



---

**TO ALL COMMISSION MEMBERS, COOPERATING NON-MEMBERS,  
PARTICIPATING TERRITORIES AND OBSERVERS**

**Circular No.: 2023/33**  
**Date: 14 April 2023**  
**No. pages: 96**

**Update from WCPFC Chair on Revisions to Tropical Tuna Measure (CMM 2021-01)**

Dear Colleagues,

I wish to express my thanks to all of you for providing your views on the areas of the Tropical Tuna (TT) measure that need updating in response to my request in Circular 2023/13 of 27 February 2023. This Circular contains the unedited compilation of feedback from CCMs and a summary of that feedback. It also seeks to chart the way forward for progressing our work on the TT measure over the next few months.

Attached at Annex I is the summary of the feedback received. The **Chair's proposals are in blue** and **CCMs' responses to the Chair's proposals are in red**. This should be read in conjunction with the views of CCMs set out in Annex 2, which is an unedited compilation of all the feedback provided by CCMs and observers. Annex 1 was prepared for your convenience and does not replace the more detailed views expressed by CCMs and contained in Annex 2.

By way of summary, CCMs generally considered that a complete overhaul of the TT measure was not required and that the document summarising the core revisions to the TT measure provided an appropriate basis from which to commence our initial discussions. However, a number of CCMs suggested that some additional paragraphs of the measure also needed to be considered, especially in light of changes that may be made elsewhere in the measure. These are noted in Annex 1. CCMs also were of the view that there needs to be a balance between the purse seine fishery and the longline fishery. However, there were differences of view on where that balance lies. The point was also made that the measure must take into account the special requirements of small island developing States and territories.

The following are the main areas of the measure that CCMs consider require consideration:

- Preambular paragraphs and paras 11 to 13, pending advice from the Scientific Committee.
- FAD set management (paras 14 to 16).
- Non-entangling FADs, pending advice from the FAD Management Options Intersessional Working Group and the Scientific Committee.
- Instrumented buoys, pending advice from the FAD Management Options Intersessional Working Group and the Scientific Committee.
- Zone-based purse seine effort control (para 24 and Attachment 1, Table 1, although some CCMs consider this needs revision, others do not).
- High seas purse seine effort control (paras 24-27 and Attachment 1, Table 2).

- Longline fishery (paras 37 to 41 and Attachment 1, Table 3) and MCS measures.
- Other commercial fisheries (para 47).
- Review and final provisions (para 52).

I am very mindful of the lengthy discussions we had on the TT measure during 2021. I note that many of the views expressed by CCMs in response to my request for views are similar to those expressed two years ago. This is not unexpected. While I acknowledge that all the issues are interlinked and the TT measure is a “package”, our efforts this year should be focussed on hard limits and an allocation framework.

I wish to recall that the current TT measure is intended to be a “bridging” measure to the development of harvest strategies. We are transitioning not only to harvest strategies but also to allocation. The focus should be on doing what is necessary to get hard limits and an allocation framework in place.

It is already apparent that some of our work is contingent on advice from the Scientific Committee. This applies in particular to the management procedure for skipjack, scientific advice on stock status, non-entangling FADs and instrumented buoys. The bigeye tuna stock assessment and other relevant information, including the yellowfin tuna stock assessment will also be considered at SC19.

As we are unlikely to have a productive discussion without receiving Scientific Committee advice, or additional advice from the Scientific Services Provider, my preliminary view is that a pre-workshop meeting in May would not be productive. Rather our efforts should be concentrated on the June workshop, and laying the groundwork for the necessary scientific advice which can assist in considering relevant limits and allocation frameworks. I also note the view of FFA Members that the focus should be on developing a hard limit for purse seine effort on the high seas and a framework for allocation of that limit.

Having considered the busy meeting calendar, I propose the dates **28 and 29 June 2023** for a virtual June workshop. As set out in the work plan agreed at WCPFC19 in Da Nang, I propose to circulate the objectives and agenda for the first workshop by the end of May 2023.

I would welcome your views on my proposal to hold the June virtual workshop on 28 and 29 June and to forego holding a May pre-workshop meeting. Additional comments on the views expressed by CCMs on hard limits and allocation frameworks would also be welcome. Please provide all views and comments by **15 May 2023** to me: [josie.tamate@gmail.com](mailto:josie.tamate@gmail.com) and WCPFC Executive Director, Ms Rhea Moss-Christian: [Rhea.Moss-Christian@wcpfc.int](mailto:Rhea.Moss-Christian@wcpfc.int). As in the past, I propose to circulate views to all CCMs, unless requested otherwise.

I am sure I can count on your cooperation as we seek to lay the foundation for decisions on hard limits and allocation frameworks.

Best regards,



Dr Josie Tamate  
Chair

cc: Takumi Fukuda  
WCPFC Vice-Chair

ANNEX 1: TROPICAL TUNA MEASURE: REQUIRED REVISIONS FEBRUARY 2023  
*Side-by-side compilation of feedback received from CCMs and Observers, April 2023*



---

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

---

**Conservation and Management Measure 2021-01**

- 1) **Chair's proposals** are in blue.
- 2) **CCMs' responses** to the Chair's proposals are in red. Please refer to the compilation of CCMs' responses for further detail on views expressed.

**General comments:**

**FFA:** A precautionary approach to changes in the measure is warranted.

**Korea:** The stock status and management advice for bigeye and yellowfin tuna should also be considered in addition to the output of the skipjack MP.

**Chinese Taipei:** No comments yet on specific paragraphs; will follow the Work Plan to participate the workshops to discuss all components, including purse seine and longline, to develop the TTM. Furthermore, we would also like to stress the need to rebalance the components in the CMM considering the sacrifice the longline fleets made in the past.

**EU:** Regarding your question on the "limits" we suggest that for PS and PL could be provided by the upper limit deriving from the SKJ MP starting from the status quo conditions. Regarding the LL we suggest to explore combinations of PS/PL effort and LL catch to see the outcome in terms of depletion and interim objectives as in CMM2021-01. As far as the allocation framework is concerned, we believe that it is important to remain open to a range of options available to us, noting in particular the obvious interlinks between HS and EEZs that would need to be taken duly into account.

**Pew/Ocean Foundation:** Measure should base skipjack effort/catch on output of the HCR in the Management Procedure for skipjack.

**PREAMBLE**

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

[The following preambular paragraphs will require revision in light of SC advice. An additional preambular paragraph referring to CMM 2022-01 on a Management Procedure for WCPO Skipjack Tuna may be considered. Other preambular paragraphs may remain unchanged]

**PNA and Tokelau Response:** agree that the paragraphs referring to bigeye and yellowfin may require revision if the SC advice changes following SC consideration of the bigeye and yellowfin assessments and the peer review of the yellowfin assessment. PNA and Tokelau understand that there is no agreed SC advice on skipjack at this point.

**United States:** supports the revision of the preambular paragraphs based on SC advice and the addition of language referring to the Management Procedure adopted in 2022 for WCPO skipjack.

**EU:** update these preambular paragraphs based on any new advice and taking into account the SKJ MP. Suggestion PP2 not necessary; suggestion to add more recent references re PP on SEAPODYM analyses.

**Recognizing** that the Scientific Committee has:

(a) determined that the bigeye stock is not overfished and is likely not experiencing overfishing; and, re-iterated that the Commission could continue to consider measures to reduce fishing mortality from fisheries that take juveniles, with the goal to increase bigeye fishery yields and reduce any further impacts on the spawning biomass for this stock in the tropical regions; and recommended, as a precautionary approach, that the fishing mortality on bigeye should not be increased from the level that maintains spawning biomass at 2012-2015 levels until the Commission can agree on an appropriate target reference point;

(b) determined that the yellowfin stock is not overfished and is not experiencing overfishing, and that the stock is currently exploited at relatively low levels; recommended the Commission notes that further increases in yellowfin tuna fishing mortality would likely affect other stocks/species which are currently moderately exploited due to the multispecies/gears interactions in WCPFC fisheries taking yellowfin tuna; and recommended as a precautionary approach that the fishing mortality on yellowfin tuna stock should not be increased from the level that maintains spawning biomass at 2012-2015 levels until the Commission can agree on an appropriate target reference point; and

(c) determined that the skipjack stock is not overfished and is not experiencing overfishing, and is currently moderately exploited and the fishing mortality level is sustainable; at the same time, noted that fishing mortality is continuously increasing for both adult and juvenile while the spawning biomass reached the historical lowest level; and recommended that the Commission take appropriate management action to ensure that the biomass depletion level fluctuates around the target reference point (TRP) (e.g., through the adoption of a harvest control rule).

**PURPOSE** [para 1: may remain unchanged]

**PNA and Tokelau Response:** agree

**United States** supports

**EU:** suggestion to add reference to the SKJ MP

**PRINCIPLES FOR APPLICATION OF THE MEASURE** [paras 2 to 7 on compatibility, area of application and small island developing states may remain unchanged]

**PNA and Tokelau Response:** agree in principle but there may need to be some changes to these paragraphs arising from the outcomes of consideration of the core issues.

**United States** supports

The United States would like to ensure the use of terminology referring to SIDS and SIDS+ Territories is used consistently throughout the document.

**EU:** suggestion on para 4 to inform the Commission about such measures if they exist to allow

better informed decisions.

## GENERAL PROVISIONS

### Charter Arrangements [paras 8 and 9 may remain unchanged]

**PNA and Tokelau Response:** agree in principle but there may need to be some changes to these paragraphs arising from the outcomes of consideration of the core issues.

**United States:** may consider proposing changes to paragraph 9 specifically, therefore the United States would like to keep this paragraph open for consideration of potential revisions.

