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**DRAFT CONSERVATION AND MANAGEMENT MEASURE ON
TRANSHIPMENT**

WCPFC4-2007/DP08
5th November 2007

Proposal submitted by the Republic of Marshall Islands

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 of catches of highly migratory fish stocks at sea, in particular on the high seas contributes to distortion of 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.

Further recalling 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 transshipped both in port and at sea in the Convention Area and procedures to determine when transshipment covered by the Convention has been completed;

Desiring to establish procedures to obtain and verify data on the quantity and species of transshipped in the Convention 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. Unless otherwise exempted under this Measure, all transshipment operations of highly migratory fish stocks covered by the Convention at sea¹ or in the high seas shall be prohibited and shall only be carried out in ports designated by CCMs
2. All transshipment in designated ports shall take place in accordance with the applicable national laws of CCMs. Each CCM shall notify the Executive Director of its designated port or ports for transshipment.
3. This Measure shall not apply to in respect to vessels authorized by CCMs where the fishing activity, transshipment and landing of highly migratory fish stocks covered by the Convention takes place within the waters under the national jurisdiction of a CCM. In such event, CCMs shall apply all necessary measures to verify catches of fish stocks covered by the Convention and report, as required, to the Commission.
4. This Measure shall not apply to vessels engaged in the transshipment of fresh fish² at sea. CCMs shall report all transshipments of fresh fish to the Commission in its Annual Report in accordance with paragraph 13 of this Measure.
5. Each CCM and CNM shall take necessary measures to ensure that fishing vessels flying its flag comply with this Measure.
6. Nothing in this Measure shall prejudice the application of national laws when transshipment occurs in areas under the national jurisdiction of a CCM.
7. CCMs shall give due consideration to developing coastal states, in particular small island developing states, in the Convention Area, with respect to domestic fisheries developments.

SECTION 2: MINIMUM REPORTING STANDARDS FOR TRANSHIPMENT IN-PORT

8. Without prejudice to paragraph (2), the Commission may establish minimum standards for reporting requirements to monitor transshipment operations in port. CCMs shall in the exercise of their sovereignty apply these reporting requirements to transshipment operations in their ports. CCMs shall not be prevented from applying more stringent reporting requirements.
9. Each CCM shall ensure that vessels flying its flag that are authorized to fish in areas beyond its national jurisdiction are registered on the WCPFC Record of Fishing Vessels.
10. Each CCM shall ensure that fishing vessels flying its flag that are authorized to fish beyond its national jurisdiction have on board a fully operational vessel

¹ “At-sea” for the purpose of this Measures means areas within the national jurisdiction of a coastal State which is subject to the exclusive economic zone regime under Part V of the 1982 Law of the Sea Convention

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

monitoring system (VMS) that is capable of reporting to the port State national VMS and the Commission VMS.

11. CCMs shall ensure that fishing vessels flying its flag that are engaged in transshipment operations provide complete and accurate data concerning fishing activities on, *inter alia*, vessel position, catch of target and non-target species, and fishing effort to the port State and Commission.
12. The following minimum standards for reporting shall be applied to transshipment operations in port.

A. Notification of Intention to Transship in Port and Areas beyond the Convention Area (Entry for Transshipment Report)

- a. Where a fishing vessel intends to enter the waters under the national jurisdiction of a CCM to undertake transshipment in port, or where such vessel has been fishing in the waters under the national jurisdiction of another CCM and has also been fishing in the same fishing trip in the waters of the CCM in whose port the transshipment operation is to take place, the captain or master of the fishing vessel shall inform the port State of its intention to undertake transshipment operations, in the case where the vessel intends to enter the waters under the national jurisdiction of a CCM for the purpose of transiting to a designated port, at the earliest 24 hours and at the latest 12 hours, prior to entering the EEZ. Where the fishing vessel is already in the EEZ of CCM, the captain or master shall inform the port State of its intention to undertake transshipment operations, at least 12 hours prior to entry into port.
 - i. The captain or master of the fishing vessel shall provide the following information to the port State;
 1. time and date of entry into EEZ
 2. position of entry
 3. name of vessel
 4. record number
 5. tonnage of fish on board categorized by species.
 6. Estimated time and date of arrival in port.
- b. Where a fishing vessel intends to enter waters beyond the Convention Area to undertake transshipment of catch taken in the Convention Area: -
 - i. it shall be the duty of the flag State to report to the Executive Director, the licensing and or chartering CCM and port state, no later than 24 hours after transshipment operation is completed.
 - ii. The report shall include;
 1. Name of the vessel,
 2. Name of the carrier vessel where the fish has been transhipped to;

