
**SCOPE OF WORK FOR THE TRANSHIPMENT INFORMATION ANALYSIS IN
SUPPORT OF THE REVIEW OF CMM 2009-06**

Background

1. Transhipment is defined to mean “the unloading of all or any of the fish onboard a fishing vessel to another fishing vessel either at sea or in port” (WCPFC Convention Article 1 (h)). Article 29 (1) of WCPFC Convention states, as a general rule, “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 transhipment in port.” Recognizing this point, the Commission adopted CMM 2009-06 which requires that there shall be no transhipment on the high seas except where a CCM has determined, in accordance with certain guidelines (para 37) that it is impracticable for certain vessels to operate without being able to tranship on the high seas and has advised the Commission of such (para 34).

2. CMM 2009-06 also operationalizes a number of Article 29 requirements including:

- reiterating Article 29(2) and confirming that transshipment at a port or in an area within the waters under the national jurisdiction of a member of the Commission, shall take place in accordance with national laws (CMM 2009-06, paragraph 4);
- elaborating on procedures prefaced in Article 29(3), through establishing reporting procedures for CCMs to submit data on the quantity and species transhipped both in port and at sea (CMM 2009-06 paragraph 10 -12);
- establishing terms and conditions for transshipments in areas beyond national jurisdiction (Article 29(4) and Annex III (4)) including required reporting and the requirement to have a regional observer programme observer present to monitor and verify high seas transshipments (CMM 2009-06, para 14 – 17 and 35); and
- establishing procedures in accordance with Article 29(5) to support the Commissions adoption of specific exemptions for existing operations, from the prohibition on transhipment at sea by purse seine vessels (CMM 2009-06 25 – 32).

3. In December 2018, and affirming TCC14’s recommendation, the Commission agreed to conduct a review of the existing transshipment measure, CMM 2009-06, in 2019 (Review). Paragraph 380 of the WCPFC15 Summary Report states:

The Commission agreed to conduct a review of the existing transshipment measure (CMM 2009-06) in 2019, with the review to commence through an electronic intersessional working group, with the group led by two co-chairs, from RMI and the United States.

4. WCPFC transshipment IWG (TSIWG) participants agreed on 30 September 2019, on the Terms of Reference (TOR) for a review of CMM 2009-06 on Transshipment. The stated objectives of the Review in the TOR are to:

- a. *Assess CMM 2009-06's scope and effectiveness in regulating and monitoring transshipment activity in a manner consistent with the Convention, and*
- b. *Recommend amendments or other actions, if any, related to CMM 2009-06 to improve the regulation and monitoring of transshipment activities.*

One of the key inputs to the IWG process towards meeting these objectives will be an analysis of relevant information held by the Commission and public sources, is expected to be completed prior to August 2021.¹ The TS-IWG will use the Analysis to inform its review of CMM 2009-06. The TS-IWG's review of the Analysis will be completed in accordance with paragraph 5(b) of the TS IWG Terms of Reference.

Scope of the Analysis

5. The TOR describes the Analysis task as the following:

The transshipment information analysis will compile all relevant information during the period from the entry into force of CMM 2009-06 to the end of 2018 and provide an analysis to include, but not limited to, volume of transshipments by flag CCM, location of transshipment hot spots, nature and coverage of independent monitoring of transshipment events (including associated data flows), volume, gear type and type of fish transhipped by flag CCM, number, location and frequency of transshipment outside the Convention Area of fish caught under the Convention, implementation challenges, and an assessment of CCM submission of advance notifications and reporting as required by CMM 2009-06, as set out in the Compliance Monitoring Reports or other reports compiled by the Commission (e.g., for the TCC).

6. Relevant transshipment information from 2019 will also be included in the Analysis in accord with paragraph 5 of this Scope of Work. Information from 2019 transshipment activity was not available when the TOR were drafted and have since been processed by the Secretariat. Including 2019 transshipment data will ensure the Analysis uses the best available information.

7. Data for the Analysis will be available information held by the Commission and from available public sources, and will include information related to all identifiable transshipment activity in the Pacific. All information used in the Analysis shall comply with the 2007 and 2009 WCPFC Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission. Outcomes of the analyses above shall also be presented in accordance with the 2007 and 2009 WCPFC Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission.

