or set on FADs in the high seas for two additional sequential months of the year. Each CCM shall decide which two sequential months (either April – May

¹ Members of the PNA may implement the FAD set management measures consistent with the Third Arrangement Implementing the Nauru Agreement of May 2008. Members of the PNA shall provide notification to the Commission of the domestic vessels to which the FAD closure will not apply. That notification shall be provided within 15 days of the arrangement being approved.

² Those vessels fishing within a 100 nautical mile buffer zone extending from the high seas adjacent to the Cook Islands shall inform Kiribati and the Cook Islands authorities at least 24 hours prior to entry into and 24 hours prior to the exit from the buffer zone with estimated coordinates for entry and exit. Each report shall contain the vessel name, international radio call sign and position at time of reporting.

or November – December) shall be closed to setting on FADs by their fleets in the high seas for 2018, 2019 and 2020 and notify the Secretariat of that decision by March 1, 2018.[#]

[#] The Secretariat notes that WCPFC15 didn't sanction any specific revision to this paragraph but in 2019 some CCMs have notified a different choice of two sequential months to that notified in 2018.

18. The provisions of paragraphs 3 to 7 of CMM 2009-02 apply to the high seas FAD closures. In applying the provisions of paragraphs 16 and 17, any set where small amounts of plastic or small garbage that do not have a tracking buoy attached are detected shall not be considered to be a FAD set for the purposes of the FAD closure. This shall apply in 2019 only and will be reviewed to determine whether it resulted in increased catch of bigeye and small yellowfin tuna.

Non-entangling FADs

19. To reduce the risk of entanglement of sharks, sea turtles or any other species, as from 1st January 2020, CCMs shall ensure that the design and construction of any FAD to be deployed in, or that drifts into, the WCPFC Convention Area shall comply with the following specifications:

- The floating or raft part (flat or rolled structure) of the FAD can be covered or not. To the extent possible the use of mesh net should be avoided. If the FAD is covered with mesh net, it must have a stretched mesh size less than 7 cm (2.5 inches) and the mesh net must be well wrapped around the whole raft so that there is no netting hanging below the FAD when it is deployed.
- The design of the underwater or hanging part (tail) of the FAD should avoid the use of mesh net. If mesh net is used, it must have a stretched mesh size of less than 7 cm (2.5 inches) or tied tightly in bundles or “sausages” with enough weight at the end to keep the netting taut down in the water column. Alternatively, a single weighted panel (less than 7 cm (2.5 inches) stretched mesh size net or solid sheet such as canvas or nylon) can be used.

20. To reduce the amount of synthetic marine debris, the use of natural or biodegradable materials for FADs should be promoted. The use of non-plastic and biodegradable materials in the construction of FADs is encouraged.

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

22. The Commission at its 2020 annual session, based on specific guidelines defined by the FAD Management Options Intersessional Working Group and advice from SC16 and TCC16 shall consider the adoption of measures on the implementation of non-entangling and/or biodegradable material on FADs.

Instrumented Buoys

23. A flag CCM shall ensure that each of its purse seine vessels shall have deployed at sea, at any one time, no more than 350 drifting Fish Aggregating Devices (FADs) with activated

instrumented buoys. An instrumented buoy is defined as a buoy with a clearly marked reference number allowing its identification and equipped with a satellite tracking system to monitor its position. The buoy shall be activated exclusively on board the vessel. A flag CCM shall ensure that its vessels operating in the waters of a coastal State comply with the laws of that coastal State relating to FAD management, including FAD tracking.

24. The Commission at its 2019 annual session, based on consideration in the FAD Management Options Intersessional Working Group, shall review whether the number of FADs deployed as set out in paragraph 23 is appropriate.

Zone-based purse seine effort control

25. Coastal CCMs within the Convention Area shall restrict purse seine effort and/or catch of skipjack, yellowfin and bigeye tuna within their EEZs in accordance with the effort limits established and notified to the Commission and set out in Table 1 of Attachment 1. Those coastal CCMs that have yet to notify limits to the Commission shall do so by 31 December 2018.

High seas purse seine effort control³

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

27. CCMs shall ensure that the effectiveness of these effort limits for the purse seine fishery are not undermined by a transfer of effort in days fished into areas within the Convention Area south of 20°S. In order not to undermine the effectiveness of these effort limits, CCMs shall not transfer fishing effort in days fished in the purse seine fishery to areas within the Convention Area north of 20°N.

28. The limits set out in Attachment 1, Table 2 do not confer the allocation of rights to any CCM and are without prejudice to future decisions of the Commission. By 2020 the Commission shall agree on hard effort or catch limits in the high seas of the Convention Area and a framework for the allocation of those limits in the high seas amongst all Members and Participating Territories that adequately take into account Articles 8, 10 (3) and 30 of the Convention. The Commission shall also consider options as to how CCMs would use their limits.

29. *{The Commission agreed at WCPFC15 that paragraph 29 in CMM 2017-01 applied only in 2018}*

30. Where the catch and effort limits in paragraphs 25 and 26 have been exceeded, any overage of the annual limits by a CCM or the collective annual limits of a group of CCMs shall be deducted from the limits for the following year for that CCM or group of CCMs.

³ 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.

Catch retention: Purse Seine Fishery

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

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

32. Nothing in paragraphs 16-18 and 31 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: Purse Seine Fishery

33. Notwithstanding the VMS SSP, a purse seine vessel shall not operate under manual reporting during the FADs closure periods, but the vessel will not be directed to return to port until the Secretariat has exhausted all reasonable steps to re-establish normal automatic reception of VMS positions in accordance with the VMS SSPs. The flag State shall be notified when VMS data is not received by the Secretariat at the interval specified in CMM 2014-02 or its replacement, and paragraph 37.

34. 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 2018-05).

35. 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.

36. 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.

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

Research on Bigeye and Yellowfin

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

LONGLINE FISHERY

39. As an interim measure, CCMs listed in Attachment 1, Table 3 shall restrict the level of bigeye catch to the levels specified in Table 3. Where the limits in Table 3 have been exceeded, any overage of the catch limit by a CCM listed in Table 3 shall be deducted from the catch limit for the following year for that CCM.

40. The Commission shall review the bigeye catch limits specified in Table 3 in 2019 based on any revised stock assessments and the recommendations of the Scientific Committee. The Commission may also take into account in setting any bigeye catch limits any plan submitted to the Secretariat by a CCM listed in Attachment 1, Table 3 to increase the level of monitoring and control of its longline vessels fishing in the Convention Area.

41. CCMs listed in Attachment 1, Table 3 shall report monthly the amount of bigeye catch by their flagged vessels to the Commission Secretariat by the end of the following month. The Secretariat shall notify all CCMs when 90% of the catch limits for a CCM is exceeded.

42. The limits set out in Attachment 1, Table 3 do not confer the allocation of rights to any CCM and are without prejudice to future decisions of the Commission.

43. Subject to paragraph 5, each Member that caught less than 2,000 tonnes in 2004 shall ensure that its bigeye catch does not exceed 2,000 tonnes annually.

44. By 2020 the Commission shall agree on hard limits for bigeye and a framework to allocate those limits amongst all Members and Participating Territories that adequately take into account Articles 8, 10 (3) and 30 of the Convention.

CAPACITY MANAGEMENT FOR PURSE SEINE AND LONGLINE VESSELS

Purse Seine Vessel Limits

45. CCMs, other than Small Island Developing States and Indonesia⁴, shall keep the number of purse seine vessels flying their flag larger than 24m with freezing capacity operating between 20°N and 20°S (hereinafter “LSPSVs”) to the applicable level under CMM 2013-01.

⁴ This paragraph shall not create a precedent with respect to application of exemptions to non-SIDS CCMs.

46. 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 to fish in the Convention Area of the replaced vessel shall be immediately revoked by the flag CCM. 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.

Limits on Longline Vessels with Freezing Capacity

47. CCMs, other than Small Island Developing States and Indonesia⁵, shall not increase the number of their longline vessels with freezing capacity targeting bigeye tuna above the applicable level under CMM 2013-01.⁶

Limits on ice-chilled longline vessels landing fresh fish

48. CCMs, other than Small Island Developing States and Indonesia⁷, shall not increase the number of their ice-chilled longline vessels targeting bigeye tuna and landing exclusively fresh fish above the applicable level under CMM 2013-01, or above the number of licenses under established limited entry programmes applying during the operation of CMM 2013-01.⁸

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

OTHER COMMERCIAL FISHERIES

50. 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 meeting in 2019 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.

51. CCMs shall take necessary measures to ensure that the total catch of their respective other commercial tuna fisheries for bigeye, yellowfin or skipjack tuna, but excluding those fisheries taking less than 2,000 tonnes of bigeye, yellowfin and skipjack, shall not exceed either the average level for the period 2001-2004 or the level of 2004.

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

⁶ The provisions of this paragraph do not apply to those CCMs who apply domestic quotas, including individual transferable quotas, within a legislated/regulated management framework.

⁷ This paragraph shall not create a precedent with respect to application of exemptions to non-SIDS CCMs.

⁸ The provisions of this paragraph do not apply to those CCMs who apply domestic quotas, including individual transferable quotas, within a legislated/regulated management framework.

DATA PROVISION REQUIREMENTS

52. Operational level catch and effort data in accordance with the *Standards for the Provision of Operational Level Catch and Effort Data* attached to the Rules for *Scientific Data to be Provided to the Commission* relating to all fishing in EEZs and high seas south of 20N subject to this CMM except for artisanal small-scale vessels shall be provided to the Commission not only for the purpose of stocks management but also for the purpose of cooperation to SIDS under Article 30 of the Convention.^{9 10}

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

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

REVIEW AND FINAL PROVISIONS

55. The Commission shall review this CMM annually to ensure that the various provisions are having the intended effect.

56. {*The Commission agreed at WCPFC15 that paragraph 56 in CMM 2017-01 applied only in 2018*}

57. This measure replaces CMM 2017-01. This measure shall come into effect on 13 February 2019 and remain in effect until 10 February 2021 unless earlier replaced or amended by the Commission.

⁹ CCMs which had domestic legal constraints under CMM 2014-01 shall provide operational level data as of the date on which those domestic legal constraints were lifted.

¹⁰ This paragraph shall not apply to Indonesia, until it changes its national laws so that it can provide such data. This exception shall expire when such changes take effect but in any event no later than 31 December 2025. Indonesia will, upon request, make best effort to cooperate in providing operational level data in case of Commission's stock assessment of those stocks under a data handling agreement to be separately made with the Scientific Provider.

Attachment 1

Table 1: EEZ purse seine effort limits [paragraph 25]

Coastal CCMs' EEZ/Group	Effort in Vessel days/Catch limit	Comment
PNA	44,033 days	This limit will be managed cooperatively through the PNA Vessel Day Scheme.
Tokelau	1000 days	
Cook Islands	1,250 days	These CCMs are developing joint arrangements which may incorporate measures such as pooling and transferability of limits between EEZs.
Fiji	300 days	
Niue	200 days	
Samoa	150 days	
Tonga	250 days	
Vanuatu	200 days	
Australia	30,000 mt SKJ 600 mt BET 600 mt YFT	
French Polynesia	0	
Indonesia	*	
Japan	1500 days	
Korea	*	
New Zealand	40,000 mt SKJ	
New Caledonia	20,000 mt SKJ	
Philippines	*	
Chinese Taipei	*	
United States **	558 days	
Wallis and Futuna	*	

* Limits not notified to the Commission

** The United States notified the Secretariat of the combined US EEZ and high seas effort limits on 1 July 2016 (1828 fishing days on the high seas and in the U.S. EEZ (combined)). The US EEZ limit is understood to be this notified limit minus the high seas effort limit for the United States set out in Table 2 of Attachment 1

Table 2. High seas purse seine effort control [paragraphs 26-28]

CCM	EFFORT LIMIT (DAYS)
CHINA	26
ECUADOR	**
EL SALVADOR	**
EUROPEAN UNION	403
INDONESIA	(0)
JAPAN	121
NEW ZEALAND	160
PHILIPPINES	#
REPUBLIC OF KOREA	207
CHINESE TAIPEI	95
USA	1270
** subject to CNM on participatory rights	
# The measures that the Philippines will take are in Attachment 2.	

Table 3. Bigeye Longline Catch Limits [paragraphs 39-42]

Bigeye catch limits by flag	
CCMs	Catch Limits
CHINA	8,224
INDONESIA	5,889*
JAPAN	18,265
KOREA	13,942
CHINESE TAIPEI	10,481
USA	3,554
*Provisional and maybe subject to revision following data analysis and verification	
Japan will make an annual one-off transfer of 500 metric tonnes of its bigeye tuna catch limit to China.	

Attachment 2: Measure for Philippines

1. This Attachment shall apply to Philippine traditional fresh/ice chilled fishing vessels operating as a group.

AREA OF APPLICATION

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

REPORTING

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

The report shall be in the following format:

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

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

OBSERVER

5. The fishing vessels covered by this measure shall employ a WCPFC Regional Observer on board during the whole duration while they operate in HSP-1 SMA in accordance with the provisions of CMM 2018-05.

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

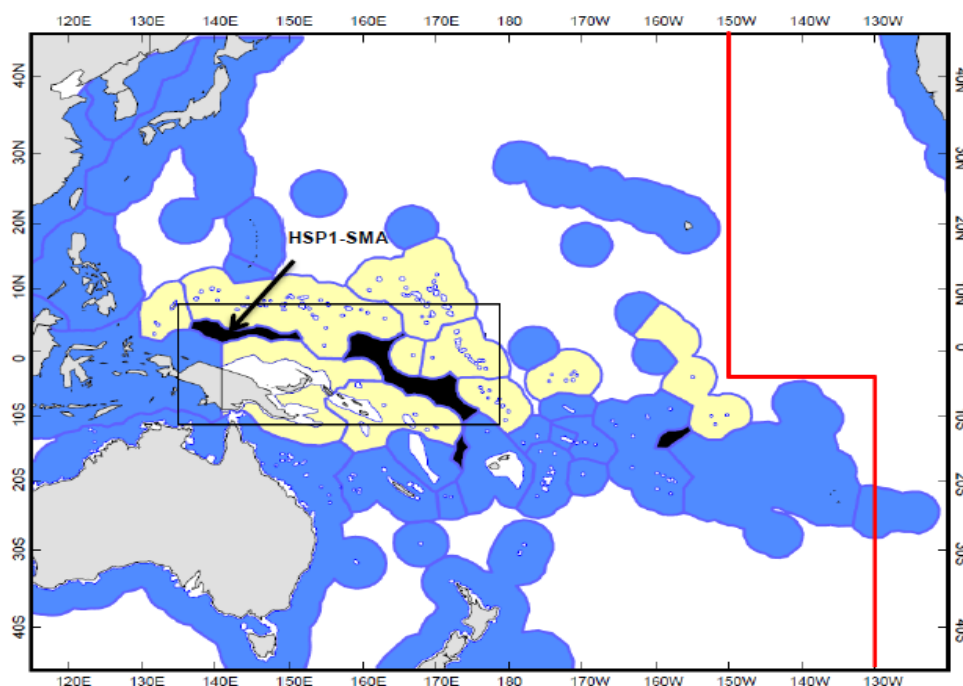
9. All vessels conducting their fishing activities pursuant to this Attachment to CMM 2018-01 shall comply with all other relevant CMMs. Vessels found to be non-complaint with this decision shall be dealt with in accordance with CMM 2010-06, and any other applicable measure adopted by the Commission.

EFFORT LIMIT

10. The total effort of these vessels shall not exceed 4,659¹⁴ days. The Philippines shall limit its fleet to 36 fishing vessels (described by the Philippines as catcher fishing vessels) in the HSP-1 SMA.

¹⁴ Reference Table 2(b), WCPFC9-2012-IP09_rev3

- Map Showing HSP-1 SMA Where the Arrangements in Attachment 2 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.



**COMMISSION
FIFTEENTH REGULAR SESSION**
Honolulu, Hawaii, USA
10 – 14 December 2018

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

Conservation and Management Measure 2018-03

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;

Recognising 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;

Recalling Article 5 of the Convention, which in giving effect to members duty to cooperate in accordance with the 1982 Convention and the UNFSA, requires members of the Commission under Article 5(e) to adopt measures to minimise, *inter alia*, catch of non-target species; and

Further recognising Article 30 of the Convention and the need 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.

Resolves as follows:

1. Commission Members, Cooperating Non-members and participating Territories (CCMs) should, 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 should 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 (1)(c) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean the following measures to address seabird bycatch:

South of 30° South

1. CCMs shall require their longline vessels fishing south of 30°S, to use either
 - a) at least two of these three measures:
 - i). weighted branch lines;
 - ii). night setting;
 - iii). tori lines; or
 - b) hook-shielding devices.

Table 1 does not apply south of 30° South. See Annex 1 for specifications of these measures.

25° South -30° South

2. CCMs shall require their longline vessels fishing in the area 25°S-30°S to use one of the following mitigation measures:
 - i) weighted branch lines;
 - ii) tori lines; or
 - iii) hook-shielding devices.

Table 1 does not apply in the area 25°S-30°S. See Annex 1 for specifications of these measures.

3. The extension of the scope of application of seabird mitigation measures from 30°S to 25°S shall not come into effect until 1 January 2020.
4. The requirements of paragraph 2 shall not apply in the EEZs of French Polynesia, New Caledonia, Tonga, Cook Islands and Fiji due to the low risk to seabirds. Those SIDS and Territories that have vessels operating south of 25° South are encouraged to collect data on seabird interactions, increase observer coverage rate as appropriate, and implement seabird mitigation measures when they operate within their EEZs.
5. The provisions in this section shall be reviewed no later than 3 years from the implementation date by the SC, based on the best available scientific information. The review shall consider both

the efficacy of the mitigation measures being used and the risk to vulnerable seabirds in areas where mitigation measures are not required and make recommendations to the Commission if needed.

North of 23° North

6. CCMs shall require their large-scale longline vessels of 24 meters or more in overall length fishing north of 23°N, to use at least two of the mitigation measures in Table 1, including at least one from Column A. CCMs also shall require their small-scale longline vessels less than 24 meters in overall length fishing north of 23°N, to use at least one of the mitigation measures from Column A in Table 1. 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 lines¹</i>	<i>Tori line²</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>
<i>Hook-shielding devices³</i>	

Other Areas

7. In other areas (between 25°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

8. For research and reporting purposes, each CCM with longline vessels that fish in the Convention Area south of 25°S or north of 23°N shall submit to the Commission in part 2 of its annual report 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.

9. 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.

¹ If using side setting with a bird curtain and weighted branch lines from Column A, this will be counted as two mitigation measures.

² If a tori line is selected from both Column A and Column B, this equates to simultaneously using two (i.e. paired) tori lines.

³ Hook-shielding devices can be used as a stand-alone measure.

10. 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.

11. 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.

12. 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.