3. WIN of the vessel
4. License number
5. Geographic area of transshipment
6. Date and time of transshipment
7. Tonnage of fish on board categorized by species and geographic area of catch.

B. Reporting Requirements during Transshipment Operations (Current Activity Report)

- c. During transshipment in areas of national jurisdiction of CCMs, provided 12(A)(a) are met, the captain or fishing master shall submit to the authorities of the CCM in whose port the transshipment operations is taking place,
 - i. Certified copies of prescribed log sheet³ with complete and accurate catch and effort profile.
 - ii. Certified copies of the vessel authorization record
 - iii. The vessels well plan/stowage plan for catch indicating tonnage and species on board.
 - iv. A complete profile of the vessel, crew, and the cargo on board.
- d. Where required by the authorities of the CCM, during transshipment in port, the captain or master shall permit an observer from the CCM or a WCPFC regional observer⁴ to collect samples, verify catch log, monitor compliance and collect such scientific information as is necessary.

C. Reporting on Completion of Transshipment Operations in Port (Transshipment Completion Report)

- e. On completion of transshipment operations, the vessel master or captain shall submit a Transshipment Declaration, including the name and profile of the carrier vessel⁵ in the form prescribed in Annex 1 to the CCM in whose port the transshipment operations take place.
- f. Such declaration must be verified by both the captain and operator of fishing vessel and receiving carrier vessel and must be submitted to the CCM in whose port the transshipment takes place as a pre-condition of the departure of the fishing vessel.

SECTION 3: REPORTING TO THE EXECUTIVE DIRECTOR OF THE COMMISSION

³ WCPFC catch reporting program and/or logsheets through licensing requirement

⁴ Port state National observer as a condition of transshipment/access and/or WCPFC ROP, where the case may be.

⁵ Subject to measure on authorization to fish.

13. CCMs in whose port transshipment operations take place, and the chartering state, shall report transshipment activities as part of its Annual Report (part 2) summary of transshipment activity to the Executive Director.
14. CCMs whose vessels engage in transshipment operations shall provide the Executive Director with a copy of the Transshipment Entry Report, Current Activity Report, and Transshipment Completion Report upon receipt by the vessel master or captain.

SECTION 4: CARRIER VESSELS

15. Each CCM shall submit, electronically where possible, to the Executive Director, a list of carrier vessels that are authorized to conduct transshipment in port. This shall include;
 - a. The flag of the vessel
 - b. Name of vessel and registration number
 - c. International radio call sign
 - d. Capacity details (length, tonnage, and carrying capacity)
 - e. Name and address of owner(s) and operator(s)
 - f. Time period of authorization to undertake transshipment.
16. Unless otherwise stipulated in this Measure, the provisions of paragraph 12 shall apply *mutatis mutandis* to carrier vessels
17. Fishing vessels may act as receiving vessels, in which case, they shall also be subject to requirements of conservation and management measure 2004-01.

SECTION 5: PENAL MEASURE

18. Any willful or negligent contravention of this Measure shall be deemed to be a serious violation. CCMs shall treat a violation of this measure by any vessels flying its flag as a serious violation and shall immediately withdraw such vessels from the WCPFC Record of Fishing Vessels.
19. CCMs may request that a vessel which has been found to have violated this Measure or where there are reasonable grounds to believe that such a vessel has committed a violation against this Measure, be placed on the WCPFC IUU List.
20. The Commission may recommend appropriate sanctions to impose on contravening vessels that are not on the WCPFC Record of Fishing Vessels.

