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Draft

**[CONSERVATION AND MANAGEMENT MEASURE ON ESTABLISHING] PROCEDURES
FOR TRANSHIPMENTS BY FISHING VESSELS**

WCPFC4-2007/DP03 Rev.2 [Rev 1 was the wrong version]

27 November 2007

Proposal by Australia and Japan

The Western and Central Pacific Fisheries Commission (WCPFC):

Committed to responsible fishing practices including as appropriate the regulation and monitoring of transshipment to combat illegal, unregulated and unreported (IUU) fishing activities;

Recalling Articles 29(1) and 29(2) of the Convention state that, 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. Transshipment at 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.

Recalling also Article 29(3) of the Convention which requires the Commission to 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 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;

Recognising, therefore, the need to monitor transshipments by tuna longline vessels in the Convention Area, as well as purse seine vessels granted exemptions, including their landings;

Adopts, in accordance with Article 10 and Article 21(3) of the WCPFC Convention that:

SECTION 1. GENERAL RULES

1. This measure shall be implemented by CCMs in accordance with applicable international law including WTO rules.
2. This measure applies to all longline fishing vessels fishing for highly migratory fish stocks (HMFS¹) in the Convention area that conduct transshipment in port or at sea within the Convention area.

¹ For the purpose of this Measure, "HMFS" are defined as the all stocks of highly migratory fish within the Convention Area except sauries (see Art. 3(3) of the Convention).

Notwithstanding annual reporting requirements under paragraph 23, this Measure does not apply to longline vessels engaged in the transshipment of fresh fish² at sea.

3. This measure also applies to all purse seine fishing vessels fishing for HMFS in the Convention area that conduct transshipment in port within the Convention area. This measure also applies to all purse seine fishing vessels that have received exemptions to Article 29 of the Convention to conduct transshipment at-sea within the Convention area, reflecting existing operations within the Convention Area.
4. Except under the special condition outlined below in Section 2 and the exemptions provided to purse seine vessels to reflect existing operations and in accordance with Sections 3, 4 and 5 below for transshipment operations at sea, all transshipment operations of HMFS by fishing vessels in the Convention Area must take place in port.
5. Each Member, Cooperating Non-Member and participating Territory (collectively CCMs) shall take the necessary measures to ensure that all longline, purse seine and carrier vessels, at a minimum, comply with the obligations set out in Section 4 when transshipping in port.

SECTION 2. PROGRAM TO MONITOR TRANSHIPMENTS AT SEA

6. The Commission hereby establishes a program to monitor transshipments at sea, which applies to fishing vessels and to carrier vessels authorized by the CCM to receive transshipments from its fishing vessels at sea.
7. Each CCM shall determine whether or not to authorize its fishing vessels to tranship at sea. Any such transshipments must be conducted in accordance with the procedures defined in Sections 3, 4 and 5 of this Measure.

SECTION 3. REGISTER OF VESSELS AUTHORIZED TO RECEIVE TRANSHIPMENTS IN THE CONVENTION AREA

8. The Commission shall establish and maintain a WCPFC Register of Carrier Vessels authorized to receive HMFS at sea from fishing vessels in the Convention Area. For the purposes of this Measure, carrier vessels not on this Register are deemed not to be authorized to receive highly migratory fish stocks in at-sea transshipment operations.
9. By [1 July 2008], each CCM shall submit to the Executive Director, in electronic format if possible, the list of the carrier vessels that are authorized to receive at-sea transshipments from its fishing vessels in the Convention Area. This list shall include the following information for each vessel:
 - a) The flag of the vessel;
 - b) Name of vessel, register number;
 - c) Previous name (if any);
 - d) Previous flag (if any);
 - e) Details of previous deletion from other registries (if any);
 - f) International radio call sign;
 - g) Type of vessels, length, gross registered tonnage (GRT) and carrying capacity;
 - h) Name and address of owner(s) and operator(s);

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

- i) Time period authorized for transshipping;
 - j) International Maritime Organisation (IMO) registration number (if any).
10. Each CCM shall promptly notify the Executive Director of any addition to, deletion from and/or modification of the Register, at the time such changes occur.
11. The Executive Director shall maintain the Register and take measures to ensure publicity of the Register and through electronic means, including placing it on the WCPFC website.