13. 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 to enable the estimation of seabird mortality in all fisheries to which the Convention applies. (see Annex 2 for Part 1 reporting template guideline). These reports shall include information on:

- a) the proportion of observed effort with specific mitigation measures used; and
- b) observed and reported species specific seabird bycatch rates and numbers or statistically rigorous estimates of species-specific seabird interaction rates (for longline, interactions per 1,000 hooks) and total numbers.

14. This Conservation and Management measure replaces CMM 2017-06, which is hereby repealed.

Annex 1. Specifications

1. Tori lines (South of 25° South)

1a) For vessels ≥ 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 75 m of tori line.
 - b. Short streamers placed at intervals of no more than 1m.
- iii. Long streamers should be attached to the line in a way that prevent streamers from wrapping around the line. All long streamers shall reach the sea-surface in calm conditions. Streamers may be modified over the first 15 m to avoid tangling.
- iv. Vessels shall deploy the tori line to achieve a minimum aerial extent of 75 m. To achieve this aerial extent the tori line shall be attached to a tori pole >6 m above the sea surface located as close to the stern as practical. Sufficient drag must be created to maximise aerial extent and maintain the line directly behind the vessel during crosswinds. To avoid tangling, this is best achieved using a long in-water section of rope or monofilament.
- 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 5m 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 (For vessels ≥ 24 m total length)

- i. Must be attached to the vessel such that it is suspended from a point a minimum of 5m 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.

2c) Short Streamer (For vessels < 24 m total length)

This design shall be reviewed no later than 3 years from the implementation date based on scientific data.

- i. Must be attached to the vessel such that it is suspended from a point a minimum of 5m 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. If streamers are used, it is encouraged to use the streamers designed to be less than 1m apart and be 30cm minimum length.
- iv. If two (i.e. paired) tori lines are used, the two lines must be deployed on opposing sides of the mainline.

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 3m long;
 - Minimum of 3 main streamers attached to upper 2m of pole;
 - Main streamer diameter minimum 20mm;
 - Branch streamers attached to end of each main streamer long enough to drag on water (no wind) – minimum diameter 10mm.

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:
 - a) one weight greater than or equal to 40g within 50cm of the hook; or
 - b) greater than or equal to a total of 45g attached to within 1 m of the hook; or
 - c) greater than or equal to a total of 60 g attached to within 3.5 m of the hook; or
 - d) greater than or equal to a total of 98 g weight attached to within 4 m of the hook.

6. Hook-shielding devices

Hook-shielding devices encase the point and barb of baited hooks to prevent seabird attacks during line setting. The following devices have been approved for use in WCPFC fisheries:

- 1. Hookpods, which comply with the following performance characteristics⁴
 - a) the device encases the point and barb of the hook until it reaches a depth of at least 10 metres or has been immersed for at least 10 minutes;
 - b) the device meets current minimum standards for branch line weighting as specified in this Annex; and
 - c) the device is designed to be retained on the fishing gear rather than being lost.

7. 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.

8. 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.

⁴ Noted by SC14.

9. 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 annual Part 1 reports

The following tables should be included in the annual 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; 25°S-30°S; North of 23°N; or 23°N – 25°S¹]. 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); and the capture rate (captures per thousand hooks).

Year	Fishing effort				Observed seabird captures	
	Number of vessels	Number of hooks	Observed hooks	% hooks observed	Number	Rate ²
[year]						
[year]						
[year]						
[previous year e.g. 2017]						
[current year e.g. 2018]						

¹ Insert 'North of 23°N', 'South of 30°S', '25°S-30°S' or '23°N – 25°S'. For CCMs fishing in all areas, provide separate tables for each area.

² Provide data as captures per one thousand hooks.

Table y: Proportion of mitigation types¹ used by the fleet in [year].

	Combination of Mitigation Measures	Proportion of observed effort using mitigation measures					
		South of 30°S	25°S-30°S	25°S to 23°N	North of 23°N		
	No mitigation measures						
Options required south of 25°S	TL + NS						
	TL + WB						
	NS + WB						
	TL + WB + NS						
	HS						
Other options 25°S-30°S	WB						
	TL						
Other options north of 23°N	SS/BC/WB/DSL						
	SS/BC/WB/(MOD or BDB)						
Provide any other combination of mitigation measures here							
	Totals (must equal 100%)						

¹ TL = tori line, NS = night setting, WB = weighted branch lines, SS = side setting, BC = bird curtain, BDB = blue dyed bait, DSLS = deep setting line shooter, MOD = management of offal discharge, HS = hook-shielding device.

Table z: Number of observed seabird captures in [CCM] longline fisheries, 2012, by species and area.

Species	South of 30°S	25°S-30°S	North of 23°N	23°N –25°S	Total
E.g. Antipodean albatross					
[species name]					
[species name]					
[species name]					
[species name]					
[species name]					
[species name]					
Total					



**COMMISSION
FIFTEENTH REGULAR SESSION**

Honolulu, Hawaii, USA
10 – 14 December 2018

CONSERVATION AND MANAGEMENT OF SEA TURTLES

Conservation and Management Measure 2018-04*

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:

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;

Acknowledging that the Commission has adopted measures and reporting requirements for sea turtle interactions in longline fisheries that fish for swordfish in a shallow-set manner;

Deeply concerned that the Pacific leatherback (*Dermochelys coriacea*) subpopulations have declined drastically over the last three decades;

Guided by recent work that has led to advancements in best practices and technologies to avoid interactions and/or reduce the severity of interactions with sea turtles, through scientific studies including WCPFC and Common Oceans (ABNJ) Tuna Project workshops (2016) on the Joint Analysis of Sea Turtle Mitigation Effectiveness, which indicate that the use of large circle hooks and fish bait, independently and together, reduce the rate of interaction and significantly decreases sea turtle bycatch;

Acknowledging that many countries have undertaken circle hook trials in their longline fisheries in the last decade;

Affirming that additional measures should be undertaken to reduce sea turtle bycatch and mortality in tuna fisheries;

** Version issued 2 May 2019*

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 and the necessity to achieve a balance in mitigation requirements across species vulnerable to longline interactions;

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 ensure the safe handling of all captured sea turtles, in order to improve their survival.
2. CCMs shall report to the Commission in Part 2 of their annual reports the progress of implementation of 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) on sea turtle interactions shall be reported 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.
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 in their annual reporting of Scientific Data to be Provided to the Commission.
- 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. 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. CCMs with longline vessels that fish in a shallow-set manner¹ 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 finfish for bait.
 - iii. Use any other measure, mitigation plan² or activity that has been reviewed by the Scientific Committee (SC) and the Technical and Compliance Committee (TCC) and approved by the Commission to be capable of reducing the interaction rate (observed numbers per hooks fished) of turtles in shallow-set longline fisheries.
- b. The requirements of paragraph 7(a) need not be applied to those shallow-set longline fisheries determined by the SC, based on information provided by the relevant CCM, to have minimal³ 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 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.

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

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

³ As determined by SC5.

- 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) in their annual reporting of Scientific Data to be Provided to the Commission.

8. CCMs with longline fisheries other than shallow-set 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 review 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.

12. This measure will be reviewed by the Commission in 2021 to consider expanding the scope of the measure to include mitigation measures for deep-set longline fisheries, based on advice from the SC and TCC and on information provided by CCMs pursuant to this measure.

13. 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.

14. This measure will take effect on 1 January 2020, and shall replace CMM 2008-03.



**COMMISSION
FIFTEENTH REGULAR SESSION**
Honolulu, Hawaii, USA
10 – 14 December 2018

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

Conservation and Management Measure 2018-05¹

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 (WCPFC 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 WCPFC 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.

¹ This measure updates and revises CMM 2007-01, and as was agreed by the Commission at WCPFC15 (2018).

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 Measure 2004-01 (or its replacement CMM):

- 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.

11. CCMs shall take advantage of the information collected by observers for the purpose of investigations under Convention Articles 23 and 25, and shall cooperate in the exchange of such information, including by proactively requesting, responding to, and facilitating the fulfilment of requests for, copies of observer reports in accordance with standards adopted by the Commission, as applicable.

Role of the Commission and its subsidiary bodies

12. 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

13. 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;
 - x) support staff necessary to effectively administer the ROP; and
 - xi) maintain on the Commission website an up-to-date list of the National Observer Coordinators and their contact information, and copies of, or links to, each ROP provider's code of conduct for its observers.
- b) authorize observer providers to the ROP.

Role of coastal States

14. Each CCM shall nominate a WCPFC National Observer Coordinator, who shall be the contact point on matters related to the ROP, and keep the Secretariat informed of any changes to the Coordinator and his/her contact information.

Guiding principles for operation of the Commission ROP

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

- a) The Commission ROP shall consist of independent and impartial observers qualified in accordance with criteria approved by the Commission;
- b) 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;²
- c) 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;
- d) 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.
- e) 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;
- f) 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.
- g) 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.
- h) 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.

² 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 applicable 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, ensuring the ROP observer is not coerced or convinced to breach his/her responsibilities, and facilitating the observer's adherence to the applicable code of conduct.

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, not coercing or convincing the ROP observer to breach his/her responsibilities, and facilitating the observer's adherence to the applicable code of conduct.
- 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 fish³ 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).

³ 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.



COMMISSION
FIFTEENTH REGULAR SESSION
Honolulu, Hawaii, USA
10 – 14 December 2018

WCPFC RECORD OF FISHING VESSELS AND AUTHORIZATION TO FISH

Conservation and Management Measure 2018-06¹

A. Authorization to fish

1. Each member² 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 Measure³;

(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;

¹ This measure revised CMM 2017-05 to expand footnote 4. CMM 2017-05 had revised CMM 2013-10 by inclusion of footnote 6. CMM 2013-10 had previously 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.

² The term “member” when used in this measure includes cooperating non-members

³ 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 issued⁴

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.

⁴ 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. Effective 1 April 2020, flag CCMs shall ensure that all their motorized inboard fishing vessels of less than 100 GRT (or 100 GRT) down to a size of 12 meters in length overall (LOA), authorized to be used for fishing in the Convention Area beyond the flag CCM's area of national jurisdiction have an IMO or LR issued.

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.⁵

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

⁵ 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.⁶

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

⁶ Paragraphs 17 – 19 also do not apply to Samoan-flagged longline vessels that fish exclusively in the Samoa Exclusive Economic Zone, use an adjacent CCM's port for the purpose of unloading its catch in that port and that adjacent CCM does not object to the use of its port for this purpose.

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.

— — —



**COMMISSION
SIXTEENTH REGULAR SESSION**
Port Moresby, Papua New Guinea
5 – 11 December 2019

COOPERATING NON-MEMBERS

Conservation and Management Measure 2019-01¹

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

¹ Replaces CMM 2009-11

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. the attendance by an applicant for CNM status at the TCC meeting where its application is considered, subject to the applicant being able to attend the meeting as an observer;
 - c. 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;

- d. 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;
 - e. as appropriate, the record of compliance of the applicant with conservation and management measures of other Regional Fisheries Management Organizations (RFMOs); and
 - f. 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, including attendance at the Commission meeting where its application is considered, subject to the applicant being able to attend as an observer.
- 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.



**COMMISSION
SIXTEENTH REGULAR SESSION**
Port Moresby, Papua New Guinea
5 – 11 December 2019

**CONSERVATION AND MANAGEMENT MEASURE FOR
PACIFIC BLUEFIN TUNA**

Conservation and Management Measure 2019-02

The Western and Central Pacific Fisheries Commission (WCPFC):

Recognizing that WCPFC6 adopted Conservation and Management Measure for Pacific bluefin tuna (CMM 2009-07) and the measure was revised eight times since then (CMM 2010-04, CMM 2012-06, CMM 2013-09, CMM 2014-04, CMM 2015-04, CMM 2016-04, CMM2017-08 and CMM 2018-02) 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;

Noting with concern the latest stock assessment provided by ISC Plenary Meeting in July 2018, indicating the following:

- (1) SSB fluctuated throughout the assessment period (1952–2016), (2) SSB steadily declined from 1996 to 2010, and (3) the slow increase of the stock continues since 2011 including the most recent two years (2015-2016);
- The 2015 recruitment estimate is low and similar to estimates of previous years while the 2016 recruitment estimate is higher than the historical average, and the uncertainty of the 2016 recruitment estimate is higher than in previous years because it occurs in the terminal year of the assessment model and is mainly informed by one observation from troll age-0 CPUE index;
- The fishery exploitation rate in 2015-2016 exceeded all biological reference points evaluated by the ISC except FMED and FLOSS.
- Since the early 1990s, the WCPO purse seine fisheries, in particular those targeting small fish (age 0-1) have had an increasing impact on the spawning stock biomass, and in 2016 had a greater impact than any other fishery group.
- The projection results indicate that: the current management measures by the WCPFC (CMM 2018-02) and IATTC Resolution (C-18-01) under the low recruitment scenario resulted in an estimated 97% probability of achieving the initial biomass rebuilding target (6.7% of SSB_{F=0}) by 2024;
- The estimated probability of achieving the second biomass rebuilding target (20% of

SSBF=0) 10 years after the achievement of the initial rebuilding target or by 2034, whichever is earlier, is 96%; and

- Catching a high number of smaller juvenile fish can have a greater impact on future spawning stock biomass than catching the same weight of larger fish;

Noting also that in its response to requests from IATTC-WCPFC NC Joint Working Group, ISC Plenary Meeting in July 2019:

- Noted that the Japanese troll recruitment index value estimated for 2017 is similar to its historical average (1980-2017), that Japanese recruitment monitoring indices in 2017 and 2018 are higher than the 2016 value and that there is anecdotal evidence that larger fish are becoming more abundant in EPO, although this information needs to be confirmed for the next stock assessment expected in 2020;
- Recommended maintaining the conservation advice from ISC in 2018; and,
- Conducted projections of scenarios for catch increase in the same manner as in the 2018 assessment.

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:

General Provision

1 This conservation and management measure has been prepared to implement the Harvest Strategy for Pacific Bluefin Tuna Fisheries (Harvest Strategy 2017-02), and the Northern Committee shall periodically review and recommend revisions to this measure as needed to implement the Harvest Strategy.

Management measures

2 CCMs shall take measures necessary to ensure that:

- (1) Total fishing effort by their vessel fishing for Pacific bluefin tuna in the area north of the 20° N shall stay below the 2002–2004 annual average levels.
- (2) All catches of Pacific bluefin tuna less than 30 kg shall be reduced to 50% of the 2002– 2004 annual average levels. Any overage or underage of the catch limit shall be deducted from or may be added to the catch limit for the following year. The maximum underage that a CCM may carry over in any given year shall not exceed 5% of its annual initial catch limit.¹

¹ Notwithstanding paragraph 2 and 3, a CCM may carry over up to 17% of its initial 2019 catch limits, which remain uncaught, to 2020.

3 CCMs shall take measures necessary to ensure that all catches of Pacific Bluefin tuna 30kg or larger shall not be increased from the 2002-2004 annual average levels^{2,3}. Any overage or underage of the catch limit shall be deducted from or may be added to the catch limit for the following year. The maximum underage that a CCM may carry over in any given year shall not exceed 5% of its annual initial catch limit¹. However, in 2018, 2019, and 2020 CCMs may use part of the catch limit for Pacific bluefin tuna smaller than 30 kg stipulated in paragraph 2 (2) above to catch Pacific bluefin tuna 30 kg or larger in the same year. In this case, the amount of catch 30 kg or larger shall be counted against the catch limit for Pacific bluefin tuna smaller than 30 kg. CCMs shall not use the catch limit for Pacific bluefin tuna 30 kg or larger to catch Pacific bluefin tuna smaller than 30 kg. The ISC is requested to review, in its work referred to in Section 5 of Harvest Strategy, the implications of this special provision in terms of PBF mortality and stock rebuilding probabilities in 2020. Based on that review, in 2020 the Northern Committee will determine whether it should be continued past 2020, and if so, recommend changes to the CMM as appropriate.

4 All CCMs except Japan shall implement the limits in paragraph 2 and 3 on a calendar-year basis. Japan shall implement the limits using a management year other than the calendar year for some of its fisheries and have its implementation assessed with respect to its management year. To facilitate the assessment, Japan shall:

- a. Use the following management years:
 1. For its fisheries licensed by the Ministry of Agriculture, Forestry and Fisheries, use the calendar year as the management year.
 2. For its other fisheries, use 1 April – 31 March as the management year⁴.
- b. In its annual reports for PBF, for each category described in a.1 and a.2 above, complete the required reporting template for both the management year and calendar year clearly identifying fisheries for each management year.

5 CCMs shall report to the Executive Director by 31 July each year their fishing effort and <30 kg and ≥30 kg catch levels, by fishery, for the previous 3 year, accounting for all catches, including discards. The Executive Director will compile this information each year into an appropriate format for the use of the Northern Committee.

6 CCMs shall intensify cooperation for effective implementation of this CMM, including juvenile catch reduction.

7 CCMs, in particular those catching juvenile Pacific bluefin tuna, shall take measures to monitor and obtain prompt results of recruitment of juveniles each year.

² CCMs with a base line catch of 10 t or less may increase its catch as long as it does not exceed 10 t.

³ 300 tons of the catch limit of Pacific bluefin tuna 30kg or larger of Chinese Taipei may be transferred to Japan in 2020, subject to a notification by Chinese Taipei to the Secretariat. This transfer may apply for 2020 only. Adoption of this transfer does not confer the allocation of a right, and does not prejudice any future decision of the Commission.

⁴ For the category described a.2, the TCC shall assess in year 20XX its implementation during the management year that starts 1 April 20XX-1 (e.g., in the 2020 compliance review, the TCC will assess Japan's implementation for its fisheries licensed by the Ministry of Agriculture, Forestry and Fisheries during calendar-year 2019 and for its other fisheries during 1 April 2019 through 31 March 2020).

8 Consistent with their rights and obligations under international law, 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 and 3 above. CCMs shall cooperate for this purpose.

9 CCMs shall cooperate to establish a catch documentation scheme (CDS) to be applied to Pacific bluefin tuna in accordance with the Attachment of this CMM.

10 CCMs shall also take measures necessary to strengthen monitoring and data collecting system for Pacific bluefin tuna fisheries and farming in order to improve the data quality and timeliness of all the data reporting;

11 CCMs shall report to Executive Director by 31 July annually measures they used to implement paragraphs 2, 3, 4, 5, 7, 8, 10 and 13 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 annually. The Northern Committee shall annually review those reports CCMs submit pursuant to this paragraph and if necessary, advise a CCM to take an action for enhancing its compliance with this CMM.

12 The WCPFC Executive Director shall communicate this CMM to the IATTC Secretariat and its contracting parties whose fishing vessels engage in fishing for Pacific bluefin tuna in EPO and request them to take equivalent measures in conformity with this CMM.

13 To enhance effectiveness of this measure, CCMs are encouraged to communicate with and, if appropriate, work with the concerned IATTC contracting parties bilaterally.