**EU:** it is still not fully clear what this provision (para 8) entails and to whom it applies.

### Overlap Area [para 10 may remain unchanged]

**PNA and Tokelau Response:** agree

**United States** supports

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

[The following paragraphs will require revision in light of SC advice and CMM 2022-01 on a Management Procedure for Skipjack Tuna]

**United States** supports revisions to par 11 - 13 based on updated output/advice from the SC and updating Skipjack tuna paragraph to be consistent with CMM 2022-01(as mentioned above).

### Bigeye

11. 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.

**PNA and Tokelau Response:** agree: this para may need changing depending on SC advice. Otherwise, the para should be retained.

### Skipjack

12. 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.

**PNA and Tokelau Response:** agree: Possible revision:

*12. The spawning biomass of skipjack tuna is to be maintained on average at a level consistent with the target reference point.*

**EU:** suggestion to refer to the MP

### Yellowfin

13. 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.

**PNA and Tokelau Response:** this para may need changing depending on SC advice. Otherwise, the para should be retained.

[**Note:** any revisions to CMM 2021-01 will need to take into account the output of the management procedure for skipjack tuna, as required by CMM 2022-01]

## **PURSE SEINE FISHERY**

**FAD Set Management** [paras 14 and 16 may remain unchanged, depending on output of the management procedure for skipjack tuna. The date in para 15 will require updating]

**American Samoa:** discussion is required on paras 14, 15 and 25, taking into account the need to give full recognition to the special requirements of SIDS / Participating Territories, such as American Samoa, and that any action not result in the transfer of a disproportionate burden to such country. See American Samoa response for further detail.

**PNA and Tokelau Response:** Para 14 will require revision if changes to LL bigeye limits in Table 3 change the balance between LL and PS fisheries, taking into account also the outcomes of the 2023 bigeye assessment.

**Korea:** We expect that the 3-month FAD closure would be shortened to some extent in the event that the overall catch limit for bigeye tuna in longline fisheries is increased as a result of improved stock status.

**United States** would like to keep the option open for discussing paragraphs 14-16 (including footnote 1)

**EU:** some clarification regarding the implementation of this footnote (footnote 1) would be needed. We suggest that the Secretariat communicates any relevant information available.

14. 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. [Footnote 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. The Secretariat shall provide each year to the Scientific Services Provider and TCC the list of fishing vessels that have not applied the FAD closure in the previous year, as well as, their respective numbers of FADs sets during the FADs closure.]

15. In addition to the three month FAD closure in paragraph 14, except for those vessels flying the Kiribati flag when fishing in the high seas adjacent to the Kiribati exclusive economic zone, 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 or November – December) shall be closed to setting on FADs by their fleets in the high seas for 2022, and 2023 and notify the Secretariat of that decision by March 1, each year. In case a CCM decides to change the notified period at any given year of the application of this CMM this shall be notified to the Secretariat before 1st March of that year.

**Korea:** clarify paras 15 and 16 with respect to whether or not vessels operating in support of purse seine vessels, such as carrier vessels, may retrieve FADs and/or instrumented buoys during the high seas FAD closure period.

**Non-entangling FADs** [para 17 may remain unchanged, subject to any extraordinary circumstances. Paras 18 to 20 may require updating in light of SC and TCC advice and consideration by the Commission in accordance with para 20]

**PNA and Tokelau Response:** agree

**United States** supports the Chair's recommendation to update par 18-20 based on outcomes of SC and TCC and the output of the FAD Management Options Intersessional Working Group.

**EU:** suggestion to review based on SC and FADs WG advice/recs. Is footnote 2 still needed?

**Pew/Ocean Foundation:** The new measure should make clear progress, starting with a ban on the use of synthetic material on the subsurface structure of the FAD.

17. To reduce the risk of entanglement of sharks, sea turtles or any other species, as from 1<sup>st</sup> January 2024,<sup>1</sup> 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:

- (a) The use of mesh net shall be prohibited for any part of a FAD.
- (b) If the raft is covered, only non-entangling material and designs shall be used.
- (c) The subsurface structure shall only be made using non-entangling materials.

18. To reduce the amount of synthetic marine debris, CCMs shall encourage vessels flying their flag to use, or transition towards using, non-plastic and biodegradable materials in the construction of FADs.

19. The Scientific Committee shall continue to review research results on the use of biodegradable material on FADs, and shall provide specific recommendations to the Commission in 2022 including on a definition of biodegradable FADs, a timeline for the stepwise introduction of biodegradable FADs, potential gaps/needs and any other relevant information.

20. The Commission at its 2023 annual session, based on specific guidelines defined by the FAD Management Options Intersessional Working Group and advice from SC19 and TCC19 shall consider the adoption of measures on the implementation of biodegradable material on FADs.

**Instrumented Buoys** [paras 21 to 23 may require revision in light of consideration by Commission in accordance with para 23]

**PNA and Tokelau Response:** agree

PNA and Tokelau are applying new FAD reporting requirements and will be applying requirements for FAD Tracking and FAD Buoy Registration from 1 January 2024. PNA and Tokelau could support compatible measures being applied by the Commission in the high seas.

**Korea:** We expect that the maximum number of FADs that can be deployed with activated instrument buoys would be increased to some extent in the event that the overall catch limit for bigeye tuna in longline fisheries is increased as a result of improved stock status.

**United States** supports revision of par 21 through 23 based on the outcomes of the FAD

---

<sup>1</sup> This timeframe may be extended where there are extraordinary circumstances which make implementation impossible. Due to legislative constraints, Indonesia will have an additional 2 years to implement subparagraph (a).

management options working group.

**EU:** suggestion to introduce a more robust monitoring system for FADs.

21. 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.

22. CCMs shall also encourage vessels to:

- (a) responsibly manage the number of drifting FADs deployed each year;
- (b) carry equipment on board to facilitate the retrieval of lost drifting FADs;
- (c) make reasonable efforts to retrieve lost drifting FADs; and
- (d) report the loss of drifting FADs, and if the loss occurred in the EEZ of a coastal State, report the loss to the coastal State concerned.

23. The Commission at its 2023 meeting based on consideration of the FAD Management Options Working Group shall review the effectiveness of the limit on the number of FADs deployed as set out in paragraph 21 and whether the current limit of 350, or any limit, is appropriate and provide advice on the monitoring of FADs.

**Zone-based purse seine effort control** [the date in para 24 may require updating.]

24. 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 2022.

**PNA and Tokelau Response:** agree

**Japan:** para 24 will require revision

**United States** supports

**High seas purse seine effort control**<sup>2</sup> [paras 25 and 27 will require revision. Paras 26 and 28 may remain unchanged]

**American Samoa:** discussion is required on paras 14, 15 and 25, taking into account the need to give full recognition to the special requirements of SIDS / Participating Territories, such as

---

<sup>2</sup> Throughout this measure, in the case of small purse seine fleets, of five vessels or less, the baseline level of effort used to determine a limit shall be the maximum effort in any period and not the average.



American Samoa, and that any action not result in the transfer of a disproportionate burden to such country. See American Samoa response for further detail.

**PNA and Tokelau Response:**

- PNA and Tokelau agree that paras 25 and 27 require revision.
- However, PNA and Tokelau consider that para 26 also requires revision.
- Adopting hard limits on all significant skipjack fisheries in the EEZs and high seas is necessary for the application of the skipjack MP.
- The skipjack MP cannot be applied without hard limits on purse seine effort in the high seas,
- If the overall limit for high seas purse seine effort exceeds the 2012 level, the skipjack MP will need to be revised accordingly.

**Korea:** We believe that the overall HS effort limit should be increased. In relation to the CCMs with effort limits set out in Attachment 1, Table 2, the historical level of effort in the years prior to 2010 must be considered. The Commission may consider allocating the same number of HS days to each purse seine vessel, once the total limit is agreed. Some considerations should be given to SIDS CCMs and transfers among CCMs should be allowed. In setting the total PS effort limit for high seas, the Commission may wish to address the Philippines separately or in a different manner.

**United States** supports further discussions on par 25 and 27.

**EU:** suggestion to discuss this in conjunction with para 24, since TTs do not recognise the man-made limits between HS and EEZs.

25. CCMs that are not SIDS 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**.

26. 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 and/or north of 20°N.

**PNA and Tokelau Response:** The skipjack MP cannot be fully applied until there are comprehensive measures to limit fishing for skipjack in the high seas. This means all high seas, not just the tropical high seas. PNA and Tokelau propose that para 26 be revised to close the areas north of 20N and south of 20S to purse seine fishing that takes skipjack.

27. 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. The Commission commits to transitioning to a more equitable allocation framework for high seas fishing opportunities that takes into account Articles 8, 10 (3) and 30 of the Convention. The Commission will commence a process to develop that framework in 2022, to enable the Commission to reach agreement in 2023 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 takes 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.

**PNA and Tokelau Response:** support the FFA view that agreeing on a hard limit for tropical high seas purse seine effort and allocation of that limit should be the primary focus of the work on the TTM in 2023.

28. Where the catch and effort limits in paragraphs 24 and 25 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.

**Catch retention: Purse Seine Fishery** [paras 29 and 30 may remain unchanged, subject to checking of cross-references]

**PNA and Tokelau Response:** agree  
**United States** supports

29. 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.

30. Nothing in paragraphs 14-16 and 29 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** [paras 31 to 35 may remain unchanged]

**PNA and Tokelau Response:** agree  
**United States** supports  
**EU:** it would be useful to know if this (para 34) is this implemented and how.

**Research on Bigeye and Yellowfin** [paragraph 36 may remain unchanged]

**PNA and Tokelau Response:** agree  
**United States** supports

**LONGLINE FISHERY** [paras 37 to 41 will require revision]

**FFA:** Any discussion on the longline component of the TTM would need to be accompanied with adequate MCS provisions.

**PNA and Tokelau Response:** agree that paras 37 to 41 require revision in the light of para 41. In addition, PNA and Tokelau propose additional paras will be required to apply additional monitoring arrangements for the LL fishery to ensure the effective monitoring of any agreed increases in LL bigeye catch limits as proposed by the FFA.