SECTION 4. VERIFICATION OF TRANSHIPMENT ACTIVITIES

12. Transshipments by fishing vessels in waters under the jurisdiction of the CCMs are subject to prior authorization from the Coastal State concerned.
13. CCMs shall take the necessary measures to ensure that the fishing vessels flying their flag and transshipping HMFS covered by the Convention comply with the following conditions:

Flag State Authorization

14. Fishing vessels are not authorized to tranship unless they have obtained prior authorization from their Flag State. In the case of a chartered vessel, such fishing vessels must also obtain prior authorization from the chartering state.

Notification obligations

Fishing vessel:

15. To receive the prior authorization mentioned in paragraph 14 above, the master and/or owner of the fishing vessels must notify the following information to its Flag State authorities, and Port State authorities if the transhipment is to occur in port, at least 48 hours in advance of the intended transhipment:
- a) the name of the fishing vessels and its number in the WCPFC Record of Fishing Vessels,
 - b) the name of the carrier vessel and its number in the WCPFC Register of Carrier Vessels, and the product (including species and its processed state) to be transhipped,
 - c) the tonnage by product to be transhipped,
 - d) the date and location of transhipment, and
 - e) the geographic location of the highly migratory fish stock catches.
16. The master and/or owner of the fishing vessel concerned shall complete and transmit to its flag State, not later than 15 days after the transhipment, the WCPFC transhipment declaration, along with its number in the WCPFC Record of Fishing Vessels, in accordance with the format set out in Annex 1.

Receiving carrier vessel:

17. The master of the receiving carrier vessel shall be required to complete and transmit the WCPFC transhipment declaration to the Executive Director and the Flag CCM of the fishing vessel, along with its number in the WCPFC Register of Carrier Vessels, within 24 hours of the completion of the transhipment.
18. The master of the receiving carrier vessel shall be required to, no later than 48 hours before landing or transshipping in port, transmit a WCPFC transhipment declaration, along with its number in the

WCPFC Register of Carrier Vessels, to the competent authorities of the relevant Port State where the transshipment in port takes place.

Observer Program

19. Upon establishment of the Regional Observer Program (ROP) and its associated rules for carrier vessels, which is to be determined by the Commission, each CCM shall ensure that all carrier vessels authorised to tranship at sea have on board a WCPFC observer. The WCPFC observer shall monitor compliance with this Measure, and notably that the transhipped quantities are consistent with the catch reported in the WCPFC transshipment declaration. Vessels shall be prohibited from commencing or continuing transshipping at sea in the Convention Area without a WCPFC observer on board, except in cases of *force majeure* duly notified to the Executive Director.

Mandatory Vessel Monitoring Scheme

20. Carrier vessels authorized to tranship shall be required to install and operate a Vessel Monitoring System in accordance with the standards, specification and procedures to be determined by the Commission.

SECTION 5. GENERAL PROVISIONS

21. To ensure the effectiveness of the WCPFC conservation and management measures pertaining to species covered by the Convention, CCMs shall require vessels to comply with any catch reporting program as adopted by the Commission.
22. Each CCM shall report annually in Part 2 of its Annual Report to the Executive Director:
 - a) The quantities and processed state by species transhipped, including fresh fish, during the previous year.
 - b) The names of the fishing vessels which have transhipped during the previous year and the names of the carrier vessels to which they have transhipped.
 - c) A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels that have received transshipment from its fishing vessels.
23. All HMFS landed, in or imported into, the territory of a CCM, either unprocessed or after having been processed on board and which are transhipped, shall be accompanied by the WCPFC transshipment declaration until the first sale after landing has taken place.
24. Each year, the Executive Director shall present a report on the implementation of this Measure to the annual meeting of the Technical and Compliance Committee, which shall review compliance with this Measure.
25. These provisions will be applicable from [1 July 2008]. At its 2010 Annual Meeting, the Commission shall review and, as appropriate, revise this Measure.