14 The provisions of paragraphs 2 and 3 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.

15 The provisions of paragraph 14 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 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.

16 This CMM replaces CMM 2018-02. On the basis of stock assessment conducted by ISC and reported to NC in 2020, and other pertinent information, this CMM shall be reviewed and may be amended as appropriate.

Development of a Catch Document Scheme for Pacific Bluefin Tuna

Background

At the 1st joint working group meeting between NC and IATTC, held in Fukuoka, Japan from August 29 to September 1, 2016, participants supported to advance the work on the Catch Documentation Scheme (CDS) in the next joint working group meeting, in line with the development of overarching CDS framework by WCPFC and taking into account of the existing CDS by other RFMOs.

1. Objective of the Catch Document Scheme

The objective of CDS is to combat IUU fishing for Pacific Bluefin Tuna (PBF) by providing a means of preventing PBF and its products identified as caught by or originating from IUU fishing activities from moving through the commodity chain and ultimately entering markets.

2. Use of electronic scheme

Whether CDS will be a paper based scheme, an electronic scheme or a gradual transition from a paper based one to an electronic one should be first decided since the requirement of each scheme would be quite different.

3. Basic elements to be included in the draft conservation and management measure (CMM)

It is considered that at least the following elements should be considered in drafting CMM.

- (1) Objective
- (2) General provision
- (3) Definition of terms
- (4) Validation authorities and validating process of catch documents and re-export certificates
- (5) Verification authorities and verifying process for import and re-import
- (6) How to handle PBF caught by artisanal fisheries
- (7) How to handle PBF caught by recreational or sport fisheries
- (8) Use of tagging as a condition for exemption of validation
- (9) Communication between exporting members and importing members
- (10) Communication between members and the Secretariat
- (11) Role of the Secretariat
- (12) Relationship with non-members
- (13) Relationship with other CDSs and similar programs
- (14) Consideration to developing members
- (15) Schedule for introduction
- (16) Attachment
 - (i) Catch document forms
 - (ii) Re-export certificate forms
 - (iii) Instruction sheets for how to fill out forms
 - (iv) List of data to be extracted and compiled by the Secretariat

4. Work plan

The following schedule may need to be modified, depending on the progress on the WCPFC CDS for tropical tunas.

- | | |
|------|--|
| 2017 | The joint working group will submit this concept paper to the NC and IATTC for endorsement. NC will send the WCPFC annual meeting the recommendation to endorse the paper. |
| 2018 | The joint working group will hold a technical meeting, preferably around its meeting, to materialize the concept paper into a draft CMM. The joint working group will report the progress to the WCPFC via NC and the IATTC, respectively. |
| 2019 | The joint working group will hold a second technical meeting to improve the draft CMM. The joint working group will report the progress to the WCPFC via NC and the IATTC, respectively. |
| 2020 | The joint working group will hold a third technical meeting to finalize the draft CMM. Once it is finalized, the joint working group will submit it to the NC and the IATTC for adoption. The NC will send the WCPFC the recommendation to adopt it. |



**COMMISSION
SIXTEENTH REGULAR SESSION**
Port Moresby, Papua New Guinea
5 – 11 December 2019

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

Conservation and Management Measure 2019-03

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 likely not overfished relative to the limit reference point adopted by the Commission (20%SSB current $F=0$) and overfishing is likely not occurring.

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 73rd meeting, conservation and management measures on North Pacific albacore, and that it adopted supplemental measures at its 85th meeting that were amended at its 93rd meeting;

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 2002-2004 annual average levels;
3. 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, using the template provided in **Annex 1**.

4. 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.

5. The Commission shall consider future actions with respect to North Pacific albacore based on recommendations of the Northern Committee.

6. 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.

7. 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.

8. 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.

9. The provisions of paragraph 8 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.

10. This CMM shall replace the CMM 2005-03.

Annex I: Average annual fishing effort for 2002-2004 and annual fishing effort for subsequent years for fisheries directed at North Pacific albacore in the North Pacific Ocean

CCM	Area ¹	Fishery	2002-04 Average		Year		Year		Year		Year		Year		Year	
			No. of vessels	Vessel days	No. of vessels	Vessel days	No. of vessels	Vessel days	No. of vessels	Vessel days	No. of vessels	Vessel days	No. of vessels	Vessel days	No. of vessels	Vessel days

¹ If collective effort limits across the North Pacific Ocean, report Convention Area and North Pacific Ocean separately



**COMMISSION
SIXTEENTH REGULAR SESSION**
Port Moresby, Papua New Guinea
5 – 11 December 2019

CONSERVATION AND MANAGEMENT MEASURE FOR SHARKS

Conservation and Management Measure 2019-04

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC), in accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention);

Recognizing the economic and cultural importance of sharks in the western and central Pacific Ocean (WCPO), the biological importance of sharks in the marine ecosystem as key predatory species, the vulnerability of certain shark species to fishing pressure, and the need for measures to promote the long-term conservation, management and sustainable use of shark populations and fisheries;

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 sharks and rays, 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).

Adopts, in accordance with Article 5, 6 and 10 of the Convention, that:

I. Definitions

1. (1) Sharks: All species of sharks, skates, rays and chimaeras (Class Chondrichthyes)
- (2) Full utilization: Retention by the fishing vessel of all parts of the shark excepting head, guts, vertebrae and skins, to the point of first landing or transshipment
- (3) Finning: Removing and retaining all or some of a shark's fins and discarding its carcass at sea

II. Objective and Scope

2. The objective of this Conservation and Management Measure (CMM) is, through the application of the precautionary approach and an ecosystem approach to fisheries management, to ensure the long-term conservation and sustainable use of sharks.
3. This CMM shall apply to: (i) sharks listed in Annex 1 of the 1982 Convention and (ii) any other sharks caught in association with fisheries managed under the WCPF Convention.
4. This measure shall apply to the high seas and exclusive economic zones of the Convention Area.
5. Nothing in this measure shall prejudice the sovereignty and sovereign rights of coastal States, including for traditional fishing activities and the rights of traditional fishers, to apply alternative measures for the purpose of exploring, exploiting, conserving and managing sharks, including any national plan of action for the conservation and management of sharks, within areas under their national jurisdiction. When Commission Members, Cooperating Non-Members, and Participating Territories (CCMs) apply alternative measures, the CCMs shall annually provide to the Commission, in their Part 2 Annual Report, a description of the measures.

III. FAO International Plan of Action for the Conservation and Management of sharks

6. CCMs should implement, as appropriate, the FAO International Plan of Action for the Conservation and Management of Sharks (IPOA). For implementation of the IPOA, each CCM should, as appropriate, include its National Plan of Action for sharks in Part 2 Annual Report.

IV. Full utilization of shark and prohibition of finning

7. CCMs shall take measures necessary to require that all sharks retained on board their vessels are fully utilized. CCMs shall ensure that the practice of finning is prohibited.
8. In order to implement the obligation in paragraph 7, in 2020, 2021 and 2022, CCMs shall require their vessels to land sharks with fins naturally attached to the carcass.
9. Notwithstanding paragraph 8, in 2020, 2021 and 2022, CCMs may take alternative measures as listed below to ensure that individual shark carcasses and their corresponding fins can be easily identified on board the vessel at any time:
 - (1) Each individual shark carcass and its corresponding fins are stored in the same bag, preferably biodegradable one;
 - (2) Each individual shark carcass is bound to the corresponding fins using rope or wire;
 - (3) Identical and uniquely numbered tags are attached to each shark carcass and its corresponding fins in a manner that inspectors can easily identify the matching of the carcass and fins at any time. Both the carcasses and fins shall be stored on board in the same hold. Notwithstanding this requirement, a CCM may allow its fishing vessels to store the carcasses and corresponding fins in different holds if the fishing vessel maintains a record or logbook that shows where the tagged fins and correspondingly

tagged carcasses are stored, in a manner that they are easily identified by inspectors.

10. In case that a CCM wishes to allow its fishing vessels operating on the high seas to use any measure other than the three alternatives in paragraph 9 (1) – (3), it shall present it to TCC. If TCC endorses it, it shall be submitted to the subsequent annual meeting for endorsement.

11. All CCMs shall include in their Part 2 Annual Report information on the implementation of the measures in paragraph 8 or paragraph 9 as applicable for review by TCC. The report by CCMs shall contain a detailed explanation of implementation of paragraph 8 or paragraph 9 as applicable including how compliance has been monitored. CCMs are encouraged to report to TCC any enforcement difficulties that they encountered in the case of the alternative measures and how they have addressed risks such as monitoring at sea, species substitution, etc. The TCC in 2023 shall, taking into account these reports, advise the Commission on the effectiveness of the measures set out in paragraph 9 as alternatives to the obligation contained in paragraph 7, and recommend measures for consideration and possible adoption at the 2023 annual meeting of the Commission.

12. CCMs shall take measures necessary to prevent their fishing vessels from retaining on board (including for crew consumption), transshipping, and landing any fins harvested in contravention of this CMM.

13. CCMs shall take measures necessary to ensure that both carcasses and their corresponding fins are landed or transshipped together, in a manner that allows inspectors to verify the correspondence between an individual carcass and its fins when they are landed or transshipped.

V. Minimizing bycatch and practicing safe release

14. For longline fisheries targeting tuna and billfish, CCMs shall ensure that their vessels comply with at least one of the following options:

- (1) do not use or carry wire trace as branch lines or leaders; or
- (2) do not use branch lines running directly off the longline floats or drop lines, known as shark lines. See **Annex 1** for a schematic diagram of a shark line.

15. The implementation of the measures contained in paragraph 14 above shall be on a vessel by vessel or CCM basis. Each CCM shall notify the Commission of its implementation of paragraph 14 by March 31, 2021 and thereafter whenever the selected option is changed.

16. For longline fisheries targeting sharks, CCMs shall develop and report their management plans in their Part 2 Annual Report.

17. The Commission shall adopt and enhance bycatch mitigation measures and develop new or amend, if necessary, existing Shark Safe Release Guidelines¹ to maximize the survival of sharks that are caught and are not to be retained. Where sharks are unwanted bycatch they should be released alive using techniques that result in minimal harm, taking into account the safety of the crew. CCMs should encourage their fishing vessels to use any Commission adopted guidelines for

¹ The Commission adopted at WCPFC15 Best Handling Practices for the Safe Release of Sharks (other than Whale Sharks and Mantas/Mobulids)

the safe release and handling of sharks.

18. CCMs shall ensure that sharks that are caught and are not to be retained, hauled alongside the vessel before being cut free in order to facilitate a species identification. This requirement shall only apply when an observer or electronic monitoring camera is present, and should only be implemented taking into consideration the safety of the crew and observer.

19. Development of new WCPFC guidelines or amendment to existing guidelines for safe release of sharks should take into account the health and safety of the crew.

VI. Species specific requirements

20. Oceanic whitetip shark and silky shark

- (1) 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, or silky 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 or silky 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, following any applicable safe release guidelines for these species.
- (3) Subject to national laws and regulations, and notwithstanding (1) and (2), in the case of oceanic whitetip shark and silky shark that are unintentionally caught and frozen as part of a purse seine vessels' operation, the vessel must surrender the whole oceanic whitetip shark and silky shark to the responsible governmental authorities or discard them at the point of landing or transshipment. Oceanic whitetip shark and silky shark surrendered in this manner may not be sold or bartered but may be donated for purpose of domestic human consumption.
- (4) Observers shall be allowed to collect biological samples from oceanic whitetip sharks and silky shark caught in the Convention Area that are dead on haulback in the WCPO, provided that the samples are part of a research project of that CCM or the SC. In the case that sampling is conducted as a CCM project, that CCM shall report it in their Part 2 Annual Report.

21. Whale shark

- (1) 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) CCMs shall prohibit vessels flying their flag and vessels under charter arrangements to the CCM from retaining on board, transshipping, or landing any whale shark caught in the Convention Area, in whole or in part, in the fisheries covered by the Convention.
- (3) For fishing activities in Parties to Nauru Agreement (PNA) exclusive economic zones, the prohibition in paragraph (1) shall be implemented in accordance with the Third Arrangement implementing the Nauru Agreement as amended on 11 September 2010.
- (4) Notwithstanding sub-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. When CCMs apply compatible measures, the CCMs shall annually provide to the Commission, in their Part 2 Annual Report, a description of the measure.
- (5) CCMs shall require that, in the event that a whale shark is incidentally 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.
 - (6) In taking steps to ensure the safe release of the whale shark as required under sub-paragraph (5)(a) above, CCMs shall encourage the master of the vessel to follow the WCPFC Guidelines for the Safe Release of Encircled Whale Sharks (WCPFC Key Document SC-10)².
 - (7) In applying steps under sub-paragraphs (1), (5)(a) and (6), the safety of the crew shall remain paramount.
 - (8) The Secretariat shall report on the implementation of this paragraph on the basis of observer reports, as part of the Annual Report on the Regional Observer Programme.

VII. Reporting requirements

22. Each CCM shall submit data on the WCPFC Key Shark Species³ for Data Provision in accordance with Scientific Data to be Provided to the Commission (WCPFC Key Document Data-01).
23. CCMs shall advise the Commission (in their Part 2 Annual Report) on implementation of this CMM in accordance with Annex 2.

VIII. Research

24. CCMs shall as appropriate, support research and development of strategies for the avoidance of unwanted shark captures (e.g. chemical, magnetic and other shark deterrents), safe release guidelines, biology and ecology of sharks, identification of nursery grounds, gear selectivity, assessment methods and other priorities listed under the WCPFC Shark Research Plan.
25. The SC shall periodically provide advice on the stock status of key shark species for assessment and maintain a WCPFC Shark Research Plan for the assessment of the status of these stocks. If possible, this should be done in conjunction with the Inter-American Tropical Tuna

² Originally adopted on 8 December 2015. The title of this decision was amended through the Commission decision at WCPFC13, through adopting the SC12 Summary Report which contains in paragraph 742: “SC12 agreed to change the title of ‘Guidelines for the safe release of encircled animals, including whale sharks’ to ‘Guidelines for the safe release of encircled whale sharks’.”

³ The WCPFC Key Shark Species for Data Provision are designated per the Process for Designating WCPFC Key Shark Species for Data Provision and Assessment (WCPFC Key Document SC-08) and are listed in Scientific Data to be Provided to the Commission (WCPFC Key Document Data-01).

Commission.

IX. Capacity building

26. The Commission should 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.

27. The Commission shall consider appropriate assistance to developing State Members and participating Territories for the implementation of this measure, including supplying species identification guides for their fleets and guidelines and training for the safe release of sharks, and including, in accordance with Article 7 of the Convention, in areas under national jurisdiction.

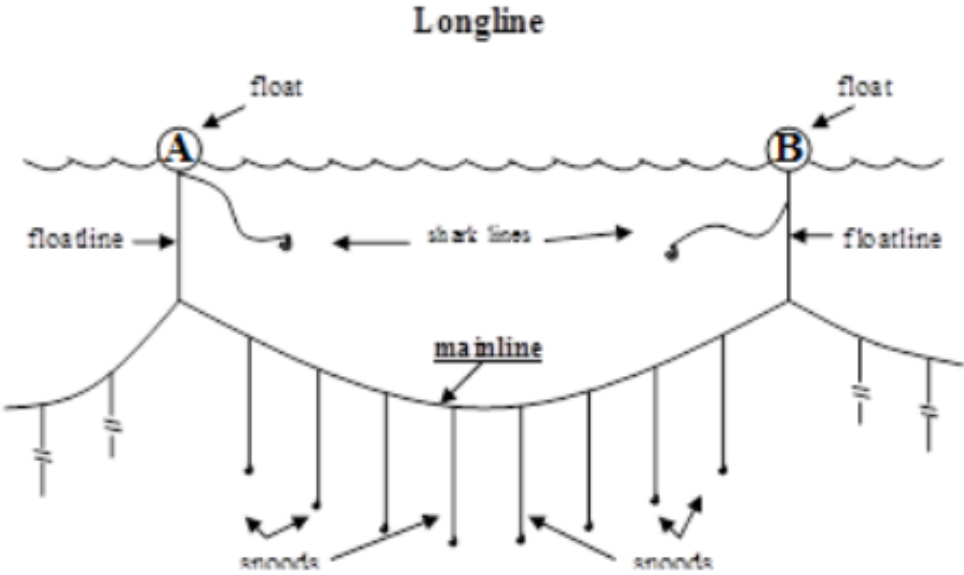
X. Review

28. On the basis of advice from the SC and/or the TCC, the Commission shall review the implementation and effectiveness of this CMM, including species specific measures, taking into account, *inter alia*, any recommendation from the SC or TCC, in 2023, and amend it as appropriate.

29. This CMM shall become effective on November 1st 2020⁴ and shall replace CMM 2010-07, 2011-04, 2012-04, 2013-08, and 2014-05 at that time.

⁴ This CMM shall not apply to Indonesia before November 1st 2021. Until then, all the existing CMMs related to sharks and rays shall apply to Indonesia.

Annex 1: Schematic diagram of a shark line



Annex 2: Template for reporting implementation of this CMM

Each CCM shall include the following information in Part 2 of its annual report:

1. Description of alternative measures in para 5, if applicable
2. 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, as appropriate
3. Details of National Plan of Action, as appropriate, for implementation of IPOA Sharks in para 6 that includes:
 - (1) details of NPOA objectives; and
 - (2) species and fleet covered by NPOA as well as catches thereby
 - (3) measures to minimize waste and discards from shark catches and encourage the live release of incidental catches of sharks;
 - (4) work plan and a review process for NPOA implementation
4. With respect to para 9:
 - (1) Whether sharks or shark parts are retained on board their flag vessels, and if so, how they are handled and stored
 - (2) In case that CCMs retain sharks and choose to apply a requirement for fins to be naturally attached to carcasses
 - Their monitoring and enforcement systems relating to this requirement
 - (3) In case that CCMs retain sharks and choose to apply measures other than a requirement for fins to be naturally attached to carcasses
 - Their monitoring and enforcement systems relating to this requirement
 - A detailed explanation of why the fleet has adopted its fin-handling practice;
5. The management plan in para 16 that includes:
 - (1) specific authorizations to fish such as a license and a TAC or other measure to limit the catch of shark to acceptable levels;
 - (2) measures to avoid or reduce catch and maximize live release of species whose retention is prohibited by the Commission;
6. A report on sampling programs for oceanic whitetip sharks and silky shark as a CCM project as referred to in para 20 (4)
7. Estimated number of releases of oceanic whitetip shark and silky shark caught in the Convention Area, including the status upon release (dead or alive), through data collected from observer programs and other means.
8. Description of compatible measures as referred to in para 21 (4)
9. Any instances in which whale sharks have been encircled by purse seine nets of their flagged vessels, including the details required under para 21 (5)(b).