¹ The United States provided a voluntary contribution to the Commission to support this transshipment information analysis (Analysis).

Information Related to Transshipment Activity in the Pacific

Phase 1: Data Preparation

The Analysis will involve compilation and analysis of the following information, where available to WCPFC, during the period from the entry into force of CMM 2009-06 to the end of 2019:

- For each of the following categories – 1) fish transshipped on the high seas inside the Convention Area; 2) fish transshipped at sea within coastal State CCM EEZs; 3) fish transshipped in port (prior to first point of landing) inside the Convention Area; and 4) fish transshipped at sea outside the Convention Area of fish caught under the Convention – the following information should be compiled and analyzed by offloading (including gear type) and receiving vessels by flag/chartering CCM by calendar year.
 - date
 - location (by latitude and longitude);
 - port location (where applicable);
 - number of transshipment events; and
 - volume of fish transshipped
- Date, port location (both inside and outside the Convention Area), and landing data of fish caught under the Convention from each receiving and offloading vessel by flag/chartering CCM broken down by calendar year;
- All transshipment notifications, declarations and observer reports received from offloading and receiving vessels (or their flag/chartering CCM authorities) by flag/chartering CCM by calendar year;
- All information and data held by the Commission received from the IATTC Secretariat related to transshipments that took place at sea within the WCPFC-IATTC Overlap Area or WCPFC Convention Area involving fish caught under the Convention by offloading vessels (by gear type) and receiving vessels that operated under the IATTC ROP with an IATTC observer embarked by flag/chartering CCM by calendar year;
- All information held by the Commission received from flag/chartering CCMs who have determined, in accordance with certain guidelines, that it is impracticable for certain vessels to operate without being able to transship on the high seas and advised the Commission of such.
- Existing requirements for observer reporting of transshipment events
- Without creating an additional reporting burden for CCMs, for those analyses above, the following non-public domain data and information held by the WCPFC Secretariat will be used;

- Transshipment Notice and Declarations
- Observer reports of transshipment
- VMS
- Annual Reports Part 2
- When relevant, aggregated trip level data from logbooks and ROP observer data

Specific Questions to be addressed by the Analysis

In line with the purpose and scope of the Review, and in considering and analyzing the information available to WCPFC and related to transshipment activity in the Pacific, the Analysis should address the following questions for the period from the entry into force of CMM 2009-06 to the end of 2019:

Phase 2: Data Compilation and Analysis

- What are the reported quantities and species of both at-sea (for high seas and EEZs separately) and in-port transshipments within the scope of CMM 2009-06? Are there any apparent spatial, temporal, or species trends over time?
- What are the flag CCMs of the offloading and receiving vessels involved in at-sea and in-port transshipments in the WCPF Convention Area? Are there any apparent spatial, temporal, or species trends over time?
- What are the reported quantities, locations and frequency of at-sea transshipments inside the Convention Area? Are there any hotspots and/or apparent temporal trends?
- What are the reported quantities, locations and frequency of at-sea transshipments outside the Convention Area? Are there any there any hotspots and/or apparent temporal trends?
- What is the proportion of EEZ vs high seas catch of at-sea transshipments covered by CMM 2009-06? What proportion of transshipment in the Convention Area occurs in each of the high seas pockets, each year? What are the flag CCMs of the offloading and receiving vessels that transship in the high seas pockets? Are there any apparent trends over time?
- Are there discrepancies in the quantities, locations, or frequencies of transshipments as reported to the Secretariat?
- Provide an evaluation as to whether data indicate that unreported at-sea transshipment has or may have occurred in the Convention Area?
- What is the gear-type and species of fish transshipped? Are there any hotspots and/or apparent spatial, temporal, or species trends over time?

Phase 3: Qualitative Study, Literature Review, Policy Analysis

- What challenges did flag CCMs or vessels report with implementing CMM 2009-06?