**Korea:** Subject to the bigeye tuna stock assessment in 2023 and management advice, the catch limits in Attachment 1, Table 3 should be increased by XX%. Catch limits should be commensurate with fishing capacity.

**United States:** Reviewing and revising paragraphs 37-41 and updating Table 3 are priorities for the United States. The United States would like to discuss options for increasing BET allocations in Table 3. The United States would like to work with members to develop a paragraph on Monitoring and Control of the longline fishery (similar to para 32 and 33 under Monitoring and Control: Purse Seine).

**EU:** Suggestion to rediscuss possible arrangements for catch retention in the LL fishery.

**Pew/Ocean Foundation:** Stronger MCS measures should be required in the longline fishery.

37. 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.

**PNA and Tokelau Response:** agree that para 37 requires revision in the light of para 41.

However, we support the FFA view that consideration of the bigeye assessment and a TRP for bigeye is required as a basis for the application of para 41.

38. 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.

39. 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.

40. 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.

**Canada:** retain unchanged.

41. The Commission commits to transitioning to a more equitable allocation framework for fishing opportunities that takes into account Articles 8, 10 (3) and 30 of the Convention. The Commission will commence a process to develop that framework in 2022, to enable the Commission to reach agreement in 2023 on hard limits for bigeye amongst all Members and Participating Territories.

## **CAPACITY MANAGEMENT FOR PURSE SEINE AND LONGLINE VESSELS**

**PNA and Tokelau Response:** agree that paras 42 to 46 may remain unchanged.

**Purse Seine Vessel Limits** [paras 42 to 43 may remain unchanged]

**United States** supports

**Limits on Longline Vessels with Freezing Capacity** [para 44 may remain unchanged]

**United States** supports

**EU:** are these f/v unambiguously defined?

**Limits on ice-chilled longline vessels landing fresh fish** [paras 45 and 46 may remain unchanged]

**United States** supports

**EU:** same as above regarding “targeting”

## **OTHER COMMERCIAL FISHERIES** [para 47 may remain unchanged]

**PNA and Tokelau Response:** PNA and Tokelau consider para 47 will need to be revised. The impact of fishing for skipjack by other commercial fisheries, including pole and line fisheries, has been a major issue in the framing of the skipjack MP. It follows that for consistency, there will need to be a reframing of the limits in para 47. Currently, these limits apply a collective limit for catches of bigeye, yellowfin or skipjack tuna. For consistency with the skipjack MP, at least for the pole and line fisheries, the skipjack components will need to be separated out from the bigeye and yellowfin limits.

**United States:** anticipates needing to have a discussion on par 47 related to Indonesia's large fish handline fishery and setting an agreed upon limit.

**EU:** this might need to be updated based on advice from SC/TCC

## **DATA PROVISION REQUIREMENTS** [paras 48 to 50 may remain unchanged]

**PNA and Tokelau Response:** agree

**United States** supports

## **REVIEW AND FINAL PROVISIONS** [para 51 may remain unchanged. Para 52 will require updating]

**PNA and Tokelau Response:** agree

**United States** supports the updating of para 52 including discussions on the length of implementation of the CMM.

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

52. This measure replaces CMM 2020-01. This measure shall come into effect on 16 February 2022 and remain in effect until 15 February 2024 unless earlier replaced or amended by the Commission.

## Attachment 1

[Attachment 1 may require updating]

**PNA and Tokelau Response:** this information should not need revision.

**Philippines:** Philippines purse seine limit of 36,540 fishing days.

**Japan:** Table 1 will require revision in light of changes to paragraphs 24.

**United States** supports updating Attachment 1

**Table 1: EEZ purse seine effort limits [paragraph 24]**

*(Table updated with information provided to Secretariat)*

| 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                                |   |
| Fiji                    | 300 days                                  |   |
| Niue                    | 200 days                                  |   |
| Samoa                   | 150 days                                  |   |
| Tonga                   | 250 days                                  |   |
| Vanuatu                 | 200 days                                  |   |
| Australia               | 30,000 mt SKJ<br>600 mt BET<br>600 mt YFT |   |
| French Polynesia        | 0   |   |
| Indonesia               | 70,820 mt                                 |   |
| Japan                   | 1500 days                                 |   |
| Korea                   | *   |   |
| New Zealand             | 40,000 mt SKJ                             |   |
| New Caledonia           | 20,000 mt SKJ                             |   |
| Philippines             | *   |   |
| Chinese Taipei          | 59 days<br>(~34 purse seine vessels)      |   |
| 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 25-27]**

[Table 2 will require revision in light of changes to paragraphs 25-27]

**PNA and Tokelau Response:** agree. The existing limits in Table 2 will need to be adjusted to include limits as agreed in para 27 for all Members and Participating Territories that adequately take into account the rights and interests of SIDS to participate fairly in high seas fisheries.

**United States** supports.

**Philippines:** limit of 5,460 fishing days.

**EU:** in our view this table should include all CCMs that participate in this fishery. It might require some consideration of the limits in Table 1.

| 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 37-39]**

[Table 3 will require revision in light of changes to paras 37-39]

**PNA and Tokelau Response:** agree. The existing limits in Table 3 will need to be adjusted to include limits as agreed in para 41 for all Members and Participating Territories that adequately take into account the rights and interests of SIDS to participate fairly in high seas fisheries following consideration of the bigeye assessment and work on a TRP for bigeye.

**United States** supports

| 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**

[Attachment 2 may remain unchanged]

**PNA and Tokelau Response:** agree

**Philippines:** To remove the “fresh/ice chilled” of paragraph 1 of Attachment 2, to read as “This Attachment shall apply to Philippine traditional fishing vessels operating as a group”.

**United States** supports

## **Annex 2**

*Complete compilation of comments by CCMs and Observers in response to the Chair's letter on proposed revisions to CMM 2021-01 Tropical Tunas*

1. American Samoa
2. FFA Members
3. Pew Charitable Trusts and The Ocean Foundation
4. Philippines
5. European Union
6. PNA and Tokelau
7. Canada
8. Chinese-Taipei
9. Japan
10. Korea
11. United States



# DEPARTMENT OF MARINE & WILDLIFE RESOURCES



LEMANU P. S. MAUGA  
*Governor*

TALAUJEGA E. V. ALE  
*Lt. Governor*

AMERICAN SAMOA GOVERNMENT  
P.O. BOX 3730  
PAGO PAGO, AMERICAN SAMOA 96799

PHONE: (684) 633-4456

FAX: (684) 633-5944



Taotasi Archie Soliai  
*Director*

Selaina Vaitautolu-Tuimavave  
*Deputy Director*

March 17, 2023

Dr. Josie Tamate  
Chair, WCPFC  
Pohnpei, FSM

Subject: WCPFC Circular 2023-13 (Core revisions to TTM CMM 2021-01)

Talofa, Madam Chair,

American Samoa takes this opportunity to directly comment on the tropical tuna measure as per your request in WCPFC Circular 2023-13 (Core revisions to TTM CMM 2021-01).

We make these comments as a Participating Territory for which the Convention entitles us to fully participate in the work of the Commission and the Commission is required to take into account our interests.

American Samoa's non-governmental economy is almost entirely built on tuna-related commerce. The tuna industry provides over 80 percent of American Samoa's private employment. It accounts for 99.5 percent of exports from the territory. The American Samoa population, 85 percent of which are indigenous Samoans, depend heavily on the tuna cannery in Pago Pago to provide food security for the region.

The economy of American Samoa is dependent on tuna fishing and processing. We have been adversely impacted by the tuna management measure due to the loss of purse seiner vessels based in American Samoa. With the loss of fishing boats, tuna supply has been reduced. Without the fish supply from the purse seiners based in American Samoa, our one remaining cannery is not competitive. The tuna industry is responsible for over 80 percent of our private sector employment.

The StarKist tuna cannery in American Samoa employs more than 2,000 workers. This cannery processes about 100,000 tons of tuna a year. This equates to about 500 million cans of tuna. Almost all of the production from the StarKist cannery goes to the US market. The cost of canned tuna production in American Samoa is substantially higher than competing sources of shelf stable tuna products like Thailand, Vietnam, Philippines and Indonesia. American Samoa is not competitive in other markets because of our energy, labor, logistics, and packaging costs are all more expensive than other sources of canned tuna. Partially offsetting these cost disadvantages are savings in the cost of fish supply and duty exemptions.

American Samoa needs about 70,000 tons of tuna caught by purse seiners every year. While fishing economics favor foreign flag operation, foreign flag purse seiners generally avoid American Samoa. There are several reasons for this: distance from the fishing grounds, presence of the U.S. Coast Guard, costly logistics, limited flights for crew, potential unloading delays, etc.

There has been a steady decline in the American Samoa locally based U.S. flag purse seiner fleet because boats have been changing flags and areas of operation to save costs and take advantage of better fishing conditions available to non-US flag fishing boats. There were 40 U.S. flag purse seiners in 2015. Now, there are only 13. One of these operates exclusively in the Eastern Tropical Pacific

Most of the tuna purse seiners in the WCPFC fish in waters West of American Samoa and the fish is transshipped in ports like Majuro and Pohnpei for shipment to Thailand, Vietnam, China, etc. By contrast, most of the tuna for American Samoa is caught more on the Eastern side of the WCPFC convention area and delivered directly to the cannery.

Kiribati, Tokelau, Tuvalu and Cook Islands are the most common EEZ's for the American Samoa purse seiner fleet. US waters are also important for US flag purse seiners with Fisheries Endorsements. The high seas are critically important.