COMMISSION
SIXTEENTH REGULAR SESSION
 Port Moresby, Papua New Guinea
 5 – 11 December 2019

**CONSERVATION AND MANAGEMENT MEASURE FOR COMPLIANCE
 MONITORING SCHEME**

Conservation and Management Measure 2019-06

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 adopted by the Commission,

Noting also that, in accordance with international law, Members, Cooperating Non-Members of the Commission and Participating Territories have responsibilities to effectively exercise jurisdiction and control over their flagged vessels and with respect to their nationals,

Acknowledging 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 by Members, Cooperating Non-Members and Participating Territories with management measures,

Committed to Article 30 of the Convention which requires the Commission to give full recognition to the special requirements of developing States, in particular SIDS and territories, which may include the provision of financial, technical and capacity development assistance,

Committed to the implementation of Conservation and Management Measure 2013-07 to give operational effect to the full recognition of the special requirements of SIDS and territories in the Convention Area, in particular such assistance as may be needed to implement their obligations,

Further committed to the implementation of Conservation and Management Measure 2013-06 by applying the criteria to determine the nature and extent of the impact of a proposal on SIDS

and territories in the Convention Area, in order to ensure that they can meet their obligations, and to ensure that any measure does not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto SIDS and territories,

Recalling the specific function of TCC under Article 14(1)(b) of the Convention to monitor and review compliance by CCMs with conservation and management measures adopted by the Commission and make such recommendations to the Commission as may be necessary,

Recognising 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,

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 Member is examined in depth on a yearly basis,

Cognisant of the MCS and enforcement framework developed by the Commission, *inter alia* the 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*, the online Compliance case file system, Article 25 of the Convention, which considers the compliance by individual vessels,

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 purpose of the CMS is also to assess flag CCM action in relation to alleged violations by its vessels, not to assess compliance by individual vessels.

2. The CMS is designed to:

- (i) assess CCMs' compliance with their WCPFC obligations;
- (ii) identify areas in which technical assistance or capacity building may be needed to assist CCMs to attain compliance;
- (iii) identify aspects of CMMs which may require refinement or amendment for effective implementation;
- (iv) respond to non-compliance by CCMs through remedial and/or preventative options that include a range of possible responses that take account of the reason for and degree, the severity, consequences and frequency of non-compliance, as may be necessary and appropriate to promote compliance with CMMs and other Commission obligations;¹ and
- (v) monitor and resolve outstanding instances of non-compliance by CCMs with their WCPFC obligations.

¹ In accordance with the process for identifying corrective action, as provided for in paragraph 46(iv).

Section II – Principles

3. The implementation of the CMS and its associated processes shall be conducted in accordance with the following principles for the purpose of the application of this measure:

- (i) Effectiveness: Effectively serve the purpose of this CMM to assess compliance by CCMs and assist the TCC in fulfilling the provisions of Article 14(1)(b) of the Convention;
- (ii) Efficiency: Avoid unnecessary administrative burden or costs on CCMs, the Commission or the Secretariat and assist TCC in identifying and recommending removal of duplicative reporting obligations; and
- (iii) Fairness: Promote fairness, including by: ensuring that obligations and performance expectations are clearly specified, that assessments are undertaken consistently and based on a factual assessment of available information and that CCMs are given the opportunity to participate in the process.
- (iv) Cooperation towards Compliance: Promote a supportive, collaborative, and non-adversarial approach where possible, with the aim of ensuring long-term compliance, including considering capacity assistance needs or other quality improvement and corrective action.

Section III – Scope and application

4. 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 CCM non-compliance, in accordance with the approach set out in this section.

5. 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.

6. Each year, the Commission shall update what obligations shall be assessed in the following year using a risk-based approach, once developed and agreed. Until this risk-based approach is developed, the Commission shall take into account the following factors in considering the obligations to be assessed in the following year:

- (i) the needs and priorities of the Commission, including those of its subsidiary bodies;
- (ii) evidence of high percentages of non-compliance or persistent non-compliance by CCMs with specific obligations for multiple years;
- (iii) additional areas identified through the risk-based approach to be developed; and
- (iv) the potential risks posed by non-compliance by CCMs with CMMs (or collective obligations arising from CMMs) to achieve the objectives of the Convention or specific measures adopted thereunder.

7. The Commission shall undertake an annual assessment of compliance by CCMs during the previous calendar year with the priority obligations identified under paragraph 6. Such assessment shall be determined based on the following criteria:

- (i) For a CCM-level quantitative limit or collective CCM quantitative limit, such as a limit on fishing capacity, fishing effort, or catch, verifiable data indicating that the limit has not been exceeded.
- (ii) For other obligations:
 - a. Implementation – where an obligation applies, the CCM is required to provide information showing that it has adopted, in accordance with its own national policies and procedures, binding measures that implement that obligation; and
 - b. Monitor and ensure compliance – the CCM is required to provide information showing that it has a system or procedures to monitor compliance of vessels and persons with these binding measures, a system or procedures to respond to instances of non-compliance and has taken action in relation to potential infringements.

8. 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.

Section IV – WCPFC Online Compliance Case file system

9. The Secretariat shall maintain the WCPFC online compliance case file system as a secure, searchable system to store, manage and make available information to assist CCMs with tracking alleged violations by their flagged vessels.

10. For each case in the online system, the following information shall be provided by the flag CCM:

- (a) Has an investigation been started? (Yes/No)
- (b) If yes, what is the current status of the investigation? (Ongoing, Completed)
- (c) If the alleged violations stem from an observer report, have you obtained the observer report? (Yes/No)
- (d) If no, what steps have you taken to obtain the observer report?
- (e) What was the outcome of the investigation? (Closed – no violation; Infraction – not charged; Infraction – charged)
- (f) If no violation, provide brief explanation
- (g) If infraction, but not charged, provide brief explanation
- (h) If infraction charged, how was it charged (e.g., penalty/fine, permit sanction, verbal or written warning, etc.) and level of charged (e.g., penalty amount, length of sanction, etc.)

11. A flag CCM shall provide updates into the online system on the progress of an investigation until its conclusion.
12. CCMs that are relevant to a case shall be allowed to view those cases for vessels flying other flags. Relevant CCMs shall comprise the CCM that notified the case to the flag CCM, and where applicable, the coastal CCM, the ROP observer provider and the chartering CCM.
13. The Secretariat shall notify relevant CCMs when a case is entered into the online system.

Section V – Special Requirements of Developing States

14. Notwithstanding paragraph 4, where a SIDS or Participating Territory, or Indonesia or the Philippines cannot meet a particular obligation that is being assessed, due to a lack of capacity², that CCM shall provide a Capacity Development Plan to the Secretariat with their draft Compliance Monitoring Report (dCMR), that:
 - (i) clearly identifies and explains what is preventing that CCM from meeting that obligation;
 - (ii) identifies the capacity assistance needed to allow that CCM to meet that obligation;
 - (iii) estimates the costs and/or technical resources associated with such assistance, including, if possible, funding and technical assistance sources where necessary;
 - (iv) sets out an anticipated timeframe in which, if the identified assistance needs are provided, that CCM will be able to meet that obligation.
15. The CCM may work together with the Secretariat to draft the Capacity Development Plan. This plan shall be attached to that CCM's comments to the dCMR.
16. Where a capacity assistance need has been identified, through the preparation of a Capacity Development Plan, in a dCMR by a SIDS, Participating Territory, Indonesia or the Philippines, which has prevented that CCM from fulfilling a particular obligation, and TCC has confirmed that all of the elements of the Capacity Development Plan as stated in paragraph 14 are included, TCC shall assess that CCM as "Capacity Assistance Needed" for that obligation. TCC shall recommend to the Commission that it allow the Capacity Development Plan to run until the end of the anticipated timeframe and assistance delivery set out therein.
17. That CCM shall report its progress under the Capacity Development Plan every year in its Annual Report Part II. That CCM shall remain assessed as "Capacity Assistance Needed" against that particular obligation until the end of the timeframe in the plan.
18. Where the Commission is identified in the Capacity Development Plan to assist that CCM, the Secretariat shall provide an annual report of such assistance to TCC.
19. If a CCM notifies the Commission that its capacity needs have been met, the Capacity Development Plan for that obligation shall be deemed completed and the CCM's compliance with that obligation shall then be assessed in accordance with Annex I.

² Any CCM may identify a capacity assistance need through the CMS process; however, the application of paragraphs 14-16 is limited to those CCMs identified in the paragraph.

20. Unless the SIDS, Participating Territory, Indonesia or Philippines amends the Capacity Development Plan that it submitted under paragraph 16 in its dCMR and TCC has confirmed that all the elements of that Plan as stated in paragraph 14 are included, once the timeframe in that original Plan has passed, that CCM's compliance with that obligation shall be assessed in accordance with Annex I.

21. The Commission recognises the special requirements of developing State CCMs, particularly SIDS 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 information, 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 VI – Prior to TCC

22. 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.

23. Each dCMR shall reflect information relating to the relevant CCM's implementation of obligations as identified under paragraph 6 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:

i information available to the Commission through data collection programmes, including but not limited to, high seas transshipment reports, Regional Observer Programme data and information, Vessel Monitoring System information, High Seas Boarding and Inspection Scheme reports, and charter notifications;

ii information contained in an Annual Report which is not available through other means; and

iii where appropriate, any additional suitably documented information regarding compliance during the previous calendar year.

24. The Draft Report shall present all available information relating to each CCM's implementation of obligations for compliance review by TCC.

25. At least 55 days prior to TCC each year, the Executive Director shall transmit to each CCM its dCMR.

26. At the same time, the Executive Director shall draw from the online case file system and transmit to:

- (i) each flag CCM, the infringement identification relating to alleged violations by its flagged vessels on the online system for the previous year, for that CCM to review with its dCMR. Relevant CCMs, as described in paragraph 12, shall also be provided this same information; and
- (ii) all CCMs, aggregated information across all fleets based on the information reported by CCMs pursuant to paragraph 10, for the previous 5 years. The templates attached as Annex II will serve as the basis for the data fields that will be included. This will be used to provide an indicator of potential anomalies in the implementation of obligations by a CCM, with a view towards identifying implementation challenges for that CCM and identifying systemic failures to take flag state action in relation to alleged violations. This information shall be considered by TCC alongside the Draft Compliance Monitoring Report.

27. Upon receipt of its dCMR, each CCM may, where appropriate, reply to the Executive Director no later than 28 days prior to TCC each year to:

- (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.

28. Relevant CCMs may continue to provide additional information or clarification into the online compliance case file system. Where such additional information or clarification is provided, at least fifteen days in advance of the TCC meeting, the Executive Director shall circulate an updated version of the documents referred to under paragraph 26.

29. To facilitate meeting obligations under paragraphs 27 and 28, active cooperation and communication between a flag CCM and other relevant CCMs is encouraged.

30. At least fifteen days 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 and requirements for further information to assess the relevant CCM's compliance status, in a form to be agreed to by the Commission, including all information that may be provided under paragraph 28.

31. 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 27 of this measure. CCMs may also provide additional information to TCC with respect to implementation of its obligations.

Section VII – Development of the Provisional Compliance Monitoring Report at TCC

32. (i) Taking into account any Capacity Development Plans developed pursuant to paragraphs 14-16, reports and other information described in paragraph 26(ii), 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 includes a compliance status with respect to all applicable

7

individual obligations as well as recommendations for any corrective action(s) needed by the CCM or action(s) to be taken by the Commission, 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.

(ii) In the development of the Provisional Report, TCC shall not assess compliance by individual vessels.

33. When considering the aggregated report described in paragraph 26(ii), alongside the Draft Report, and where an implementation challenge has been identified by a CCM, the TCC shall, in consultation with the CCM:

- a. Identify any targeted assistance that might be required to address the challenge;
- b. Determine a timeframe for the resolution of the challenge;
- c. Report to the Commission on how that CCM will be able to satisfactorily meet its obligations; and
- d. Where the CCM is a SIDS or Participating Territory or Indonesia or the Philippines, Section V of this measure shall apply.

34. When considering the aggregated report described in 26(ii), alongside the Draft Report, and where cases have been in the compliance case file system for two or more years, remains open, and are not subject to paragraph 33, TCC shall, in consultation with the CCM:

- a. Identify what is needed to progress or resolve these cases;
- b. Determine a timeframe for resolution of the cases; and
- c. Report to the Commission on how that CCM will be able to satisfactorily meet its obligation.

35. A provisional assessment of each CCM's Compliance Status shall be decided by consensus. If every effort to achieve consensus regarding a particular CCM's compliance with an individual obligation has failed, the Provisional Report shall indicate the majority and minority views. A provisional assessment shall reflect the majority view and the minority view shall also be recorded.

36. Notwithstanding paragraph 35 above, a CCM shall not block its own compliance assessment if all other CCMs present have concurred with the assessment. If the assessed CCM disagrees with the assessment, its view shall be reflected in the Provisional Report or the final Compliance Monitoring Report.

37. Where a CCM has missed a reporting deadline,³ but has submitted the required information, this obligation will be accepted by TCC, unless a CCM has a specific concern or if there are updates from the Secretariat based on new information received.

38. The Provisional Report shall also comprise an executive summary, as well as tables including aggregated data (templates attached in Annex III) relating to the information provided in paragraph 10, including recommendations or observations from TCC regarding:

- (i) identification of any CMMs or obligations that should be reviewed to address implementation or compliance difficulties experienced by CCMs, particularly when TCC has identified ambiguity in the interpretation of or difficulty in monitoring and implementing that measure or obligation, including any specific amendments or improvements that have been identified,

³ For the purposes of the Compliance Monitoring Scheme, all reporting deadlines will be based on Universal Time Code (UTC) time unless the CMM establishing the deadline specifies otherwise.

- (ii) capacity building assistance or other obstacles to implementation identified by CCMs, in particular SIDS and Participating Territories,
- (iii) risk-based assessment of priority obligations to be assessed in the subsequent year (once the risk-based assessment is developed).

39. The Provisional Report shall be finalised at TCC and forwarded to the Commission for consideration at the annual meeting.

40. CCMs may provide additional information up to 21 days after TCC. Additional information is restricted to that which only requires administrative consideration by the Secretariat to fill an information gap. This paragraph shall not apply to substantive issues. TCC shall consider whether a particular obligation may be met with the provision of additional information.

41. The Secretariat shall update the compliance status of CCMs, 21 days after the deadline to submit additional information, based on the additional information provided by CCMs as outlined in paragraph 40. A summary of these updates shall be submitted to the Commission for their consideration, along with the pCMR.

Section VIII – Process at the Commission

42. At each annual Commission meeting, the Commission shall consider the Provisional Report recommended by the TCC, as well as any submission from a CCM indicating that its compliance assessment for a specific obligation at TCC was undertaken in a manner that the CCM deems to be procedurally unfair.

43. Taking into account any reviews undertaken after TCC under paragraph 42, the Commission shall adopt a final Compliance Monitoring Report.

44. The final Compliance Monitoring Report shall include a Compliance Status for each CCM against each assessed obligation and any corrective action needed, and also contain an executive summary setting out any recommendations or observations from the Commission regarding the issues listed in paragraph 38 of this measure, and include tables of aggregated data relating to the information provided in paragraph 10, as referenced in paragraph 38.

45. Each CCM shall include, in its Part II Annual Report, any actions it has taken to address non-compliance identified in the Compliance Monitoring Report from previous years.

Section IX – Future Work

46. The Commission hereby commits to a multi-year workplan of tasks to enhance the CMS, with the aim of making it more efficient and effective by streamlining processes. This workplan should include the development of guidelines and operating procedures to support the implementation of the Compliance Monitoring Scheme, and shall include *inter alia*:

During 2020

- (i) the development of audit points to clarify the Commission obligations assessed under the CMS, as well as the development of a checklist to be used by the proponents of any proposal to include a list of potential audit points for the consideration of the Commission;
- (ii) explore investment in technology solutions to facilitate improvements to the compliance case file system.

During –2020-2021

- (iii) the development of a risk-based assessment framework to inform compliance assessments and ensure obligations are meeting the objectives of the Commission;
- (iv) the development of corrective actions to encourage and incentivise CCMs' compliance with the Commission's obligations, where non-compliance is identified;
- (v) the development of the guidelines for participation of observers in closed meetings of the Commission and its subsidiary bodies which consider the Compliance Monitoring Report.

47. TCC shall consider any workplan and resourcing requirements to facilitate the work of the Secretariat in this regard.

Section X – Application and review

48. This measure may be reviewed and enhanced in 2020 as determined by progress with the future work in Section IX, or other refinements and adjustments needed.

49. This measure shall expire 31st December 2021.

COMPLIANCE STATUS TABLE

Compliance Status ⁴	Criteria in 2019 Interim criteria	Criteria Once the audit points are developed	Response
Compliant	A CCM will be deemed Compliant with an obligation if the following criteria have all been met: a. reporting or submission deadlines; b. implementation of obligations through national laws or regulations; c. submission of all mandatory information or data required, in the agreed format, as applicable.	Compliance with the audit points	None
Non-Compliant	A CCM will be deemed Non-Compliant with an obligation if any of the following have occurred, as applicable: a. a CCM has failed to comply with an obligation or category of obligations not specifically identified as Priority Non-Compliant ; b. information or data for the obligation has been submitted or reported in a way that is incomplete, incorrect. c. Where TCC does not consider that progress has been made on a CDP or flag CCM investigations, or wrongly formatted; or d. a CCM has failed to meet reporting or submission deadlines.	Failure to meet the audit points	Each CCM shall include, in its Part II Annual Report, any actions it has taken to address non-compliance identified in the Compliance Monitoring Report. Actions may include, one or more of the following: a. A CCM must address the issue to gain compliance by the next compliance assessment; or b. A CCM shall provide a Status Report to the Secretariat; or c. Other response as determined by the Commission.

⁴ This annex applies to compliance statuses assigned for each individual obligation.

Compliance Status⁴	Criteria in 2019 Interim criteria	Criteria Once the audit points are developed	Response
<i>Priority Non-Compliant</i>	A CCM will be deemed <i>Priority Non-Compliant</i> with an obligation if any of the following have occurred, as applicable: a. exceeded quantitative limit established by the Commission; b. failure to submit its Part II Annual Report; c. repeated non-compliance with an obligation for two or more consecutively assessed years; or d. any other non-compliance identified as Priority Non-Compliance by the Commission.	a. non-compliance with high-risk priority obligations and associated audit points b. repeated non-compliance with an obligation for two or more consecutively assessed years; or c. any other non-compliance identified as Priority Non-Compliant by the Commission.	Each CCM shall include, in its Part II Annual Report, any actions it has taken to address non-compliance identified in the Compliance Monitoring Report. Actions may include, one or more of the following: a. A CCM must address the issue to gain compliance by the next compliance assessment; b. Other response as determined by the Commission.
<i>Capacity Assistance Needed</i>	A SIDS or Participating Territory or Indonesia or the Philippines will be deemed <i>Capacity Assistance Needed</i> where they cannot meet an obligation and the following have occurred: a. that CCM has provided a Capacity Development Plan to the Secretariat with its dCMR prior to TCC; and b. TCC confirms that all the elements of paragraph 14 are included in that Plan.	When a SIDS or Participating Territory or Indonesia or the Philippines cannot meet an obligation that is being assessed due to a lack of capacity, that CCM shall provide a Capacity Development Plan to the Secretariat with the dCMR prior to TCC.	(i) The CCM shall complete the steps of the Capacity Development Plan for that obligation in order to become compliant with the obligation, and (ii) report progress against that plan every year in its Annual Report Part II until the end of the timeframe specified in that Plan.
<i>CMM Review</i>	There is a lack of clarity on the requirements of an obligation.	There is a lack of clarity on the requirements of an obligation.	The Commission shall review that obligation and clarify its requirements.