- What is the nature and coverage of independent monitoring of transshipment events (including associated data flows) reported to the WCPFC Secretariat? Are there any apparent trends over time? What information are transshipment observers reporting? Are there discrepancies in what is reported?
- Are transshipment observers from different observer programs reporting the same information from transshipment events?
- What are the benefits, limitations, and estimated costs to WCPFC of using different tools such as AIS, VMS, observer coverage, electronic monitoring and other technologies to monitor at-sea transshipment activities?
- What are the benefits, limitations, and estimated costs to WCPFC of implementing a regional observer program specifically for carrier vessels, managed and administered by an independent organization similar to transshipment observer programs in the IOTC, ICCAT and IATTC?
- What is the rate of CCM submission of advance notifications and reporting as required by CMM 2009-06, as set out in the Compliance Monitoring Reports or other reports compiled by the Commission (e.g., for the TCC)? Are there any apparent trends over time?
- What is the rate of compliance with requirements in CMM 2009-06, including reporting requirements for all transshipment activities, by offloading and receiving vessel flag CCMs? Are there any apparent trends over time?
- Are there requirements in CMM 2009-06 that are not being achieved by a flag CCM?
- Among other objectives, Article 29 of the Convention provides that “*the members of the Commission shall encourage their fishing vessels, to the extent practicable, to conduct transshipment in port.*” How effective has CMM 2009-06 been towards achieving Article 29’s objectives? What is the data collection coverage for in-port, EEZ, and high seas transshipment events?
- Are there data gaps that impeded the effectiveness of regulating and monitoring transshipment activity, and what additional data should be collected to improve the effectiveness of regulating and monitoring transshipment activity?

Methodology

8. All access to, and use of information in the Analysis and prepared as outputs of the analysis shall comply with the 2007 and 2009 WCPFC Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission.

9. The Analysis is expected to be completed in three phases, and the schedule should allow the prior Phase outputs to be available so that it can be considered as part of the initial work of the subsequent phase, e.g. Phase 1 outputs are necessary inputs for Phase 2, and Phase 2 products should be available for consideration in Phase 3.

Phase 1: Data Preparation

10. The WCPFC Secretariat and the WCPFC Scientific Services Provider (SPC-OFP) are expected to complete and facilitate Phase 1: Data Preparation.

Phase 2: Data Compilation and Analysis

11. The WCPFC Secretariat and WCPFC Scientific Services Provider are expected to jointly complete and ensure delivery of Phase 2: Data Compilation and Analysis.

12. In addition to responding to the *Specific Questions to be addressed by the Analysis*, the Phase 2 Data Compilation and Analysis tasks are expected to include undertaking analyses of the available information related to Transshipment Activity in the Pacific and available to WCPFC, so as to prepare a report which includes the following required analyses and products.

Required Analyses and Products

Using the compiled information related to transshipment activity in the Pacific, the Analysis will produce, but will not be limited to, the following:

- 5x5 degreeheat maps of transshipment events by type of fish transshipped and calendar years.
- 5x5 degree heat maps of transshipment events by gear type of offloading vessels and calendar year.
- 5x5 degree heat maps of transshipment events by flag CCM of offloading and receiving vessels by calendar year.
- Table of yearly totals of CCM submission of advance notifications and reporting as required by CMM 2009-06.
- Heat maps of landing ports for receiving vessels by calendar year.
- Discuss the reliability and potential errors associated with the information used in this analysis, including any missing information, or additional information that could improve future analyses.

Phase 3: Qualitative Study, Literature Review, Policy Analysis

13. The WCPFC Secretariat will oversee the delivery by a consultancy of Phase 3: Qualitative Study, Literature Review, Policy Analysis.

Scheduling

The commencement date for Phase 1 of the Analysis is expected to be in September 2021, following the Scientific Committee. The consultant selection for Phase 3 will be completed by the Secretariat in the first quarter of 2022 and shall be based on this Scope of Work. The WCPFC Secretariat and WCPFC Scientific Services Provider are expected to jointly provide a report for Phase 2 Data Compilation and Analysis, that will be made available to the IWG at the same time as it is provided to the Consultant for Phase 3. For Phase 3, the Consultant is expected to deliver a draft report by 15 July 2022 for comment by the IWG, with a final report due by August 15, 2022.