The reason for the decline in the number of American Samoa locally based purse seiners is economics. Boatowners choose flags, or charters, that give them the lowest cost of catch per ton, e.g., cost of crew, insurance, compliance, access to fishing grounds, etc. and the availability of exemptions from fishing restrictions, e.g., FAD closures and high seas limits.

The American Samoa-based purse seiner fleet are not exempt from any fishing restrictions despite the fact that American Samoa is a Small Island Developing Territory and is therefore eligible for exemptions from certain WCPFC tuna management measures.

To preserve our remaining locally based purse seiner fleet and therefore to prevent our tuna-based economy from collapsing, American Samoa requests that the Commission allows for continued discussion on paragraphs 14, paragraph 15 and paragraph 25 of CMM 2021-01.

Article 30 of the Convention requires the Commission to give full recognition to the special requirements of SIDS / Participating Territories, such as American Samoa, and that any action not result in the transfer of a disproportionate burden to such country. I thank you for the opportunity to provide these comments.

End



31 March 2023

Dr Josie Tamate  
Chair  
Western and Central Pacific Fisheries Commission  
PO Box 2356, Kolonia  
Pohnpei  
Federated States of Micronesia

Dear Chair Tamate

### **FFA POSITION ON REVISIONS TO THE TROPICAL TUNA MEASURE**

I write on behalf of the 17 Members of the Pacific Islands Forum Fisheries Agency in my capacity as the Chair of the Forum Fisheries Committee. The views expressed in this letter are without prejudice to the further development of positions and proposals by FFA Members individually or collectively.

FFA Members thank you for highlighting the areas of the tropical tuna measure (TTM) that may require updating in Annex 1 of your letter and consider this an appropriate document for our initial discussions. We also thank you for providing us with the opportunity to provide our views on the areas of the TTM that may require updating.

In general, FFA Members agree that a complete overhaul of the TTM is not required and advocate a precautionary approach to changes to the current provisions in the measure. This is consistent with the views expressed in our submission to the 1st WCPFC workshop on the TTM (WCPFC-TTMW1-2021-DP02) nearly two years ago, when revisions to the TTM were last considered.

A precautionary approach to changes in the measure is warranted because:

1. the current measure is working well and provides a carefully balanced approach to the sustainable management of the Western and Central Pacific Ocean (WCPO) tropical tuna stocks;
2. the current measure has been confirmed by the WCPFC Scientific Committee (SC) to be maintaining the status of the bigeye and yellowfin stocks at sustainable levels and is continuing to achieve the objectives for the fisheries on the key tuna stocks; and
3. the SC recommends that fishing mortality on the bigeye tuna stock should not be increased from the level that maintains spawning biomass at 2012-2015 levels until the Commission can agree on an appropriate target reference point.

Maintaining the current careful balance of interests between fisheries and CCMs (in relation to conservation burden) continues to be a high priority for FFA Members. This balance has been achieved from careful and considered negotiations over many years, so if there are to be changes to the TTM, that balance needs to be maintained.

It is also critical that the revised TTM continues to reflect the importance of the rights and interests of coastal states, especially small islands developing states (SIDS) that are highly dependent on the regional tuna resources. For this reason, any revisions to this measure must be compliant with all of the provisions of the Convention, including through accurate and comprehensive accounting of SIDS-related issues such as specific elements of Articles 10(3) and 30 and a full analysis in relation to CMM 2013-06 requirements.

Consistent with what FFA Members had stated in our Delegation Paper to WCPFC19 (DP03) and in the WCPFC19 plenary, FFA Members believe that the revisions of the TTM in 2023 should prioritise, and be limited to, developing a hard limit for purse seine effort on the high seas at a level that is consistent with the MP and a framework for the allocation of that limit (i.e. paragraph 27). The resolution of this issue is critical to ensure the effective implementation of the MP and the strengthening of zone-based management to protect the rights and interests of all SIDS and Territories. Along this line, FFA Members request that SPC provide an updated analysis on the potential level of high seas purse seine effort based on the SKJ TRP.

FFA Members note that the bigeye tuna stock assessment and other relevant information to this stock (i.e. both the yellowfin tuna stock assessment and peer review) will need to be adopted at the nineteenth regular session of the Scientific Committee (SC19) in late August 2023 before they are made available for scrutiny and use. As such, we continue to reiterate our position to WCPFC19 to defer discussions on determining hard limits for bigeye tuna and a more equitable allocation framework for fishing opportunities for the longline fishery (para 41) to 2024. This is consistent with scheduled work under the harvest strategy work plan, namely the TRP for BET and YFT in 2024 and the adoption of MPs for these two stocks in 2025. Having said that, we also reiterate our previous position that adequate controls on longline fishing in the high seas are required. Therefore, any discussion on the longline component of the TTM would need to be accompanied with adequate MCS provisions. FFA Members underline our steadfast position that any proposed changes to the longline provisions would need to maintain the careful balance in the measure.

In regard to the notations provided by you for each paragraph in Annex 1 of your letter, FFA Members agree with them to a large extent, noting that these views may be subject to change.

Chair, we stand ready to work with you and other CCMs to progress this important task.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Agnes Yeeting', with a small flourish at the end.

Dr Agnes Yeeting  
FFC Chair

cc: Ms Rhea Moss-Christian, Executive Director, WCPFC



## **Comments on revisions to the tropical tuna measure**

Dear Madame Chair Josie Tamate and Executive Director Rhea Moss-Christian

Thank you for soliciting comments to inform discussions on revisions to the WCPFC tropical tuna measure. Please find below thoughts shared on behalf of The Pew Charitable Trusts and The Ocean Foundation. We look forward to supporting a successful conclusion to these negotiations.

### **Skipjack fishing effort should be based on the Management Procedure**

The new tropical tuna measure should require future skipjack catch or effort to be based on the output from the harvest control rule (HCR) in the Management Procedure adopted in 2022 (CMM 2022-01). This would ensure the value of the years of work to develop the Management Procedure is realized. Without implementing language in the tropical tuna measure, the Commission is free to treat the output of the HCR as just another piece of advice to be regarded or ignored, which would be detrimental to the long-term health of the skipjack stock and continue to result in time consuming negotiations on annual fishing levels year after year. This is contrary to the primary purpose of having a Management Procedure. However, if the Management Procedure is implemented, it would provide the highest probability of maintaining the stock status and catch rates of the skipjack fishery and achieving the stated management objectives, which are vital interests of WCPFC members.

### **Stronger MCS measures should be required in the longline fishery**

The new measure should make progress in correcting the significant deficiency in monitoring of the high seas longline fishery. The new measure should require vessels fishing on the high seas to have at least 20 percent observer coverage, set a deadline for the Commission to establish a Regional Electronic Monitoring Program, and prohibit transshipment on the high seas until the Commission can adopt more stringent rules on transshipment. These actions would improve the level of data for science and compliance on this significant fishery and increase the ability of the Commission to independently verify fishing activities on tropical tuna stocks.

### **Reduce the impact of FADs**

Paragraph 20 of the tropical tuna measure calls for the Commission in 2023 to consider the adoption of measures to implement biodegradable materials on FADs. Despite years of discussion about the need to remove plastics from Fish Aggregating Devices, SPC research shows few FADs deployed in the WCPO use biodegradable materials at this time. The new measure should make clear progress, starting with a ban on the use of synthetic material on the subsurface structure of the FAD – the largest component of the FAD. Not only is this an important step environmentally, it would also send a clear and public message that WCPFC fisheries consider ecosystem health – and not just that of tuna species – in its management.



Republic of the Philippines  
Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
Fisheries Building Complex, Bureau of Plant Industry Compound,  
Visayas Ave., Diliman, Quezon City  
Tel. No. 929-8074 | [do@bfar.da.gov.ph](mailto:do@bfar.da.gov.ph) | [records@bfar.da.gov.ph](mailto:records@bfar.da.gov.ph)

March 28, 2023

**DR. JOSIE TAMATE**

Chairperson

Western and Central Pacific Fisheries Commission

**THRU : MS. RHEA MOSS-CHRISTIAN**

Executive Director

Western and Central Pacific Fisheries Commission

**SUBJECT : Response to WCPFC Circular 2023/13 Letter from WCPFC Chair  
on Revisions to Tropical Tuna Measure**

Dear **Madam Chairperson,**

Greetings!

Firstly, the Philippines would like to acknowledge and thank the Chair in her effort in progressing the revision of the tropical tuna measure. We support the Chair's suggestion to update some specific paragraphs of the CMM 2021-01, considering the views of CCMs, as the basis of the initial discussion to advance the process of development of the tropical tuna measure that was agreed at WCPFC19.

As requested by the Chair, the Philippines would like to express its views on relevant limits and allocation frameworks in the current CMM. These views which have been articulated in our previous submissions and position, are as follows:

- 1) To include in Table 1 of Attachment 1, the Philippines purse seine limit of 36,540 fishing days for its EEZ in the Pacific seaboard. This is in accordance with the submission of the Philippines dated December 19, 2022 (Attachment 1), in compliance with paragraph 24 of CMM 2021-01. This limit is the subject of a national regulation as Fisheries Administrative Order No. 269 (Attachment 2).
- 2) To recognize and include in Table 2 of Attachment 1, the traditional/current effort PH group seine in the adjacent high seas of the Philippine EEZ in the Pacific, otherwise known as the "Mati-matihan" in the Philippines, of 5,460 fishing days as contained in WCPFC19-2022-DP09. As explained in the afore mentioned WCPFC19-2022-DP09, the 5,460 fishing days is not a new or additional effort, but rather a formal documentation and recognition of existing fishing effort that has been mis-identified and lumped with the effort in the EEZ, when in fact, the same occurred in the adjacent high seas. This limit is also the subject of a national regulation as Fisheries Administrative Order 270 (Attachment 3);



Republic of the Philippines  
Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
Fisheries Building Complex, Bureau of Plant Industry Compound,  
Visayas Ave., Diliman, Quezon City  
Tel. No. 929-8074 | [do@bfar.da.gov.ph](mailto:do@bfar.da.gov.ph) | [records@bfar.da.gov.ph](mailto:records@bfar.da.gov.ph)

- 3) To remove the “fresh/ice chilled” of paragraph 1 of Attachment 2, to read as “This Attachment shall apply to Philippine traditional fishing vessels operating as a group”. This is in consideration to the Philippines position to allow the use of refrigerated carriers to reduce post-harvest losses and comply with the Food Safety Act, and our treaty obligations under the United Nation’s Fish Stocks Agreement (UNFSA), which requires state parties to **minimize pollution, waste, discards**<sup>1</sup>, as articulated in WCPFC19-2022-DP10.