TWO PART TEMPLATE FOR THE AGGREGATED REPORT DESCRIBED IN PARAGRAPH 26(II)

PART A:-Template for Summary Tables related to each list in the WCPFC Online Compliance Case File System⁵

Summary tables derived from the online compliance case file system and intended to provide summaries by topic of flag CCMs responses to compliance cases in the online compliance case file system.

Annex 1:- Summary Tables of Flag CCM responses to Article 25(2) requests for investigation notified in the WCPFC online Compliance Case File System

Data is based on High Seas Boarding and Inspection Report, Aerial Surveillance or Port Inspection Reports, and Reports on Observer Safety Incidents

Table 1A: Counts of all Article 25(2) cases by CCM by Investigation Status

		Flag CCM Notified	Flag CCM Investigation Completed				Total Compliance cases
			Infraction-no sanction	Infraction- sanction	Infraction - warning	No infraction	
CCMxx	Year 2017						
	Year 2018						
...	...						

Table 1B-1X: Summary Tables of Article 25(2) alleged infringements grouped by topic* and by CCM by year showing counts of cases by Investigation Status

*eg bycatch-related, vessel-related, VMS-reporting, others

			Flag CCM Notified	Flag CCM Investigation Completed				Total Compliance cases
				Infraction- no sanction	Infraction- sanction	Infraction - warning	No infraction	
CMM / CMM para A	Year 2017	CCMxx						
		CCMxy						
	Year 2018	CCMxx						
...	...							

⁵ Update of WCPFC-TCC15-2019-dCMR02_rev1 Summary Tables of Flag CCM responses to alleged infringements notified in the WCPFC online compliance case file system 2019 (17 September 2019)

Annex 2: Summary Tables of Flag CCM responses to FAD Sets Alleged Infringements notified in the WCPFC online Compliance Case File System based on ROP data

Includes cases where ROP data indicates setting on FADs during a specified time period and/or in specific waters in the Convention Area, when the prohibition on setting on FADs was in effect.

Table 2A: Counts of all FAD Sets Alleged infringement cases by CCM by year showing counts of cases by Investigation Status and counts of cases where ROP Observer Report was received

		Flag CCM Notified	Flag CCM investigation in Progress	Flag CCM Investigation Completed	Total Compliance cases	ROP_rpt received count
CCMxx	Year 2017					
	Year 2018					
...						

Table 2B-2X: Summary Tables of FAD closure Tropical Tunas alleged infringements grouped by topic* and by CCM by year showing counts of cases by Investigation Status

**eg 3 month FAD closure (1 July – 30 Sept), 4th Month FAD closure (1 – 31 Oct), High Seas FAD closure*

		Flag CCM Notified	Flag CCM investigation in Progress	Flag CCM Investigation Completed				Total Compliance cases
				Infraction- no sanction	Infraction- sanction	Infraction - warning	No infraction	
Year 2017	CCMxx							
	CCMxy							
...								

Annex 3: Summary Tables of Flag CCM responses to Observer Obstruction Alleged Infringements notified in the WCPFC online Compliance Case File System based on ROP data

Includes cases where ROP data reports observer obstruction incidents

Table 3A: Counts of all Observer Obstruction Alleged infringement cases by CCM by year showing counts of cases by Investigation Status and counts of cases where ROP Observer Report was received

		Flag CCM Notified	Flag CCM investigation in Progress	Flag CCM Investigation Completed	Total Compliance cases	ROP_rpt received count
CCMA	Year 2017					
	Year 2018					
...						

Table 3B-3D: Summary Tables of Observer Obstruction alleged infringements grouped by topic and by CCM by year showing counts of cases by Investigation Status

RS-A: *Did the operator or any crew member assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with observer in the performance of their duties*

RS-B: *Request that an event not be reported by the observer;*

RS-D: *Did the operator fail to provide the observer, while on board the vessel, at no expense to the observer or the observer's government, with food, accommodation and medical facilities of a reasonable standard equivalent to those normally available and medical facilities of a reasonable standard equivalent to those normally available to an officer on board the vessel;*

		Flag CCM Notified	Flag CCM investigation in Progress	Flag CCM Investigation Completed				Total Compliance cases
				Infraction- no sanction	Infraction- sanction	Infraction - warning	No infraction	
Year 2017	CCMxx							
	CCMxy							
...								

Annex 4: Summary Tables of Flag CCM responses to Shark catch Alleged Infringements notified in the WCPFC online Compliance Case File System based on ROP data

Includes cases where ROP data indicates retention in part or whole of catches by vessels of shark species that are prohibited or a fate code that may indicate shark finning activities.

Table 4A: Counts of all Shark Catch Alleged infringement cases by CCM by year showing counts of cases by Investigation Status and counts of cases where ROP Observer Report was received

		Flag CCM Notified	Flag CCM investigation in Progress	Flag CCM Investigation Completed	Total Compliance cases	ROP_rpt received count
CCMxx	Year 2017					
	Year 2018					
...						

Table 4B-4D: Summary Tables of Shark Catch Alleged Infringements grouped by topic and by CCM by year showing counts of cases by Investigation Status

CMM 2010-07 09: 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).

CMM 2011-04: 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.

CMM 2013-08: 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.

		Flag CCM Notified	Flag CCM investigation in Progress	Flag CCM Investigation Completed				Total Compliance cases
				Infraction- no sanction	Infraction- sanction	Infraction - warning	No infraction	
Year 2017	CCMxx							
	CCMxy							
...								

Annex 5: Summary Tables of Flag CCM responses to Cetacean and Whale Shark International Alleged Infringements notified in the WCPFC online Compliance Case File System based on ROP data

Includes cases where ROP data indicates one or more interaction/s occurred between a purse seine vessel and individual cetacean species or whale shark/s during a trip (as cases are by individual species and fate code, there are may be multiple cases per observed trip).

Relevant WCPFC requirements include: prohibiting purse seine vessels from setting if a whale shark or cetacean is sighted prior to the commencement of the set; required reporting of any incidents of unintentional encircling; and guidelines for safe release.

Table 5A: Counts of all Purse Seine and Whale Shark Alleged infringement cases by CCM by year showing counts of cases by Investigation Status and counts of cases where ROP Observer Report was received

		Flag CCM Notified	Flag CCM investigation in Progress	Flag CCM Investigation Completed	Total Compliance cases	ROP_rpt received count
CCMxx	Year 2017					
	Year 2018					
...						

Table 5B-5C: Summary Tables of Purse Seine Alleged Infringements grouped by topic and by CCM by year showing counts of cases by Investigation Status

CMM 2011-03: 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.

CMM 2012-04: 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.

		Flag CCM Notified	Flag CCM investigation in Progress	Flag CCM Investigation Completed				Total Compliance cases
				Infraction-no sanction	Infraction-sanction	Infraction - warning	No infraction	
Year 2017	CCMxx							
	CCMxy							
...								

Annex 6. Summary Table of Flag CCM responses to ROP Pre-Notification Issues, other than alleged observer obstruction, presently notified in WCPFC online Compliance Case File System

Includes notifications to aggregated across all CCMs of those data elements (other than alleged observer obstruction incidents) that were answered in the affirmative by a ROP observer on the WCPFC Observer Trip Monitoring Summary, or which are included in SPC/FFA General Form 3.

***WCPFC14 accepted the TCC13 recommendation that the process of not considering the information contained in the ROP Pre-notification List, for the purpose of assessing any obligations for which it was relevant, with the exception of those cases related to observer interference or obstruction be followed in future years (WCPFC14 final CMR).*

WCPFC ROP Pre-notification codes

LC-A	inaccurately record retained “target species” in the vessel log
LC-B	inaccurately record “target species” discards
LC-C:	record species inaccurately
LC-E	inaccurately record bycatch species discards
LC-F	inaccurately record retained bycatch species
LP-A	inaccurately record vessel positions on vessel log sheet for sets, hauling and catch
WC-b	high-grade the catch
SI-b	Interact (not land with SSIs)
WC-a	Fail to comply with any Commission Conservation and Management Measures
NR-a	Fish in any areas where the vessel is not permitted to fish
NR-c	Use a fishing method other than the method the vessel was designed or licensed
NR-e	Transfer or transship fish from or to another vessel
NR-g	Fail to stow fishing gear when entering areas where vessel is not authorised to fish
LP-b	Fail to report vessel positions to countries, where required when entering and leaving an EEZ(crossing to or from an EEZ into or out of the High Seas)
PN-a	Dispose of any metals, plastics, chemicals or old fishing gear
PN-b	Discharge any oil
PN-c	Lose any fishing gear
PN-d	Abandon any fishing gear
PN-e	Fail to report any abandoned gear
SS-a	Fail to monitor international safety frequencies

		Flag CCM Notified	Flag CCM investigation in Progress	Flag CCM Investigation Completed				Total Compliance cases
				Infraction-no sanction	Infraction-sanction	Infraction - warning	No infraction	
Pre-notification code	Year							
...								

**PART B:-Template for Summary Tables related to each CCM on cases in the WCPFC
Online Compliance Case File System**

Summary tables derived from the online compliance case file system and intended to provide summaries of an individual flag CCMs responses to compliance cases in the online compliance case file system.

CCMxx

Table 1:- Counts of all Alleged Infringement cases in the compliance case file system by year showing count of cases for each CCM by Investigation Status and where applicable counts of cases where ROP Observer Report was received

A25: Article 25(2)

FAI: FAD Sets Alleged infringements **OAI:** Observer Obstructions Alleged Infringements

SHK: Shark Catch Alleged Infringements

CWS: Cetacean and Whale Shark Interaction Alleged infringements

		Flag CCM Notified	Flag CCM investigation in Progress	Flag CCM Investigation Completed	Total Compliance cases	ROP_rpt received count
FAI	Year 2017					
	Year 2018					
...						

Table 2:- Summary Tables of Flag CCM responses to compliance cases notified in WCPFC online Compliance Case File System that were based on ROP data

		Flag CCM Notified	Flag CCM investigation in Progress	Flag CCM Investigation Completed				Total Compliance cases
				Infraction- no sanction	Infraction- sanction	Infraction - warning	No infraction	
CMM / CMM para A	Year 2017							
	Year 2018							

Table 3:- Summary Tables of Flag CCM responses to Article 25(2) requests for investigations notified in WCPFC online Compliance Case File System

		Flag CCM Notified	Flag CCM investigation in Progress	Flag CCM Investigation Completed				Total Compliance cases
				Infraction- no sanction	Infraction- sanction	Infraction - warning	No infraction	
CMM / CMM para A	Year 2017							
	Year 2018							

TEMPLATE FOR AGGREGATED TABLES TO BE APPENDED TO THE PROVISIONAL CMR

[Note: the aggregated tables are those from the previous reports and included summary by obligation (and not CCM) and include information on: Flag CCM notified; Flag CCM investigation in progress; Flag CCM investigation completed (including infraction – no sanction, infraction – sanction, infraction – warning, no infringement); total.]

Table I: Counts of all Alleged Infringement cases based on ROP observer data by year showing count of cases by Investigation Status and counts of cases where ROP Observer Report was received

FAI: FAD Sets Alleged infringements

OAI: Observer Obstructions Alleged Infringements

SHK: Shark Catch Alleged Infringements

CWS: Cetacean and Whale Shark Interaction Alleged infringements

		Flag CCM Notified	Flag CCM investigation in Progress	Flag CCM Investigation Completed	Total Compliance cases	ROP_rpt received count
Year 2015	FAI					
Year 2016						
...						

Table II-xx: Summary Tables of outcome of flag CCM investigations of alleged infringements that were notified to WCPFC as Article 25(2) matters or in ROP observer data grouped by CMM/obligation and by year showing counts of cases by Investigation Status

**For ease of readability, groups of CMM/obligations may be presented by tables of similar topic eg alleged FAD sets, bycatch-related, observer obstruction and safety incidents, vessel-related, VMS-reporting, others*

		Flag CCM Notified	Flag CCM Investigation in Progress	Flag CCM Investigation Completed				Total Compliance cases
				Infraction-no sanction	Infraction-sanction	Infraction - warning	No infraction	
CMM / CMM para A	Year 2017							
	Year 2018							
...	...							

--



**COMMISSION
SIXTEENTH REGULAR SESSION**
Port Moresby, Papua New Guinea
5 – 11 December 2019

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

Conservation and Management Measure 2019-07¹

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:

¹ This CMM revises and replaces CMM 2010-06

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) master of the vessel at the time of the IUU fishing activities, and the nationality(ies) of that master;
- (vi) call sign and previous call signs, if any;
- (vii) Lloyds/IMO number;
- (viii) photographs, where available;
- (ix) date first included on the IUU Vessel List; and
- (x) 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 2018-06 or its replacement measure;

- 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 responsiveness of the owner of record in such proceedings;
- b. 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) that triggered the nomination under paragraph 4; or
- b. 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.



**COMMISSION
SIXTEENTH REGULAR SESSION**
Port Moresby, Papua New Guinea
5 – 11 December 2019

**CONSERVATION AND MANAGEMENT MEASURE FOR CHARTER
NOTIFICATION SCHEME**

Conservation and Management Measure 2019-08¹

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 paragraph 4 flagged to 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. Within 15 days, or in any case within 72 hours before commencement of fishing activities under a charter arrangement, the chartering Member or Participating Territory shall notify the Executive Director of any vessel to be identified as chartered in accordance with this measure by submitting electronically where possible to the Executive Director 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);

¹ By adoption of this CMM (CMM 2019-08) the Commission rescinds CMM 2016-05 which has been replaced.

- d) name and address of the charterer;
- e) the duration of the charter arrangement; and
- f) the flag state of the vessel.

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

3. 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. Unless specifically provided in other CMMs, catches and effort of vessels notified as chartered under this CMM shall be attributed to the chartering Member or Participating Territory. Unless specifically provided in other CMMs, the chartering Member or Participating Territory shall report annually to the Executive Director catch and effort of chartered vessels in the previous year.
8. This Measure shall expire on 28 February 2022 unless renewed by the Commission.



**COMMISSION
SIXTEENTH REGULAR SESSION**
Port Moresby, Papua New Guinea
5 – 11 December 2019

**CONSERVATION AND MANAGEMENT MEASURE ON MOBULID RAYS CAUGHT
IN ASSOCIATION WITH FISHERIES IN THE WCPFC CONVENTION AREA**

Conservation and Management Measure 2019-05

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):

Considering that the United Nations Food and Agriculture Organization (FAO) International Plan of Action for Sharks calls on States to cooperate through regional fisheries management organizations to ensure the sustainability of shark stocks;

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

Noting that manta and mobula rays are listed in Appendix I and Appendix II of the Convention on the Conservation of Migratory Species of Wild Animals and that the parties to that Convention have a range of obligations related to the conservation of such species;

Further noting that manta and mobula rays are also listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for which trade shall be closely controlled under specific conditions including, inter alia, that trade will not be detrimental to the survival of the species in the wild;

Acknowledging the 13th Regular Session of the Commission designated six species of manta and mobula rays as key shark species for assessment and called for the development of safe release guidelines for manta and mobula rays;

Further acknowledging the 14th Regular Session of the Commission adopted non-binding guidelines of best handling practices for the safe release of manta and mobulids for both purse seine and longline fisheries;

Noting the recognition by the 12th Regular Session of the Scientific Committee of the impact on mobulids by WCPFC fisheries, ecological concern and data availability.

Noting that the 13th Regular Session of the Scientific Committee confirmed that as species of special interest, manta and mobula rays will have all required data collected under the Regional Observer Programme Minimum Standard Data Fields;

Concerned that the species of the family Mobulidae, which includes manta rays and mobula rays, are considered to be vulnerable to overfishing as they are slow-growing, experience late sexual maturity, have long gestation periods, and often give birth to only a few pups;

Also concerned about the possible impacts on these species by the different fisheries occurring from coastal areas to the high seas;

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

1. This Conservation and Management Measure (CMM) shall apply to all fishing vessels operating in the high seas and/or exclusive economic zones of the Convention area and flagged to Members, Cooperating Non-Members and Participating Territories (CCMs), and authorized to fish for highly migratory fish stocks in the Convention Area.
2. For the purpose of this CMM, “mobulid rays” means species of the family Mobulidae, which includes manta rays and mobula rays.
3. CCMs shall prohibit their vessels from targeted fishing or intentional setting on mobulid rays in the Convention Area.
4. CCMs shall prohibit their vessels from retaining on board, transshipping, or landing any part or whole carcass of mobulid rays caught in the Convention Area.
5. CCMs shall require their fishing vessels to promptly release alive and unharmed, to the extent practicable, mobulid rays as soon as possible, and to do so in a manner that will result in the least possible harm to the individuals captured. CCMs should encourage their fishing vessels to implement the handling practices detailed in Annex 1, while taking into consideration the safety of the crew.
6. Notwithstanding paragraph 4, in the case of mobulid rays that are unintentionally caught and landed as part of a purse seine vessel’s operation, the vessel must, at the point of landing or transshipment, surrender the whole mobulid ray to the responsible governmental authorities, or other competent authority, or discard them where possible. Mobulid rays surrendered in this manner may not be sold or bartered but may be donated for purposes of domestic human consumption.
7. CCMs shall advise the Commission (in Part 2 of their Annual Report) on implementation of this CMM.

8. CCMs shall ensure that fishers are aware of proper mitigation, identification, handling and releasing techniques and should encourage them to keep on board all necessary equipment for the safe release of mobulid rays. For this purpose, CCMs are encouraged to use the handling practices included as Annex 1.
9. CCMs are encouraged to investigate at-vessel and post-release mortality in mobulids including, but not exclusively, the application of satellite tagging programs to investigate the effectiveness of this measure and more effective methods of live release.
10. Observers shall be allowed to collect biological samples of mobulid rays caught in the WCPFC Convention Area that are dead at haul-back.
11. This measure will take effect on 1 January 2021.

BEST HANDLING PRACTICES FOR THE SAFE RELEASE OF MANTAS & MOBULIDS

Purse Seine

Do's:

- Release rays while they are still free-swimming whenever possible (e.g., back down procedure, submerging corks, cutting net).
- It is preferable that larger rays (>60 kg), that are too large to be lifted safely by hand are brailed out of the net and released using a purpose built large-mesh cargo net or canvas sling or similar device as recommended in document SC08-EB-IP-12 (Poisson *et al.* 2012, Good practices to reduce the mortality of sharks and rays caught incidentally by the tropical tuna purse seiners). It is preferable that release nets or devices are prepared prior to each set.
- It is preferable that small (<30 kg) and medium rays (30-60 kg) are handled by 2 or 3 people and carried by the sides of its wings or preferably using a purpose-built cradle/stretchers while ensuring the safety of the crew.
- When entangled in netting, carefully cut the net away from the animal and release to the sea as quickly as possible while ensuring the safety of the crew.

Don'ts:

- Do not leave a ray on deck until hauling is finished before returning it to the sea.
- Do not punch holes through the bodies of rays (e.g., to pass a cable or line through for lifting the ray).
- Do not gaff, drag, carry, lift or pull a ray by its “cephalic lobes” or tail or by inserting hooks or hands into the gill slits or the spiracles.

Longline

Do's:

- For small rays, gently bring on board and remove as much gear as possible by backing the hook out. If hooks are embedded, either cut the hook with bolt cutters or cut the line at the hook and gently return the animal to the sea.
- For medium to large rays (>30 kg), leave the animal in the water and use a dehooker to remove the hook or a long-handled line cutter to cut the gear as close to the hook as possible (ideally leaving <0.5 meters of line attached to the animal).

Don'ts:

- Do not hit or slam a ray against any surface to remove the animal from the line.
- Do not attempt to dislodge a deeply hooked or ingested hook by pulling on the branch line or using a dehooker.
- Do not attempt to lift medium to large (>30 kg) rays aboard vessel.
- Do not cut the tail.
- Do not gaff, drag, carry, lift or pull a ray by its “cephalic lobes” or tail or by inserting hooks or hands into the gill slits or the spiracles.

Additional recommendation:

- Knowing that any fishing operation may catch rays, several tools can be prepared in advance (e.g., canvas or net slings or stretchers for carrying or lifting, large mesh net or grid to cover hatches/hoppers in purse seine fisheries, long handled cutters and de-hookers in longline fisheries).



RESOLUTION ON NON-TARGET FISH SPECIES

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

**RESOLUTION ON ASPIRATIONS OF SMALL ISLAND DEVELOPING
STATES AND TERRITORIES**

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

RESOLUTION ON THE BEST AVAILABLE SCIENCE

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.



**COMMISSION
FOURTEENTH REGULAR SESSION**
Manila, Philippines
3 – 7 December 2017

RESOLUTION ON THE PROVISIONAL APPLICATION OF CMM 2017-01

Resolution 2017-01

The Western and Central Pacific Fisheries Commission (WCPFC):

Recalling the adoption on 7 December 2017 of CMM 2017-01 on bigeye, yellowfin and skipjack tuna in the Western and Central Pacific Ocean;

Noting that Article 20(5) of the Western and Central Pacific Fisheries Convention provides that a decision adopted by the Commission shall become binding 60 days after the date of its adoption;

Acknowledging that the CMM 2016-01 on bigeye, yellowfin and skipjack tuna is scheduled to expire on 31 December 2017;

Desiring to have a conservation and management measure on bigeye, yellowfin and skipjack tuna in place between the expiry of CMM 2016-01 and the entry into effect of CMM 2017-01 on 6 February 2018;

Taking note of the terms of the Convention and the past precedents for dealing with similar situations;

Resolves:

That CCMs will provisionally apply CMM 2017-01 for the period from 1 January 2018 until its entry into effect on 6 February 2018.



**COMMISSION
FIFTEENTH REGULAR SESSION
Honolulu, Hawaii, USA
10 – 14 December 2018**

RESOLUTION ON LABOUR STANDARDS FOR CREW ON FISHING VESSELS

Resolution 2018-01

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

Recalling Articles 6 and 8 of the 1995 FAO Code of Conduct for Responsible Fisheries which set out international standards, including labour standards for the responsible conduct of fishing operations to ensure fair work and living conditions;

Noting the Commission has to consider adopting generally accepted international minimum labour standards for the responsible conduct of fishing operations;

Noting the increasing global attention to instances of poor labour conditions and mistreatment of crews including forced labour and child labour on board fishing vessels;

Acknowledging the important role played by crew members in assisting the conduct of fishing vessel operations in compliance with WCPFC Conservation and Management Measures, and the central role that crew members play in contributing to effective fishing operations;

Recalling efforts that WCPFC Members have made in recent years in improving the conditions and welfare of observers on board fishing vessels, and acknowledging the equal importance of the welfare of crew members;

Reaffirming the importance of the responsibilities of flag States under international law regarding fishing vessels flying their flag, including with respect to safety at sea and labour conditions on fishing vessels;

Mindful that WCPFC Member Small Island Developing States and Participating Territories have a legitimate interest in increasing the participation of their labour force in the crewing of vessels that catch highly migratory fish stocks in their waters, and that CCMs are interested in promoting safe and decent employment for their nationals;

Resolves that:

1. CCMs are encouraged to make every effort to ensure that their relevant national legislation fully extends to all crew working on fishing vessels flying their flag in the WCPF Convention Area and, where appropriate and applicable, CCMs are encouraged to adopt measures into their national legislation to establish minimum standards regulating crew labour conditions. CCMs are further encouraged to ensure the adequate enforcement of all relevant legislation, including

by identifying and prosecuting breaches of relevant national laws relating to the treatment of crew by vessel operators landing fish in their ports or operating in their waters.

2. CCMs are encouraged to implement measures, consistent with generally accepted international minimum standards for crew on fishing vessels, where applicable, to ensure fair working conditions on board for all crew working on fishing vessels flying their flag and operating within the WCPFC Convention area, including, *inter alia*:
 - a) A safe and secure working environment with minimum risk to health and wellbeing;
 - b) Fair terms of employment, that are enshrined in a written contract or in equivalent measures, which are made available to the employee, in a form and language that facilitates the employee's understanding of the terms and is agreed by the employee;
 - c) Decent working and living conditions on board vessels, including access to sufficient fresh water and food, operational safety protection and medical care, and that facilitate acceptable standards of sanitary hygiene;
 - d) Decent and regular remuneration as well as appropriate insurance for the crew; and
 - e) Providing crew members with the opportunity to disembark, and seek repatriation if so entitled.
3. CCMs are encouraged to work with any entities involved in recruitment of crew to implement the provisions of this Resolution.
4. CCMs are encouraged to apply and, where appropriate, strengthen effective jurisdiction and control over vessels flying their flag and to exercise due diligence to improve and enforce requirements regarding labour conditions on board fishing vessels.
5. All CCMs are encouraged to share progress on implementation of this Resolution annually to the Commission.
6. To implement this Resolution, developed CCMs are encouraged to make concerted efforts and consider innovative options to assist developing CCMs – both flag CCMs and coastal CCMs – in the development and strengthening of relevant domestic legislation and in the enforcement of that legislation, including working with local industries (which includes labour agents) to help them meet the minimum standards in this Resolution.



**COMMISSION
SIXTEENTH REGULAR SESSION**

Port Moresby, Papua New Guinea

5 – 11 December 2019

**RESOLUTION ON CLIMATE CHANGE AS IT RELATES TO THE WESTERN AND
CENTRAL PACIFIC FISHERIES COMMISSION**

Resolution 2019-01

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

RECOGNISING international initiatives to address the impacts of climate change including through the United Nations Framework Convention on Climate Change;

NOTING the work of the Intergovernmental Panel on Climate Change;

MINDFUL of the work of the Scientific Services Provider to the Commission in assessing the impacts of climate change on target stocks and non-target species, and species belonging to the same ecosystem or dependent or associated with the target stocks in the Convention Area;

NOTING that Pacific Islands Forum Leaders reaffirmed at their meeting in August 2019 that climate change is the single greatest threat to the livelihoods, security and wellbeing of the peoples of the Pacific and their commitment to progress the implementation of the Paris Agreement;

FURTHER NOTING the *Kainaki II Declaration for Urgent Climate Change Action Now* made by Pacific Islands Forum Leaders in August 2019;

NOTING the importance of addressing the potential impacts of climate change and other environmental degradation on target stocks, non-target species, and species belonging to the same ecosystem or dependent or associated with the target stocks in the Convention Area;

NOTING the objective of the Convention 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 1982 Convention and the 1995 United Nations Fish Stocks Agreement;

Resolves to:

1. Consider the potential impacts of climate change on highly migratory fish stocks in the Convention Area and any related impacts on the economies of CCMs and food security and livelihoods of their people, in particular Small Islands Developing States and Participating Territories.
2. Support further development of science on the relationship between climate change and target stocks, non-target species, and species belonging to the same ecosystem or dependent

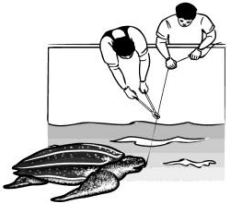
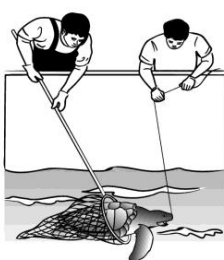
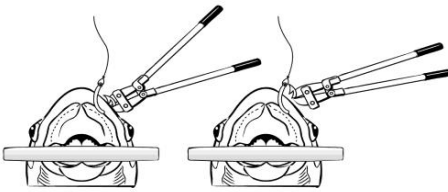





on or associated with the target stocks, as well as interrelationships with other factors that affect these stocks and species, and estimates of the associated uncertainties.

3. Take into account in its deliberations, including in the development of conservation and management measures, scientific information available from the Scientific Committee on the potential impacts of climate change on target stocks, non-target species, and species belonging to the same ecosystem or dependent on or associated with the target stocks.
4. Consider how climate change and fishing activities may be related and address any potential impacts in a manner consistent with the Convention.
5. Consider options to reduce the environmental impacts of the Commission related to headquarters operation and meetings of the Commission and its subsidiary bodies.

—

WCPFC Guidelines for the Handling of Sea Turtles

If a turtle is caught, the following steps should be taken to give it the best possible chance of survival. Operators of longline fishing vessels should follow Steps A to E if a sea turtle becomes hooked, and Steps A, C, D and E if it is entangled. If a sea turtle becomes entangled in a purse seine net, then operators should stop net roll as soon as the turtle comes out of the water, disentangle the turtle without injuring it and before resuming the net roll, then follow Steps A, C, D and E.

A	Assess the turtle's size: release the turtle if it is too big to handle safely, otherwise bring it on board without damaging it further
 <p>If the turtle is too large to bring on board, stop the vessel and bring the turtle as close to the boat as possible without putting too much strain on the line. This is especially important if the turtle is hooked rather than entangled. Cut the line as close to the hook as practical and remove tangled line from before the turtle swims away.</p>	 <p>If the turtle is small then ideally use a dip net to lift the turtle on board. When bringing the animal on board, do not damage it further by lifting it using the hooked line or gaffing its body.</p>
B	Once the turtle is on board, place a piece of wood in the turtle's mouth so it cannot bite, then cut the hook or line
 <p>If the hook is in the mouth, use a de-hooker to remove the hook from the turtle.</p> <p>Using a bolt cutter to remove the barb of the hook before removing the hook itself can reduce the chance of damaging the turtle during de-hooking.</p>	 <p>If the insertion point of the hook is not visible, remove as much line as possible without pulling too hard on the hook itself, and cut the line as close to the hook as practical.</p>
C	Assess the condition of the turtle before releasing it. When the turtle has recovered its strength, gently and promptly release it to the water. Resuscitation treatments may be applied to animals in bad condition.
 <p>If the turtle is sluggish or not active when lifted on board, it may have water in its lungs. In this case the rear flippers should be raised about 20cm off the deck while it is recovering.</p>	 <p>If practicable, place the turtle in a secure shaded location of the boat and cover its body with wet towels. Do not spray the turtle in the face with water or cover its nostrils with the towel.</p>
D	Carefully return the turtle to the water
<p>Gently put the turtle in the water head first, after slowing down or stopping the fishing vessel. Ensure that the turtle is clear of the vessel before motoring off.</p> 	E Record the interaction in your logbook and inform your fisheries department <p>Identify and record the turtle species, if possible, and record any tag numbers.</p> 

HANDLING OF TURTLES ENTANGLED BY LONGLINE GEAR

The point of this guidance is to encourage removal of as much line as possible before the turtle is free to swim away.

Visually assess whether the turtle is **hooked or entangled**. If it is entangled then the following steps should be followed, depending on whether the turtle is **dead or alive**. Note that it may be difficult to tell if the turtle is dead or alive when it is still in the water.

(1) Turtle looks dead and is too big to bring onboard:

If the turtle is too **big** to bring onboard, cut loose as much of the tangled lines as possible using a line cutter.

(2) Turtle is alive but too big to bring onboard:

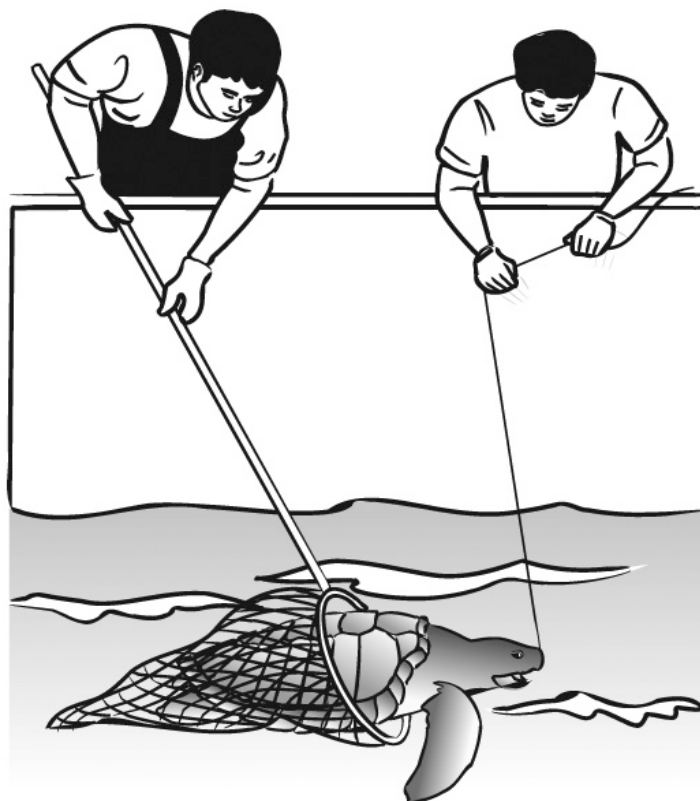
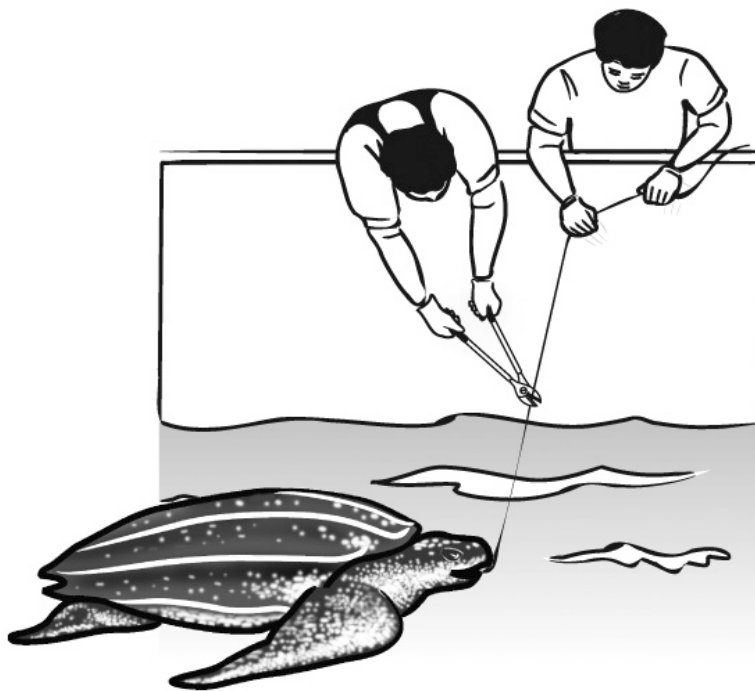
Visually assess if the turtle is:

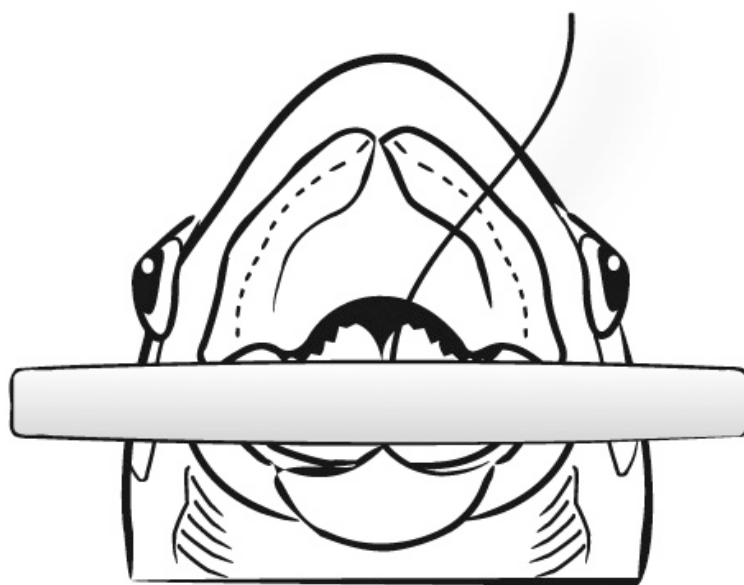
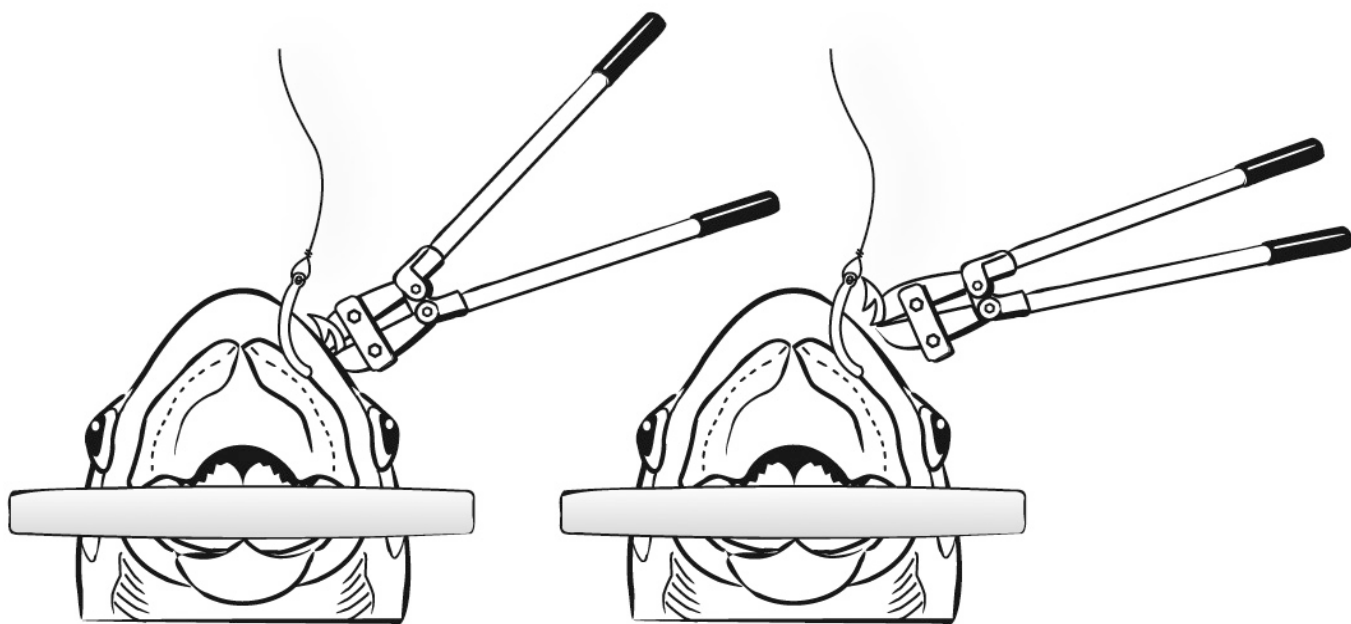
- A) Entangled only: use the line cutter to cut off the tangled lines in the water.
- B) Entangled and hooked externally: remove the hook if possible and then use the line cutter to cut off the tangled lines in the water.
- C) Entangled and hooked internally: follow the established procedure for handling a hooked turtle.
- D) Entangled turtle (heavily entangled): a gaff may be used to restrain the turtle by the tangled lines. Use the line cutter to cut off the tangled lines in the water, taking care not to cut the lines that are used to control the turtle before other lines have been cut and removed. More than one person may be required to assist, in order to prevent the turtle swimming away while still tangled.