Thank you very much.

Very truly yours,

  
**ATTY. DEMOSTHENES R. ESCOTO**

*Director*

Bureau of Fisheries and Aquatic Resources

---

<sup>1</sup> See Letter (f), Article 5 of UNFSA



Republic of the Philippines  
Department of Agriculture  
**BUREAU OF FISHERIES AND AQUATIC RESOURCES**  
Fisheries Building Complex, Bureau of Plant Industry Compound,  
Visayas Ave., Diliman, Quezon City  
Tel. No. 929-8074 | [do@bfar.da.gov.ph](mailto:do@bfar.da.gov.ph) | [records@bfar.da.gov.ph](mailto:records@bfar.da.gov.ph)

19 December 2022

**MS. JUNG-RE RILEY KIM**

*Chairperson*

Western and Central Pacific Fisheries Commission (WCPFC)

**SUBJECT : PURSE SEINE EEZ LIMITS FOR THE PHILIPPINE EEZ IN THE PACIFIC SEABOARD**

Dear Ms. **RILEY KIM**,

Recalling paragraph 24 of WCPFC Conservation and Management Measure (CMM) 2021-01, stipulating coastal CCMs within the Convention Area to 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, and those coastal CCMs that have yet to notify limits to the Commission shall do so by 31 December 2022.

In this regard, the Philippines is hereby notifying the Commission of its purse seine limit of **36,540 fishing days for its EEZ in the Pacific seaboard**. This limit has been consulted with stakeholders and is incorporated in a national regulation through a Fisheries Administrative Order (FAO) and recently approved by the National Fisheries and Aquatic Resources Management Council (NFARMC). It is expected to be implemented in 2023.

Please be advised further that the above-mentioned limits are a fraction of the 42,000 fishing days that the Philippines submitted in 2019 which included limits for purse seine and ringnet vessels that are mainly operating in the EEZ, but some have traditionally been straddling in the adjacent high seas. However, as you may recall, in the discussions during WCPFC18 in 2021 in progressing the new tropical tuna measure, the Philippines was advised to recalibrate and to separate the limits in its EEZ and its adjacent high seas. Thus, the remainder of 5,460 fishing days is the purse seine/ringnet limits in the adjacent high seas.

Thank you and the Philippines would like to take this opportunity to reiterate its appreciation and high regard to your fair and outstanding service during your term as the Chair of the WCPFC.

Very truly yours,

  
**ISIDRO M. VELAYO, JR.**

*Assistant Director for Technical Services, BFAR/  
PH Head of Delegation, WCPFC 19*

Cc: Mr. Feleti Penitala Teo, OBE  
Executive Director

W21207 97090





Republic of the Philippines  
**Department of Agriculture**  
**OFFICE OF THE SECRETARY**  
Elliptical Road, Diliman  
Quezon City, 1100 Philippines

**FISHERIES ADMINISTRATIVE**  
**ORDER NO. 269**  
**Series of 2023**

**SUBJECT: RULES AND REGULATIONS ON TUNA PURSE SEINE/RING NET OPERATIONS IN THE PACIFIC SEABOARD OF THE PHILIPPINE EXCLUSIVE ECONOMIC ZONE (EEZ)**

**WHEREAS**, the Philippines is a member of the Western and Central Pacific Fisheries Commission (WCPFC);

**WHEREAS**, the Philippines is a signatory to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) and its Annexes signed on September 5, 2000, which was subsequently ratified by the Senate of the Philippines on March 17, 2005;

**WHEREAS**, the WCPFC within its framework has issued resolutions and Conservation and Management Measures (CMM) relevant to fishing operations within the EEZ and High Seas;

**WHEREAS**, the WCPFC has established a zone-based purse seine effort control under paragraph 24 of CMM 2021-01 as follows:

*“24. 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 2022”;*

**WHEREAS**, in compliance with paragraph 24 of CMM 2021-01, the Philippines submitted its purse seine effort control in December 2018 wherein it indicated its chosen manner and the limit of one hundred fifty (150) units of purse seine/ring net fishing vessels. In 2019 it submitted an amendment indicating a limit of forty-two thousand (42,000) fishing days;

**WHEREAS**, in its delegation paper submitted during the WCPFC 4<sup>th</sup> Regular Session in Guam in 2007, the Philippines stated that Philippine purse seiners and ring netters have been operating in the High Seas east of the Philippines;

**WHEREAS**, during the 18th Regular Session of the WCPFC in 2021, the Philippines manifested that the purse seine EEZ limit of 42,000 fishing days submitted during the 16th Regular Session in 2019 includes purse seine effort in its adjacent High Seas due to the fact that some vessels traditionally straddle between the Philippines Pacific EEZ and its adjacent High Seas;

**WHEREAS**, the WCPFC has advised the Philippines that the limits for purse seine and ringnet in its EEZ and the adjacent High Seas should be separated and recalibrated accordingly;

**WHEREAS**, an inventory has been conducted to determine the number of purse seine and ringnet vessels operating within the Pacific EEZ and adjacent High Seas;

**WHEREAS**, in view of the limits established, a Fisheries Administrative Order is necessary to provide the rules and regulations on the operations of purse seine and ringnet in the Pacific EEZ and its adjacent High Seas;

**WHEREFORE**, considering these premises, the Department of Agriculture (DA), through the Bureau of Fisheries and Aquatic Resources (BFAR) hereby promulgates the following rules and regulations.

**Section 1. Definition of Terms.** For purposes of this Order, the following terms and acronyms as used herein shall mean and shall be construed as follows:

- 1) **Automatic Location Communicator (ALC) or Mobile Tracking-Transceiver Unit** - a two-way automatic tracking device approved by BFAR to be installed on the fishing vessels that utilizes a satellite navigation and/or any other communication system for the purpose of transmitting information concerning the Philippine-flagged fishing vessels' positions, fishing activities, and any other activity of the vessels as may be required.
- 2) **BFAR** – Bureau of Fisheries and Aquatic Resources
- 3) **BFAR Vessel Monitoring Measure (VMM)** – refers to the vessel tracking measures established and operated by BFAR through its National Fisheries Monitoring Center which is used to track and monitor the position, time and course and speed of commercial fishing vessels in the territorial waters, EEZ and the High Seas for the purpose of conservation and management of fisheries resources.
- 4) **CFVL** – Commercial Fishing Vessel License
- 5) **DWFP** – Distant Water Fishing Permit
- 6) **Exclusive Economic Zone (EEZ)** – an area beyond and adjacent to the territorial sea of a country as defined under the United Nations Convention on the Law of the Seas and their respective existing laws.

- 7) **Fish Aggregating Devices (FAD)** – Any man-made structure deployed in fishing grounds, either anchored or drifting, which is used mainly for the purpose of aggregating fish.
- 8) **Fisheries Monitoring Center (FMC)** - serves as a land base component for fisheries monitoring control and surveillance which operates and maintains the Vessel Monitoring Measure System.
- 9) **Fishing days**- the number of sea days spent by vessel in the fishing ground which exclude the navigation from homeport to fishing ground and vice versa.
- 10) **Fishing vessel** – any boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, transportation and/or processing.
- 11) **Group Seine** – purse seine/ring net boats operating as a group, consisting of a catcher boat without fishhold capacity and its support vessels, such as carrier boats, ranger and light boats.
- 12) **High Seas (HS)** - the area beyond Philippine waters which does not belong to the jurisdiction of any other State.
- 13) **IMEMS**-means Integrated Marine Environment Monitoring System. It is the system implemented by BFAR that primarily aims to significantly improve and extend its existing Vessel Monitoring System (VMS) capabilities and operationalize a single integrated national marine environment monitoring system.
- 14) **Purse Seine/Ring Net** - a form of encircling net having a line at the bottom passing through rings attached to the net, which can be drawn or pursed. In general, the net is set from a boat or pair of boats around the school of fish. The bottom of the net is pulled closed with the purse line. The net is then pulled aboard the fishing boat or boats until the fish are concentrated in the bunt or fish bag.
- 15) **Regional Fisheries Observer** – qualified personnel trained by BFAR and the WCPFC duly authorized by the Commission's Regional Observer Program to collect and record fisheries scientific data on fishing activities and monitor/report vessel compliance on the various CMMs by the WCPFC, IOTC and ICCAT and by BFAR's compatible measures.
- 16) **SOLAS** – Safety of Life at Sea.
- 17) **WCPFC** – Western and Central Pacific Fisheries Commission.

**Section 2. Scope and Application.** This Administrative Order covers Philippine registered purse seine and ringnet catcher fishing vessels of more than thirty (30) Gross Tons (GT) targeting tuna with valid Commercial Fishing Vessel License (CFVL) and their corresponding support vessels operating within the Pacific Seaboard of the Philippine EEZ and listed in the WCPFC Records of Fishing Vessels.

**Section 3. Applicable Rules.** All relevant laws, and provisions of existing Fisheries Administrative Orders shall be applicable in the regulation of fishing operations in the Pacific Seaboard of the Philippine EEZ.

**Section 4. Fishing Days Limit.** The total allocation for vessel fishing days for purse seine and ringnet operating in the Philippine Pacific EEZ shall not be more than 36,540 days, which is a part of the 42,000 fishing days allocated for Philippine Pacific EEZ and its adjacent High Seas.

Each of the authorized vessel shall be monitored with the BFAR IMEMS. The vessels shall be advised when 90% of the total fishing days have been used and directed to return to port before the total fishing days are consumed.

Allocation shall be given to vessels that are currently active in the area. Vessels operating in territorial seas and archipelagic waters may be given-allocation when the total fishing limit has not been reached.

**Section 5: Criteria to Qualify for Fishing Access in Philippine Pacific EEZ.** Any person, corporation or entity who is covered under Section 2 and compliant with Section 3 shall be authorized to operate within the Philippines Pacific EEZ and shall be listed in the WCPFC List of Fishing Vessels, subject to the following requirements:

- 1) The fishing vessel:
  - a. must be Philippine registered;
  - b. must have a valid Commercial Fishing Vessel License (CFVL);
  - c. must be SOLAS compliant;
  - d. must be compliant with Catch Documentary Scheme;
  - e. do not have any pending administrative or criminal cases for engaging in any IUU fishing activities before BFAR or any court or is not in the WCPFC IUUF List;
  - f. shall be registered with WCPFC;
  - g. shall be equipped with two-way Vessel Monitoring Measure ALC and Electronic Reporting System;
  - h. shall have on board an accredited National/Regional Fisheries Observer;
- 2) Each tuna purse seine/ring net catcher vessel shall not deploy more than the FAD limit provided under FAO 244 Series of 2012;
- 3) The boat owner and three highest ranking officers of the boat must have attended the orientation to be conducted by BFAR prior to operations.

**Section 6. Observer Coverage.** Tuna catcher vessels operating in the Philippine Pacific EEZ shall have 100% regional observer coverage in accordance with FAO 261 Series of 2018 and CMM 2021-01 or its replacement measure.

**Section 7. Vessel Monitoring Measure and Electronic Reporting System.** All catcher vessels and their support vessels shall be equipped with and shall operate a two-way Automatic Location Communicator and e-reporting in accordance with FAO 260 Series of 2018.

### **Section 8. Reporting**

- 1) The vessels or the fishing company shall notify BFAR through electronic or any other means within 24 hours upon departure from their homeport and when exiting the fishing ground going to homeport. Notice from their respective home office to the duly designated BFAR focal office through actual delivery, email or regular mail shall suffice.
- 2) The report should be in the following format: "VID/Entry or Exit: Date/Time; Lat/Long."
- 3) The vessels operating in Philippine Pacific EEZ should report sightings of any fishing vessel to BFAR. Such information shall include vessel type, date, time, position, markings, heading and speed.

**Section 9. Vessel Listing.** BFAR shall maintain an updated list of all fishing vessels operating in the Philippines and shall be made available to the concerned stakeholders through the BFAR website.

**Section 10. Monitoring of Port Landings.** All landings of vessels operating in the Philippine Pacific EEZ shall be made at the duly designated fishports operated by the Philippine Fisheries Development Authority (PFDA), landing centers covered by the National Stock Assessment Program (NSAP) or fishports operated by local government units. Unloading in private ports can only be allowed when warranted and under exceptional circumstances (e.g. Fishport Closure).

**Section 11. Catch Logsheet.** Corresponding catch logsheets shall be accomplished and timely submitted to BFAR to ensure that reliable catch data by species are collected for processing and analysis in accordance with FAO 198-1 Series of 2018.

**Section 12. Use of Fish Aggregating Device (FAD).** Each group tuna purse seine/ring net operation shall limit the number of FADs deployed in accordance to the limits identified in FAO 244 Series of 2012. Location coordinates of FADs shall be submitted to the BFAR.

**Section 13. Nature of Access Right.** Any transfer of access right or replacement of vessel covered by this Order shall be subject to the prior approval of BFAR and shall be based on the same conditions and criteria as provided herein, otherwise the transfer shall be

considered void. Access rights shall also automatically be transferred to the new owner once the vessel is sold.

**Section 14. Penalties.** Any violation of the provisions of this Order shall be subject to the following fines and penalties:

- 1) Violation of fishing days limit as provided in Section 4 shall subject the offender to a fine of One hundred thousand pesos (P100,000.00) to Five million pesos (P5,000,000.00), depending on the socioeconomic impact and seriousness of the violation, volume and value of the fisheries product, damage to the environment due to the violation, and the habituality of the offender in accordance with Section 128 of R.A. 8550 as amended by R.A. 10654;
- 2) Sailing from the home port on the way to the Philippine EEZ area without an on-board observer as required by Section 6 hereof shall be penalized under Section 116 of R.A. 8550 as amended by R.A. 10654, and FAO 261 Series of 2018;
- 3) Failure to report the vessel's position manually every four hours after having been notified by BFAR FMC that the VMM ALC is not transmitting in relation to Section 119 of R.A.10654 and FAO 260 Series of 2018 shall be punished with the penalties provided under Section 119 of R.A. 10654;
- 4) Failure to report or notify BFAR as required in Section 8 hereof shall be penalized with an administrative fine of One hundred thousand pesos (P100,000.00) to Five million pesos (P5,000,000.00) in accordance with Section 128 of R.A. 8550 as amended by R.A. 10654;
- 5) Intentional non-submission of catch logsheets as required under Section 11 hereof, shall be penalized in accordance with Section 89 of R.A. 8550 as amended by R.A. 10654;
- 6) Deployment of FADs in excess as provided in Section 12 hereof shall be penalized in accordance with FAO 244 series of 2012 with administrative fine of Fifty thousand pesos (P50,000.00) per excess FAD and confiscation of the excess FADs;
- 7) Unauthorized transfer of access right or replacement of vessel as provided under Section 13 hereof shall be penalized with an administrative fine of One hundred thousand pesos (100,000.00) to Five million pesos (P5,000,000.00) in accordance with Section 128 of R.A. 8550 as amended by R.A. 10654.

**Section 15. Review.** This measure or any part thereof shall be subject to periodic review consistent with the relevant Conservation and Management Measure (CMM) of the WCPFC or as maybe necessary.

**Section 16. Separability Clause.** If any section or provision of this Order or part thereof, is declared unconstitutional or invalid, the other sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

**Section 17. Repealing Clause.** All existing administrative orders, rules and regulations which are inconsistent with the provisions of this Order are hereby repealed or modified.

**Section 18. Effectivity.** This Order shall take effect fifteen (15) days after publication in any newspaper of general circulation and upon registration with the Office of the National Administrative Register.

Issued this 27th day of January, 2023 at Quezon City, Metro Manila, Philippines.

**DOMINGO E. PANGANIBAN**  
*Senior Undersecretary*  
Department of Agriculture



DA-CO-OSEC-0020230125-00001



Republic of the Philippines  
**Department of Agriculture**  
**OFFICE OF THE SECRETARY**  
Elliptical Road, Diliman  
Quezon City, 1100 Philippines

**FISHERIES ADMINISTRATIVE**  
**ORDER NO. 270**  
**Series of 2023**

**SUBJECT: RULES AND REGULATIONS ON THE OPERATIONS OF PHILIPPINE  
FLAGGED FISHING VESSELS OPERATING IN DISTANT WATERS  
(BEYOND NATIONAL JURISDICTION)**

**WHEREAS**, Section 32 of Republic Act No. 8550, as amended by Republic Act 10654, provides for the conditions before fishing vessels of Philippine registry may be allowed to engage in distant water fishing;

**WHEREAS**, the *National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*, as adopted by Executive Order No. 154, series of 2013, requires the implementation of flag State responsibilities, such as ensuring that Philippine-flagged fishing vessels do not engage in illegal, unreported and unregulated fishing and the undertaking of comprehensive and effective Monitoring, Control and Surveillance (MCS) of fishing from its commencement, through the point of landing, to final destination;

**WHEREAS**, the Philippines is a member of Regional Fisheries Management Organizations (RFMOs) particularly the Western and Central Pacific Fisheries Commission (WCPFC), Indian Ocean Tuna Commission (IOTC) and International Commission for the Conservation of Atlantic Tunas (ICCAT);

**WHEREAS**, these RFMOs have adopted and implemented Resolutions and Conservation and Management Measures (CMMs) for fishing operations in the High Seas and Coastal States;

**WHEREAS**, as member in good standing of the said RFMOs, the Philippines as a responsible fishing nation, is obligated to cooperate as well as to implement such measures including the adoption of national implementing rules and regulations for its flagged fishing vessels authorized to operate in the High Seas and other Coastal States;

**WHEREAS**, members, cooperating non-members and participating territories of these RFMOs have the obligation to implement such Resolutions and Conservation and Management Measures (CMMs) within their respective jurisdictions and the entire area of these RFMOs;

**WHEREAS**, domestic regulations of Coastal States in their respective areas of jurisdiction are fully recognized;



**WHEREAS**, there are Philippine-flagged vessels that fish or operate in the High Seas and in waters of other Coastal States under the RFMOs, access agreements and other arrangements with the concerned Coastal States;

**WHEREAS**, the Philippines as a Flag State has the responsibility to ensure that vessels flying its flag fishing on the High Seas and in waters of other Coastal States, comply with the Conservation and Management Measures (CMMs) and do not undermine the effectiveness of those measures at sub-regional, regional and in waters of other Coastal States;

**WHEREAS**, the Philippines is a party to the Port State Measures Agreement (PSMA) and promulgated Fisheries Administrative Order (FAO) 267 as its implementing rules and regulations;

**WHEREAS**, Fisheries Administrative Order (FAO) 245-4 Series of 2018 provides for the Regulations and Implementing Guidelines on Group Tuna Purse Seine Operations in High Seas Pocket Number 1 as a Special Management Area;

**WHEREAS**, Fisheries Administrative Order (FAO) 254-1, Series of 2018 provides for the Regulations and Implementing Guidelines on Group Handline Fishing Operations in the High Seas of the WCPFC Convention Area;

**WHEREAS**, the High Seas adjacent to the Philippine Exclusive Economic Zone in the Pacific Seaboard, locally referred to as “Matimatihan”, is a traditional fishing ground for Filipino Fisherfolk; and that during the 18th Regular Session of the WCPFC in 2021, the Philippines manifested that the purse seine EEZ limit of 42,000 fishing days submitted during the 16th Regular Session in 2019 includes its purse seine effort in “Matimatihan”;

**WHEREAS**, BFAR Administrative Circular (BAC) 252-1 provides the Amended Rules and Regulations Governing Distant Water Fishing by Philippine Flagged Fishing Vessels operating in Other Coastal States;

**WHEREAS**, in order to rationalize and improve the flag state control vessels operating beyond national jurisdiction, a comprehensive and consolidated measures is necessary.