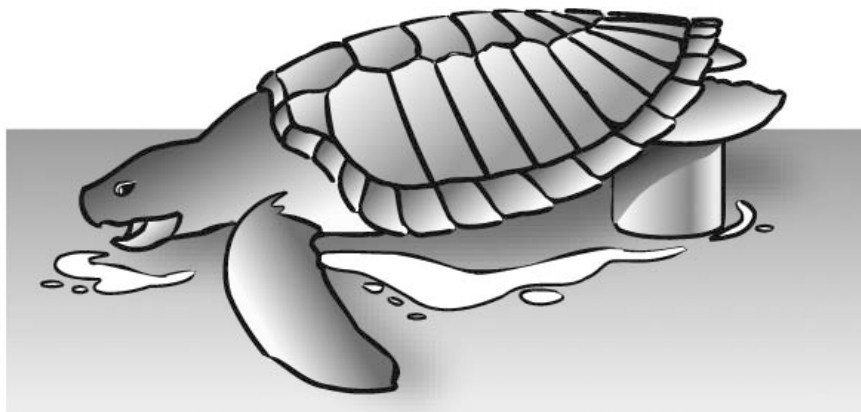
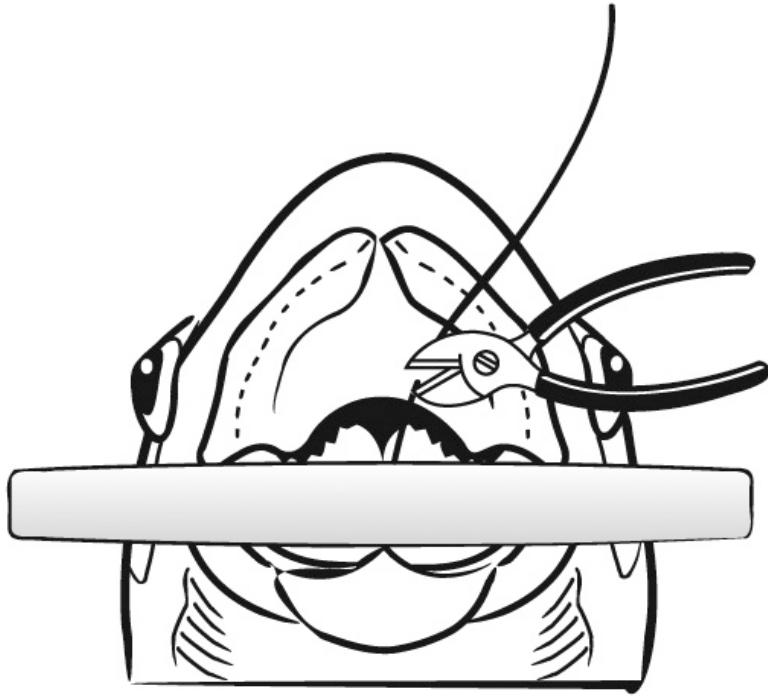
(3) Turtle is small enough to be brought onboard:

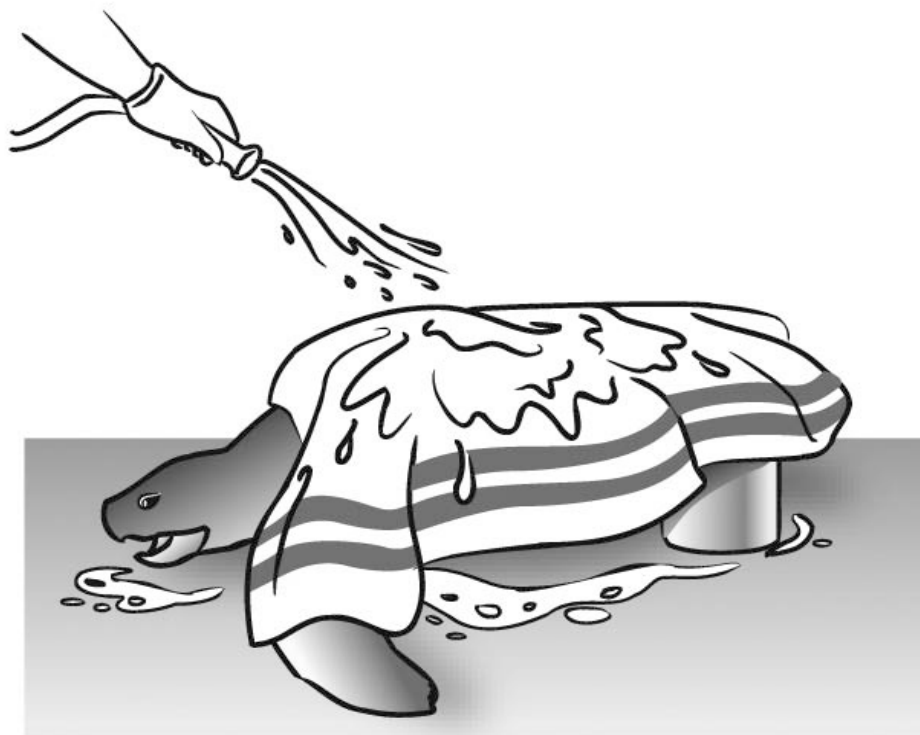
If the turtle is **alive** then established guidelines should be applied (comatose handling, revival, and release). If it is **dead**, it should be brought on board to be measured and identified.

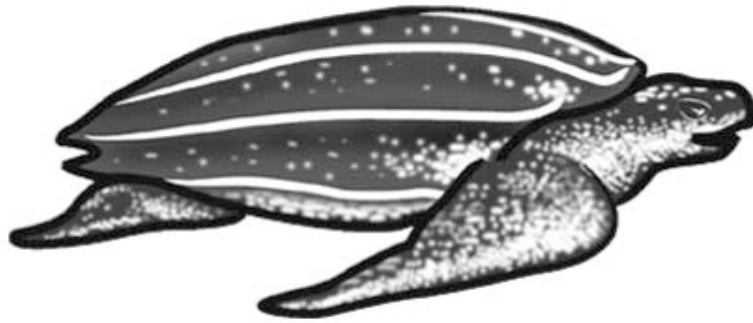
WCPFC Guidelines for the Handling of Sea Turtles - Graphics











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

DATA BUOY INFORMATION PACKAGE

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

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 polyethylenecentral 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.



COMMISSION
TWELFTH REGULAR SESSION
Bali, Indonesia
3-8 December 2015

GUIDELINES FOR THE SAFE RELEASE OF ENCIRCLED WHALE SHARKS¹

General principles

- Safety of the crew is a paramount consideration.
- When releasing encircled whale sharks, the stress the animal receives should be minimized to the extent possible.
- The following possible release methods should be used as general guidelines.
- The effectiveness of the following possible release methods has not been fully evaluated. Further scientific research is necessary in order to investigate survival after the release by various release methods. Therefore, CCMs are encouraged to conduct analysis on methods used by their purse seine vessels. In addition, several agencies have initiated a program of satellite tag deployments by experienced observers to assess survival of encircled animals associated with various release techniques.
- The appropriate release method should be chosen in a flexible manner depending on the circumstances and condition of the particular purse seine set, e.g. the size and orientation of the encircled animal, amount of fish in the purse seine set, weather conditions and brailing operation style.

As noted in the TCC9 Summary Report, Para 318, the PNA requires that when a whale shark is encountered in a purse seine net in PNA waters the net roll must be immediately stopped and the whale shark released.

In the WCPFC Convention Area the following actions are not recommended when releasing encircled whale sharks (see WCPFC-SC11-2015/EB-WP-03 Rev.1):

- Vertically lifting sharks by tail
- Pulling sharks by a loop hooked around its gill or holes bored into a fin
- Gaffing
- Leaving attached any towing ropes
- Brailing whale sharks larger than 2 meters
- Brailing whale sharks onto the deck ---

¹ Originally adopted on 8 December 2015. The title of this decision was amended through the Commission decision at WCPFC13, through adopting the SC12 Summary Report which contains in paragraph 742: “SC12 agreed to change the title of ‘Guidelines for the safe release of encircled animals, including whale sharks’ to ‘Guidelines for the safe release of encircled whale sharks’.”



**COMMISSION
FOURTEENTH REGULAR SESSION**
Manila, Philippines
3 – 7 December 2017

BEST HANDLING PRACTICES FOR THE SAFE RELEASE OF MANTAS & MOBULIDS

At WCPFC13, the Commission designated six species of manta and mobulid rays as key shark species for assessment in December 2016 and called for the development of safe release guidelines for manta and mobulid rays during SC13.

The following are recommended non-binding guidelines of best handling practices of manta and mobulid rays for both purse seine and longline fisheries:

Purse Seine

Do's:

- Release rays while they are still free-swimming whenever possible (e.g. back down procedure, submerging corks, cutting net).
- It is preferable that larger rays (>60 kg), that are too large to be lifted safely by hand are brailed out of the net and released using a purpose built large-mesh cargo net or canvas sling or similar device as recommended in document SC08-EB-IP-12 (Poisson *et al.* 2012, Good practices to reduce the mortality of sharks and rays caught incidentally by the tropical tuna purse seiners). [Note: It is preferable that release nets or devices are prepared prior to each set.]
- It is preferable that small (< 30 kg) and medium rays (30-60 kg) are handled by 2 or 3 people and carried by the sides of its wings or preferably using a purpose-built cradle/stretchers while ensuring the safety of the crew.
- When entangled in netting, carefully cut the net away from the animal and release to the sea as quickly as possible while ensuring the safety of the crew.

Don'ts:

- Do not leave a ray on deck until hauling is finished before returning it to the sea.
- Do not punch holes through the bodies of rays (e.g. to pass a cable or line through for lifting the ray).
- Do not gaff, drag, carry, lift or pull a ray by its “cephalic lobes” or tail or by inserting hooks or hands into the gill slits or the spiracles.

Longline

Do's:

- For small rays, gently bring on board and remove as much gear as possible by backing the hook out. If hooks are embedded, either cut the hook with bolt cutters or cut the line at the hook and gently return the animal to the sea.
- For medium to large rays (>30 kg), leave the animal in the water and use a dehooker to remove the hook or a long-handled line cutter to cut the gear as close to the hook as possible (ideally leaving < 0.5 meters of line attached to the animal).

Don'ts:

- Do not hit or slam a ray against any surface to remove the animal from the line.
- Do not attempt to dislodge a deeply hooked or ingested hook by pulling on the branch line or using a dehooker.
- Do not attempt to lift medium to large (>30 kg) rays aboard vessel.
- Do not cut the tail.
- Do not gaff, drag, carry, lift or pull a ray by its “cephalic lobes” or tail or by inserting hooks or hands into the gill slits or the spiracles.

Additional recommendation:

Knowing that any fishing operation may catch rays, several tools can be prepared in advance (e.g. canvas or net slings or stretchers for carrying or lifting, large mesh net or grid to cover hatches/hoppers in purse seine fisheries, long handled cutters and de-hookers in longline fisheries).



**COMMISSION
FIFTEENTH REGULAR SESSION**
Honolulu, Hawaii, USA
10 – 14 December 2018

**BEST HANDLING PRACTICES FOR THE SAFE RELEASE OF SHARKS (OTHER THAN
WHALE SHARKS AND MANTAS/MOBULIDS)¹**

The following are recommended non-binding guidelines of best handling practices of sharks for both purse seine and longline fisheries:

Safety First: These guidelines should be considered in light of safety and practicability for crew. Crew safety should always come first. Crew should wear suitable gloves and avoid working around the jaws of sharks.

For all gear types, keep animals in the water if possible. If necessary to land on deck, minimize time and release shark to the water as soon as possible.

Purse Seine

Do's (make sure that “do” graphics are clearly labelled as examples only):

If in purse seine net:

- ☐ Release sharks while they are still free-swimming whenever possible (e.g. back down procedure, submerging corks, cutting net)
- ☐ For sharks that cannot be released from the purse seine net, consider removing them using a hook and line.

If in brail or on deck:

- ☐ For sharks that are too large to be lifted safely by hand out of the brailer, it is preferable they are released using a purpose-built large-mesh cargo net or canvas sling or similar device². If the vessel layout allows, these sharks could also be released by emptying the brail directly on a ramp held up at an angle that connects to an opening on the top deck railing, without need to be lifted or handled by the crew.
- ☐ Generally, small sharks are fragile and need to be handled very carefully. If this can be done safely, it is best to handle and release them with two people, or one person using both hands.
- ☐ When entangled in netting, if safe to do so carefully cut the net away from the animal and release to the sea as quickly as possible with no netting attached.

¹ These guidelines are appropriate for live individuals of shark species to be released under no-retention policies as well as any other live sharks to be released voluntarily.

² As recommended in document SC8-EB-IP-12 (Poisson et al. 2012)

Don'ts (graphics are useful here):

- ☐ Do not wait until hauling is finished to release sharks. Return them to the sea as soon as possible.
- ☐ Do not cut or punch holes through the shark's body.
- ☐ Do not gaff or kick a shark and do not insert hands into the gill slits.

Longline

Do's (make sure that "do" graphics are clearly labelled as examples only):

- ☐ The preference is to release all sharks while they are still in the water, if possible. Use a dehooker to remove the hook or a long-handled line cutter to cut the gear as close to the hook as possible (ideally leaving less than 0.5 meters of line attached to the animal).
- ☐ If de-hooking in the water proves to be difficult, and the shark is small enough to be accommodated in a dip net, bring it on board and remove as much gear as possible by using a dehooker. If hooks are embedded, either cut the hook with bolt cutters or cut the line at the hook and gently return the animal to the sea.
- ☐ For all sharks that are brought on deck, minimize time before releasing to the water.

Don'ts (graphics are useful here):

- ☐ Do not strike a shark against any surface to remove the animal from the line.
- ☐ Do not attempt to dislodge a hook that is deeply ingested and not visible.
- ☐ Do not try to remove a hook by pulling sharply on the branchline.
- ☐ Do not cut the tail or any other body part.
- ☐ Do not gaff or kick a shark, and do not insert hands into the gill slits.

Additional recommendation:

Knowing that any fishing operation may catch sharks, several tools can be prepared in advance (e.g. canvas or net slings or stretchers for carrying or lifting, large mesh net or grid to cover hatches/hoppers in purse seine fisheries, long handled cutters and de-hookers in longline fisheries).



**COMMISSION
SIXTEENTH REGULAR SESSION**
Port Moresby, Papua New Guinea
5 – 11 December 2019

**INDICATIVE WORK PLAN FOR THE ADOPTION OF HARVEST STRATEGIES
UNDER CMM 2014-06¹**

- The first Harvest Strategy Workplan was developed in 2015 in accordance with CMM 2014-06. It set out a deliberately ambitious schedule of technical work and Commission decision making for the development of harvest strategies across the four key tuna stocks. The workplan was always intended to be a living document and has been updated annually to reflect actual progress as well as other needs and developments.
- It is acknowledged that delays in the execution of the workplan may occur, noting the complexity of developing harvest strategies for multiple species within the multilateral WCPFC environment as well as the capacity of member CCMs to understand and participate fully in the process. For this reason, all parties are cautioned against an expectation that harvest strategy elements will be completed in specific years. Completion dates have changed in the past and may change in the future.
- This workplan simply schedules decisions noting that it is the Commission's decision as to their interim nature. It is important to understand the implications of single species management procedures within a multi-species fishery context upon application of any of the management procedures.
- There is a very important need for capacity building to allow CCMs to understand and participate fully in the harvest strategy development process and ultimately to have confidence that an adopted harvest strategy is an agreeable balance of their objectives. This is particularly so as the Commission starts to consider the multispecies nature of the fishery and how management procedures will interact. An overview of the capacity building process is contained in **WCPFC16-2019-IP14**.

¹ As refined and adopted at the Sixteenth Regular Session of the Commission, Port Moresby, Papua New Guinea 5-11 December 2019.

2019 Update

- As scheduled, the Harvest Strategy Workplan was subject to a more substantial review in 2019 and contains some significant changes in recognition of the needs of WCPFC CCMs as well as recent scientific advice.
 - The updated workplan maintains the development of harvest strategies for skipjack and South Pacific albacore tuna, initially on a single species basis but noting their eventual inclusion into a multispecies framework.
 - The updated plan identifies the need for additional work and time to explore and develop the details and practical implementation aspects of the multispecies framework covering all four tuna stocks.
 - The updated plan recognises the need for additional time to build capacity and a sound understanding of harvest strategy functioning and consequences.
 - **Skipjack.** The updated plan recognises the need for additional time to a) build capacity and a sound understanding of harvest strategy functioning and consequences b) update the skipjack MSE framework in accordance with the 2019 assessment, and c) continue to develop the harvest strategy. This is reflected in a shift in adoption of a management procedure for skipjack to 2022.
 - **South Pacific Albacore.** The updated plan delays adoption of a management procedure by one year (to 2022) because of a clash in 2021 with an updated albacore assessment (that may also necessitate an update to the MSE operating model) and a potential update of the interim TRP in accordance with the WCPFC15 adopted approach. It is noted that WCPFC are anticipating development of bridging management arrangements under the South Pacific Albacore Roadmap.
 - **Bigeye and yellowfin.** The changes and revised timeline for yellowfin and bigeye tuna reflect the substantial body of work required to develop the multispecies framework in advance of further harvest strategy development. This will occur during 2020 and 2021 with flow-on effects to the timing of harvest strategy development for these two stocks.
- For clarity and consistency, the term “Management Procedure” is now used in this workplan in place of “Harvest Control Rule (HCR)”. A management procedure is a formal specification of data collection and associated estimation model (e.g., the estimation of stock status through an analytical or empirical method) together with a HCR.