**WHEREFORE**, in view thereof, the Department of Agriculture, through the Bureau of Fisheries and Aquatic Resources (BFAR) hereby adopts and promulgates the following rules and regulations on distant-water fishing by Philippine-flagged fishing vessels for the information, guidance and compliance of all concerned.

## **CHAPTER I GENERAL PROVISIONS**

**Section 1. Definition of Terms.** For purposes of this Order, the following terms and acronyms as used herein shall mean and be construed as follows:

- 1) **Automatic Location Communicator (ALC) or Mobile Tracking Transceiver Unit (MTU)**- a two-way automatic tracking device approved by BFAR to be installed

on fishing vessels that utilizes a satellite navigation and/or any other communication system for the purpose of transmitting information concerning the Philippine flagged fishing vessels' positions, fishing activities, and any other activity of the vessels as may be required.

- 2) **BFAR Vessel Monitoring Measure (VMM)** – refers to the vessel tracking measures established and operated by BFAR through its National Fisheries Monitoring Center which is used to track and monitor the position, time and course and speed of commercial fishing vessels in the territorial waters, EEZ and the High Seas for the purpose of conservation and management of fisheries resources.
- 3) **Carrier-** a type of fishing vessel designed for the purpose of carrying and transporting fish and other supplies to and from the fishing ground.
- 4) **Catcher-** a type of fishing vessel used solely to catch or harvest fish from the marine environment.
- 5) **Coastal State-** the State where a fishing vessel conducts its fishing operations.
- 6) **Commercial Fishing Vessel License (CFVL)** – refers to the permit to operate specific types of fishing vessel for specific duration in areas beyond municipal waters for demersal or pelagic fishery resources.
- 7) **Designated Port for Fish Landing** – the port designated by the Port State;
- 8) **Distant Water Fishing** – means fishing in waters beyond Philippine National Jurisdiction (i.e. in the High Seas or in waters of other states).
- 9) **Exclusive Economic Zone (EEZ)** – an area beyond and adjacent to the territorial sea of a country as defined under the United National Convention on the Law of the Seas and their respective existing laws.
- 10) **Fish Aggregating Devices (FAD)** – any man-made structure deployed in fishing grounds, either anchored or drifting, which is used mainly for the purpose of aggregating fish.
- 11) **Fisheries Monitoring Center (FMC)** – a land base component for fisheries monitoring control and surveillance which operates and maintains the Vessel Monitoring Measure System.
- 12) **Fishing days** – the number of days at sea spent by the vessel in the fishing ground which excludes the time for navigation from homeport to fishing ground and vice versa.
- 13) **Flag State** – the State which entitles the fishing vessel to fly its flag and records that fishing vessel in its registry of ships.

- 14) **Fishing vessel** – any boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, transportation and/or processing.
- 15) **Group Seine** – purse seine/ring net boats operating as a group, consisting of a catcher boat without fish hold capacity and its support vessels, such as carrier boats, ranger and light boats.
- 16) **High Seas (HS)** - the area beyond Philippine waters which does not belong to the jurisdiction of any other State.
- 17) **International Maritime Organization (IMO) Number** - is a unique number assigned to propelled vessels.
- 18) **Landing Declaration** – a document filled-out and signed by the Master of the Philippine-flagged fishing vessel that contains information pertaining to fishing activity, such as, but not limited to, name of landing vessel, date/s of landing, name of port, species and quantity of fish catch.
- 19) **Longline** – refers to a drift longline targeting tuna and other large pelagic species. It is a type of hook-and-line gear where hooks are connected to branch lines which are then attached to a long horizontal mainline at certain intervals.
- 20) **Matimatihan** – refers to the High Seas adjacent to the Philippines' Pacific Exclusive Economic Zone (EEZ), South of the Japanese EEZ and North of the Palau's EEZ.
- 21) **Purse Seine/Ring Net** - a form of encircling net having a line at the bottom passing through rings attached to the net, which can be drawn or pursed. In general, the net is set from a boat or pair of boats around the school of fish. The bottom of the net is pulled closed with the purse line. The net is then pulled aboard the fishing boat or boats until the fish are concentrated in the bunt or fish bag.
- 22) **Regional Fisheries Observer** – qualified personnel trained by BFAR and the WCPFC duly authorized by the Commission's Regional Observer Program to collect and record fisheries scientific data on fishing activities and monitor/report vessel compliance on the various CMMs by the WCPFC, IOTC and ICCAT and by BFAR's compatible measures.
- 23) **Special Fishing Permit (SFP)** - authorization granted by BFAR to fishing vessels to conduct fishing operation in High Seas as Special Management Area.

**Section 2. Scope and Application.** This Administrative Order covers all Philippine-flagged fishing vessels engaged in distant water fishing regardless of type.

**Section 3. Compliance.** Philippines-flagged vessels fishing in High Seas and waters of other Coastal States shall comply with the monitoring, control and surveillance requirements, conservation and management measures, and fishing access condition of the Department, the RFMO, and the Coastal states where they intend to operate.

**Section 4. Vessel Listing.** BFAR shall maintain an updated list of all fishing vessels operating in the High Seas area based on the issuance of the Distant Water Fishing Permit (DWFP) to be submitted to the concerned RFMOs Records of Fishing Vessel and will be made available to members and other concerned stakeholders through a dedicated website, [www.bfar.da.gov.ph](http://www.bfar.da.gov.ph).

**Section 5. Vessel Marking and Specifications.** Fishing vessels operating in the High Seas or international waters shall comply with the vessel marking and specification requirements of the RFMO that governs that area. Fishing vessels operating in the waters of other Coastal States shall comply with the vessel marking and specification requirements of that Coastal State. However, the International Radio Call Sign, as stated in the Ship Station License issued by the Philippine competent authority, shall be marked on the fishing vessel in accordance with the standards of the Food and Agriculture Organization.

**Section 6. Observer Coverage.** All catcher vessels operating in the High Seas area shall have 100% Regional Observer coverage in accordance with FAO 261, Series of 2018 and WCPFC CMM 2021-01 or its replacement measure. Fishing vessels operating in waters of other Coastal States shall comply with the observer coverage requirement of that Coastal State.

**Section 7. Vessel Monitoring Measure and Electronic Reporting System.** All catcher and carrier vessels shall be equipped with and shall operate a two-way Automatic Location Communicator and e-reporting in accordance with FAO 260, Series of 2018. Lightboats shall also be equipped with a one-way ALC or as maybe required by the Coastal States.

**Section 8. Timely Reporting of Catch and Entry/Exit Notification.**

- 1) The Master of the catcher vessel shall record its catches in the prescribed logsheet and shall submit it to BFAR on a monthly basis. The owner or authorized representatives shall ensure the accuracy and timeliness of the submission of the logsheet to BFAR.
- 2) The owner or authorized representative of the vessel shall notify BFAR through electronic or any other means at least 24 hours prior to departure from their homeport, 24 hours prior to entry and no more than 6 hours prior to exiting the High Seas area and other Coastal States wherever applicable. Likewise, as maybe applicable, transmission of this information to concerned adjacent Coastal States/Territories and concerned RFMOs shall be required when transiting in their respective area of jurisdiction.

- 3) The report should be in the following format: "VID/Entry or Exit: Date/Time; Lat/Long."
- 4) The vessels operating in the High Seas area should report sightings of any fishing vessel to BFAR who shall transmit the same to the WCPFC/concerned RFMOs Secretariat. Such information shall include vessel type, date, time, position, markings, heading and speed.

**Section 9. Nature of Access Right.** Any transfer of access right or replacement of vessel covered by this Order shall be subject to the prior notification and approval of BFAR and shall be based on the same conditions and criteria as provided herein, otherwise the transfer shall be considered void. Transfer or sale of an existing vessel operating legally in the area shall include the right to fish where applicable, except when the buyer is not qualified under any existing law or regulation.

## **CHAPTER II MEASURES FOR HIGH SEAS**

### **Section 10. Measures in the WCPFC High Seas**

#### **1) Measures for Group Seine**

##### **a) Group seine (purse seine and ringnet) in High Seas Pocket No. 1 (HSP1)**

The measure to apply for group seining in HSP1 shall be in accordance with the Attachment 2 of CMM 2021-01 and FAO 245-4 series of 2018 or its replacement measure, which provides for the operation of 36 Philippine registered group seine fishing vessels granted access to the High Seas Pocket No. 1 Special Management Area, having gross tonnage of not more than 250 GT issued with Distant Water Fishing Permits, Special Fishing Permit and listed in the WCPFC Record of Fishing Vessels.