Note: Within the tables below, progress in earlier years is in grey. Bold items are the six elements that are referred to in CMM 2014-06 (Objectives, Reference Points, Acceptable Levels of Risk, Monitoring, Harvest Control Rules and MSE). Items in brackets are related to harvest strategy development and so are part of the plan but are not one of these six elements.

	South Pacific Albacore	Skipjack	Bigeye	Yellowfin
2015	SC provided advice on implications of a range of Target Reference Points for South Pacific albacore.	Commission agreed an interim Target Reference Point (b).	Commission tasked SC to determine a biologically reasonable timeframe for rebuilding bigeye tuna to [or above] its limit reference point.	
	Commission agreed to workplan for the adoption of harvest strategies under CMM 2014-06 [WCPFC12 Summary Report, Attachment Y]			

	South Pacific Albacore	Skipjack	Bigeye	Yellowfin
2016	<p>Commission considered management objectives for the fishery or stock (a).</p> <p>Performance indicators and Monitoring strategy (d).</p> <ul style="list-style-type: none"> • SC provided advice on a monitoring strategy to assess performance against reference points. • SC provided advice on a range of performance indicators to evaluate performance of harvest control rules. • Commission tasked SPC/SC to develop interim performance indicators to evaluate harvest control rules. • <i>[Commission agree to a monitoring strategy to assess performance against reference points.]</i> 	<p>Commission considered management objectives for the fishery or stock (a).</p> <p>Performance indicators and Monitoring strategy (d).</p> <ul style="list-style-type: none"> • SC provided advice on a monitoring strategy to assess performance against reference points. • SC provide advice on a range of performance indicators to evaluate performance of harvest control rules. • Commission agreed interim performance indicators to evaluate harvest control rules. [see WCPFC13 Summary Report Attachment M] • <i>[Commission agree to a monitoring strategy to assess performance against reference points.]</i> 	<p>Commission considered management objectives for the fishery or stock (a).</p> <p>Commission agreed timeframes to rebuild stock to limit reference point. [see page 8 of HSW]</p>	<p>Commission considered management objectives for the fishery or stock (a).</p>
	Commission agreed on interim maximum acceptable risk level for breaching the LRP (c). [see page 8 of HSW]			
	Commission agreed to a refined workplan for the adoption of harvest strategies under CMM 2014-06 [WCPFC13 Summary Report Attachment N]			
	<p>Progress Summary:</p> <p>Recognised the need for some harvest strategy elements to be adopted as ‘interim’ noting that they be reconsidered as the harvest strategy process develops.</p> <p>Considered management objectives for the fisheries or stocks and made progress on identifying performance measures for tropical purse seine fisheries. For South Pacific albacore acknowledged the benefit of SPC adapting the same list of indicators to further similar work for south Pacific albacore. Commenced some early discussions on the relationship between harvest strategies for the different species and multispecies issues.</p>			

	South Pacific Albacore	Skipjack	Bigeye	Yellowfin
2017	Performance indicators and Monitoring strategy (d). <ul style="list-style-type: none"> SC provided advice on a range of performance indicators for the Southern Longline Fishery to evaluate performance of harvest control rules. Commission noted performance indicators for the Southern Longline Fishery to evaluate harvest control rules. 	Develop harvest control rules (e) and Management strategy evaluation (f). <ul style="list-style-type: none"> SC provide advice on candidate harvest control rules based on agreed reference points (ongoing). Commission consider advice on progress towards harvest control rules (ongoing). 	Performance indicators and Monitoring strategy (d). <ul style="list-style-type: none"> SC provide advice on a range of performance indicators for the Tropical Longline Fishery to evaluate performance of harvest control rules. Commission noted performance indicators for the Tropical Longline Fishery to evaluate harvest control rules <p>[SC report on BET status following updated assessment.]</p> <p>[SC and SPC provide advice to the Commission on the likely outcomes of revised tropical tuna measure.]</p>	Performance indicators and Monitoring strategy (d). <ul style="list-style-type: none"> SC provide advice on a range of performance indicators for the Tropical Longline Fishery to evaluate performance of harvest control rules. Commission noted performance indicators for the Tropical Longline Fishery to evaluate harvest control rules
Consider management objectives for stocks and fisheries (a).				
	Progress Summary: <ul style="list-style-type: none"> Noted candidate performance indicators for the Southern Longline Fishery and the Tropical Longline fishery to evaluate harvest control rules. Agreed on actions to prioritise the development and adoption of a Target Reference Point for south Pacific albacore at WCPFC15. Recognized the importance of developing harvest strategies for key stocks in the WCPO. The Commission recognized that this work requires the consideration of fisheries managers and scientists at different stages. The Commission notes that the time required for harvest strategy discussions is substantial but will also vary from year to year and the Commission recognized the need for this to be accommodated. Agreed to reprioritise as needed the annual agenda of the Commission and Scientific Committee to allow sufficient additional time for consideration of harvest strategy issues. In addition WCPFC recognised that there may also be a need for a dedicated science/management dialogue. 			

	South Pacific Albacore	Skipjack	Bigeye	Yellowfin
2018	<p>Agree Target Reference Point (b).</p> <ul style="list-style-type: none"> Commission agree a TRP for south Pacific albacore. <p>Develop harvest control rules (e) and Management strategy evaluation (f)</p> <ul style="list-style-type: none"> SC provide advice on performance of candidate harvest control rules. (ongoing). TCC consider the implications of candidate harvest control rules. (ongoing). Commission consider advice on progress towards harvest control rules. (ongoing). <p>[SC updated advice on SP albacore status.]</p>	<p>Develop harvest control rules (e) and Management strategy evaluation (f)</p> <ul style="list-style-type: none"> SC provide advice on performance of candidate harvest control rules. (ongoing). TCC consider the implications of candidate harvest control rules. (ongoing). Commission consider advice on progress towards harvest control rules. (ongoing). 	<p>[SC updated advice on BET status.]</p> <p>[SC and SPC provide advice to the Commission on the likely outcomes of revised tropical tuna measure.]</p> <p>[SC and Commission discussion of management objectives for fisheries and/or stocks, and subsequent development of candidate TRPs for BET and YFT.]</p>	<p>[SC and Commission discussion of management objectives for fisheries and/or stocks, and subsequent development of candidate TRPs for BET and YFT.]</p>
	Consider management objectives for stocks and fisheries (a).			
	<p>Progress Summary:</p> <ul style="list-style-type: none"> An interim target reference point (TRP) for south Pacific albacore (0.56 SBF=0) was agreed. The Commission agreed to hold a 6-day annual meeting in 2019 with additional time devoted for the Commission to discuss harvest strategies. 			

	South Pacific Albacore	Skipjack	Bigeye	Yellowfin
2019	<p>Develop harvest control rules (e) and Management strategy evaluation (f)</p> <ul style="list-style-type: none"> • SC provided advice on performance of candidate harvest control rules. (ongoing). • TCC considered the implications of candidate harvest control rules. (ongoing). • Commission considered advice on progress towards harvest control rules. (ongoing). <p>[Science Service Provider identified a range of alternative catch pathways to the interim TRP and timeframes that achieve this]</p>	<p>Develop harvest control rules (e) and Management strategy evaluation (f)</p> <ul style="list-style-type: none"> • SC provided advice on performance of candidate harvest control rules. (ongoing). • TCC considered the implications of candidate harvest control rules. (ongoing). • Commission considered advice on progress towards harvest control rules. (ongoing). <p>["TRP shall be reviewed by the Commission no later than 2019" – CMM 2015-06]</p> <p>[Updated stock assessment considered by SC15]</p> <p>[SC advised on required analyses to support TRP review]</p>	<p>Target Reference Point (b).</p> <ul style="list-style-type: none"> • SC provided advice on potential Target Reference Points for bigeye. • Commission considered potential Target Reference Points for bigeye. 	<p>Target Reference Point (b).</p> <ul style="list-style-type: none"> • SC provided advice on potential Target Reference Points for yellowfin. • Commission considered potential Target Reference Points for yellowfin.
	Consider management objectives for stocks and fisheries (a).			
	<p>Progress Summary:</p> <p>A range of harvest strategy related research was presented and discussed by WCPFC16. Research and technical documents in areas requested for 2019 are available on the SC15 and WCPFC16 websites. The harvest strategy workplan was subject to a substantial review and update at WCPFC16 to reflect decisions taken (or deferred) at WCPFC16. A schedule of research and technical work was identified to support the consideration of TRPs for skipjack (a revision), bigeye and yellowfin. Science Service Provider to review potential options to capture multi species issues under the HS process.</p>			

	South Pacific Albacore	Skipjack	Bigeye	Yellowfin
2020	<p>Develop management procedures (e) and Management strategy evaluation (f)</p> <ul style="list-style-type: none"> • SC provide advice on performance of potential management procedures. (ongoing). • TCC consider the implications of potential Management procedures. (ongoing). • Commission consider advice on progress towards management procedures. (ongoing). 	<p>Develop management procedures (e) and Management strategy evaluation (f)</p> <ul style="list-style-type: none"> • SC provide advice on performance of candidate management procedures. • TCC consider the implications of candidate management procedures. • Commission consider and refine a candidate set of management procedures. <p>[Scientific Committee provide, and Commission consider, advice on range of issues pertaining to the formulation of a revised TRP for skipjack]</p>	<p>Consider Target Reference Point (b).</p> <ul style="list-style-type: none"> • Scientific Committee provide advice on range of issues pertaining to the formulation of a TRP for bigeye. • Commission consider SC advice on range of issues pertaining to the formulation of a TRP for bigeye. <p>[Initiate development of multispecies framework in advance of further harvest strategy development]</p> <p>[Updated stock assessment considered by SC16]</p>	<p>Consider Target Reference Point (b).</p> <ul style="list-style-type: none"> • Scientific Committee provide advice on range of issues pertaining to the formulation of a TRP for yellowfin. • Commission consider SC advice on range of issues pertaining to the formulation of a TRP for yellowfin. <p>[Initiate development of multispecies framework in advance of further harvest strategy development]</p> <p>[Updated stock assessment considered by SC16]</p>
	Consider management objectives for stocks and fisheries (a).			
	Progress Summary:			

	South Pacific Albacore	Skipjack	Bigeye	Yellowfin
2021	<p>Develop management procedures (e) and Management strategy evaluation (f)</p> <ul style="list-style-type: none"> • SC provide advice on performance of candidate management procedures. • TCC consider the implications of candidate management procedures. • Commission consider and refine a candidate set of management procedures. <p>[Updated stock assessment considered by SC17]</p> <p>[Potential update of TRP following assessment and in accordance with WCPFC15 adopted approach]</p>	<p>Develop management procedures (e) and Management strategy evaluation (f)</p> <ul style="list-style-type: none"> • SC provide advice on performance of candidate management procedures. • TCC consider the implications of candidate management procedures. • Commission consider and refine a candidate set of management procedures. <p>Develop and implement relevant elements of the monitoring strategy.</p>	<p>[Development of multispecies framework in advance of further harvest strategy development]</p> <p>Agree Target Reference Point (b).</p> <ul style="list-style-type: none"> • SC provide advice on potential Target Reference Points for bigeye. <p>[Economic and other analysis to support TRP decision making]</p> <ul style="list-style-type: none"> • Commission agree a TRP for bigeye. 	<p>[Development of multispecies framework in advance of further harvest strategy development]</p> <p>Agree Target Reference Point (b).</p> <ul style="list-style-type: none"> • SC provide advice on potential Target Reference Points for yellowfin. <p>[Economic and other analysis to support TRP decision making]</p> <ul style="list-style-type: none"> • Commission agree a TRP for yellowfin.
	Consider management objectives for stocks and fisheries (a).			
	Progress Summary:			

	South Pacific Albacore	Skipjack	Bigeye	Yellowfin
2022	<p>Develop management procedures (e) and Management strategy evaluation (f)</p> <ul style="list-style-type: none"> • SC provide advice on performance of candidate management procedures. • TCC consider the implications of candidate management procedures. • Commission consider and refine a candidate set of management procedures. <p>Adopt a management procedure</p>	<p>Adopt a management procedure</p> <p>[Updated stock assessment considered by SC18]</p>	<p>Develop management procedures(e) and Management strategy evaluation (f)</p> <ul style="list-style-type: none"> • SC provide advice on performance of potential management procedures. • TCC consider the implications of potential management procedures. • Commission consider advice on progress towards management procedures. 	<p>Develop management procedures (e) and Management strategy evaluation (f)</p> <ul style="list-style-type: none"> • SC provide advice on performance of potential management procedures. • TCC consider the implications of potential management. • Commission consider advice on progress towards management procedures.
	Progress Summary:			



COMMISSION
SIXTEENTH REGULAR SESSION
 Port Moresby, Papua New Guinea
 5-11 December 2019

SAFE HANDLING AND RELEASE GUIDELINES FOR SEABIRDS

Suppl_CMM 2018-03

Bycatch in pelagic longline fisheries is one of the greatest threats to seabirds, particularly albatrosses and petrels.

This proposal is aimed at meeting the requirements of para 11 of CMM 2018-03 - ensuring that seabirds captured alive are released alive and in as good a condition as possible and that, wherever possible, hooks are removed without jeopardizing the life of the seabird concerned.

SC15 noted that some seabirds are captured and released alive, with higher chances of survival when safe handling procedures are implemented. Together with the implementation of effective seabird bycatch mitigation measures, safe handling and release of seabirds will help reduce the impact of pelagic longline and other hook fisheries bycatch on these vulnerable seabirds.

The guidelines on Hook Removal from Seabirds, developed by the Agreement on the Conservation of Albatrosses and Petrels (ACAP), are recommended as non-binding guidelines for safe handling and release of live caught seabirds in all WCPFC pelagic longline and other hook fisheries.

The current ACAP guidelines, in a range of languages, are freely available on the ACAP website: <https://acap.aq/en/resources/bycatch-mitigation> . The format of the advice has been tailored to fishing vessel crew. The current ACAP guidelines are provided in Appendix 1.

HOOK REMOVAL FROM SEABIRDS

Agreement on the Conservation of Albatrosses and Petrels

Release Kit



Towel /
Blanket



Pliers /
Bolt cutters



Net



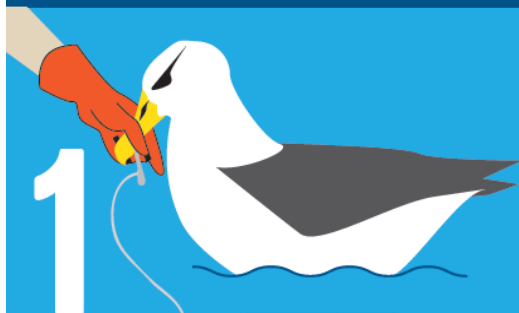
Box / Bin



Gloves



Visit www.acap.aq for more information



Bring bird aboard

If possible, slow or stop hauling and slow or stop vessel to release line tension. If practical, use a landing net to lift small birds on board, otherwise retrieve the bird on the line as safely and quickly as possible. When within reach, grab it by the bill. **Never grab the wing.**

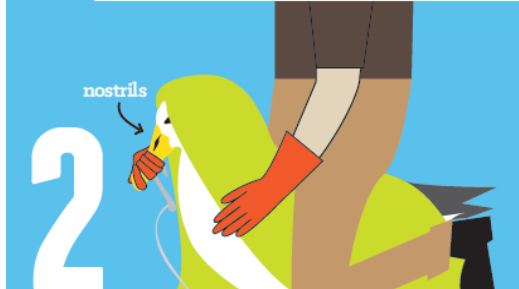


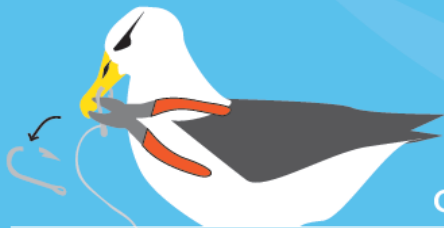
Restrain bird and hold securely

Carefully fold the wings into the bird's body. Wrap the bird in a towel/blanket (not too tightly) and cover the eyes if possible. Make sure the bird doesn't come into contact with oil on deck.

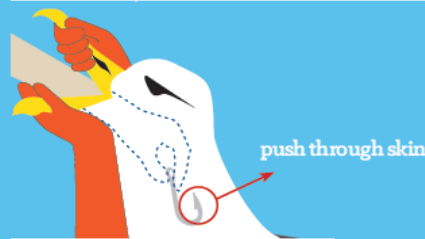
For large birds that you cannot manage under your arm, restrain the bird securely between your legs without squeezing. Hold the bill gently shut but **do not cover the nostrils**.

If the bird vomits, loosen hold on bill so the bird does not suffocate.





OR



Remove the hook

If the hook is visible

Use pliers (or bolt cutters for large hooks) to cut through the hook shaft (or to flatten the barb). Pull the hook back out of the bird.

If the hook is swallowed and removal is possible

A second person can find the hook position externally by feeling along the neck or internally by following the line to the hook. Gently force the tip of the hook so that it bulges under the skin of the bird (for **large birds**, this may be easier if you reach down the bird's throat and hold the hook). If you can get a good grip on the hook, push the tip of the hook through the skin and remove.

Never try to extract the hook backwards.

3



OR

If hook removal is not possible

Either because removing the hook will cause further damage to the bird or the hook is too deeply ingested, cut the line as close to the hook as possible and leave the hook in the bird.

4



If the bird is exhausted or waterlogged

If possible, place in a **ventilated** box or bin in a quiet, dry, shaded place to recover for an hour or two. Otherwise, contain bird in a quiet dry area, **away from oil**. The bird is ready for release when the feathers are dry, bird is alert and able to stand.

5



Release the bird

If the bird is strong and mostly dry, release it onto the water (but clear of the vessel) immediately after hook removal. Having again first grabbed the bill, lift and slowly lower the bird onto the water letting go of the bill last.

Where birds cannot be lowered directly onto water, lift and release the bird from the side of the vessel into the wind letting go of the bill at the same time. The bird may remain on the water for some time after release.



HOOK REMOVAL FROM SEABIRDS

Visit www.acap.aq for more information

January 2019