##### **b) Group seine (purse seine and ringnet) in the High Seas Adjacent to Philippine Pacific EEZ (Matimatihan)**

i) Fishing effort in Matimatihan shall be limited to 5,460 fishing days which is a portion of the total 42,000 fishing days purse seine/ringnet limit in the Philippines Pacific EEZ and Adjacent High Seas.

(1) Total fishing days (5,460 fishing days) shall be allocated among authorized vessels;

(2) Allocation shall be given to vessels with valid DWFP in the area;

(3) Each of the authorized vessel shall be monitored with the BFAR IMEMS. The vessels shall be advised when 90% of the total fishing days have been

used and shall be directed to return to port before the total fishing days are consumed.

ii) The following measures shall also apply:

- (1) FAO 261, Series of 2018- Rules and Regulations on Fisheries Observer Program (FOP) in the Philippines and in Distant Water Fishing Targeting Straddling and Highly Migratory Stocks;
- (2) FAO 260, Series of 2018- Rules and Regulations on the Implementation of Vessel Monitoring Measures (VMM) and Electronic Reporting System (ERS) for Commercial Flagged Fishing Vessels Targeting Straddling and Highly Migratory Fish Stocks;
- (3) FAO 244, Series of 2012- National Tuna Fish Aggregating Device (FAD) Management Policy; and
- (4) FAO 198-1, Series of 2018- Amended Rules and Regulations on Registration and Licensing of Commercial Fishing Vessels, Fishing Gears and Fishworkers.

iii) Vessels are listed in the WCPFC Record of Fishing Vessel.

- c) Use of Fish Aggregating Device (FAD).** The use of FADs shall be governed by the provisions of FAO 244 on National Tuna Fish Aggregating Device (FAD) Management Policy. FAD Closure shall be consistent with Attachment 2 of CMM 2021-01 or its succeeding CMM when available.
- d) Purse seine and Ringnet Mesh Size.** All purse seine and ringnet fishing vessels covered by this Order shall use net mesh size of not less than 3.5 inches starting at the mid-body to the entire wing for purse seine, while mesh size of not less than 3.5 inches at both wings for ring net and for purse seine or ringnet with symmetrical net design, the mesh size of the lower half of the net shall not be less than 3.5 inches. Provided, however, that the remaining parts of the net shall comply with the provisions of FAO 155-1 on Regulating the use of fine meshed nets in fishing.

## 2) Longline

- a)** The measure for longline shall be in accordance with paragraph 40 of CMM 2021-01 or its replacement measure, as follows:

*Each member that caught less than 2,000 tonnes in 2004 shall ensure that its bigeye catch does not exceed 2,000 tonnes annually;*

- b)** The limit includes catch in the Philippine EEZ;
- c)** This limit shall be proportionately allocated to the qualified vessels;

- d) Each subject vessel shall be notified when 90% of the allocated bigeye tuna catch has been met; and shall be ordered to return port when 99% of its limit has been reached; and
- e) The following measures shall also apply:
  - i) FAO 261, Series of 2018- Rules and Regulations on Fisheries Observer Program (FOP) in the Philippines and in Distant Water Fishing Targeting Straddling and Highly Migratory Stocks;
  - ii) FAO 260, Series of 2018- Rules and Regulations on the Implementation of Vessel Monitoring Measures (VMM) and Electronic Reporting System (ERS) for Commercial Flagged Fishing Vessels Targeting Straddling and Highly Migratory Fish Stocks;
  - iii) FAO 198-1, Series of 2018- Amended Rules and Regulations on Registration and Licensing of Commercial Fishing Vessels, Fishing Gears and Fishworkers; and
  - iv) High Seas Entry-Exit reporting requirement to BFAR and WCPFC.

### 3) Handline

- a) The measure to apply for handline shall be in accordance with paragraph 47 of CMM 2021-01 or its replacement measure, as follows:

*“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 tropical tunas (bigeye, yellowfin and skipjack), shall not exceed either the average level for the period 2001-2004 or the level of 2004”.*

  - i) The limits for the Philippines shall be consistent with the baseline as provided for in “Other Fisheries” of the relevant WCPFC CMM;
  - ii) The limit in the High Seas shall be based on the balance or unutilized catch from the Philippine EEZ in the Pacific Seaboard;
  - iii) Catch shall be monitored based on Electronic Reporting System (ERS);
  - iv) All vessels shall be notified when 80% of the catch limit has been met; and,
  - v) All vessels shall be ordered to return to port when 95% of the catch limit has been attained.

**b) The following measure shall also apply:**

- i) FAO 260, Series of 2018- Rules and Regulations on the Implementation of Vessel Monitoring Measures (VMM) and Electronic Reporting System (ERS) for Commercial Flagged Fishing Vessels Targeting Straddling and Highly Migratory Fish Stocks;
- ii) FAO 244, Series of 2012- National Tuna Fish Aggregating Device (FAD) Management Policy; and
- iii) FAO 198-1, Series of 2018- Amended Rules and Regulations on Registration and Licensing of Commercial Fishing Vessels, Fishing Gears and Fishworkers.

**c) High Seas Entry-Exit reporting requirement to BFAR and WCPFC.**

**Section 11. Measures for all fishing gears in the High Seas of the IOTC, ICCAT and other RFMOs**

- 1) The measure for all vessels in the IOTC shall be in accordance with paragraphs 8 and 9 of IOTC Resolution 21-01, that provides for limits on yellowfin tuna.
  - a) Limits shall be allocated on a first-come-first-serve basis;
  - b) This limit shall be proportionately allocated to the qualified vessels; and
  - c) Each subject vessel shall be notified when 90% of the allocated yellowfin tuna catch has been met; and shall be ordered to return port when 99% of its limit has been reached.
- 2) The measure for all vessels in the ICCAT shall be in accordance with paragraph 4 of ICCAT Recommendation 21-01, that provides for limits on bigeye and yellowfin tuna.
  - a) Limits shall be allocated on a first-come-first-serve basis;
  - b) This limit shall be proportionately allocated to the qualified vessels; and
  - c) Each subject vessel shall be notified when 90% of the allocated bigeye and yellowfin tuna catch has been met; and shall be ordered to return port when 99% of its limit has been reached.
- 3) The following FAOs shall also apply:
  - a) FAO 261, Series of 2018- Rules and Regulations on Fisheries Observer Program (FOP) in the Philippines and in Distant Water Fishing Targeting Straddling and Highly Migratory Stocks;



- b) FAO 260, Series of 2018- Rules and Regulations on the Implementation of Vessel Monitoring Measures (VMM) and Electronic Reporting System (ERS) for Commercial Flagged Fishing Vessels Targeting Straddling and Highly Migratory Fish Stocks;
- c) FAO 244, Series of 2012- National Tuna Fish Aggregating Device (FAD) Management Policy; and
- d) FAO 198-1, Series of 2018- Amended Rules and Regulations on Registration and Licensing of Commercial Fishing Vessels, Fishing Gears and Fishworkers.

## **Section 12. Criteria and Procedure in the Allocation of Fishing Access in the High Seas**

- 1) Allocation will be based on limits provided for in the relevant RFMO Resolution and Conservation and Management Measures (catch, fishing days);
- 2) The current and historical fishing operations in the subject High Seas shall be one of the criteria in the allocation;
- 3) All interested persons, corporations or entities shall submit a formal Letter of Intent (LOI) addressed to the BFAR National Director upon the effectivity of this FAO indicating the details of the fishing vessels and their support vessels such as registered name, gross tonnage, and gear;
- 4) Allocation of fishing opportunity shall be provided in a separate document after a series of consultation;
- 5) A Notice of Acceptance shall be sent to the applicant and the date of receipt shall be the reckoning point of the three-month period within which to comply with the requirements herein; and
- 6) Failure to comply with all of the requirements within the said three-month period shall result to the forfeiture of the slot thus making it available to be raffled off to the other applicants in the preliminary list.

**Section 13. Monitoring of Port Landings.** All landings of vessels operating in the High Seas shall be made at the duly designated fishports operated by the Philippine Fisheries Development Authority (PFDA), landing centers covered by the National Stock Assessment Program (NSAP) or fishports operated by the Local Government Units (LGUs). Unloading in private ports can only be allowed when warranted and under exceptional circumstances (e.g. Fishport Closure). Corresponding catch logsheet shall be accomplished and submitted to BFAR to ensure that reliable catch data by species are collected for processing and analysis.

**CHAPTER III**  
**MEASURES FOR VESSELS OPERATING IN WATERS OF OTHER COASTAL STATES**

**Section 14. Requirements for Distant-Water Fishing.** Fishing vessels of Philippine registry with valid Commercial Fishing Vessel License may engage in distant-water fishing provided:

- 1) That the fishing vessel is registered with the RFMO and, where relevant, licensed by the Coastal State;
- 2) That the fishing vessel is compliant with the rules and regulations of the RFMO and/or Arrangements and, where relevant, the Coastal State which has jurisdiction over the waters where it operates;
- 3) That the fishing vessel is compliant with the safety, manning and other requirements of MARINA and other concerned agencies;
- 4) That the fishing vessel holds a valid Distant Water Fishing Permit (DWFP) and fishing authorization from the Coastal State; and
- 5) That the owner of the fishing vessel has provided the BFAR a copy of the authorization/permit/license of the Coastal State if the same has already been issued. Provided that, if the authorization has not been granted yet, a copy of such authorization shall be submitted to BFAR within thirty (30) days from its issuance.

The DWFP shall be issued by the BFAR National Director and shall be valid for a period of three (3) years provided that, the revocation, cancellation, and non-renewal for cause of any of the abovementioned requirements may be a ground to cancel or terminate the DWFP provided further, that any fish caught by such vessels shall be considered as caught in Philippine waters.

**Section 15. Documentary Requirements for the issuance of a Distant Water Fishing Permit (DWFP).**

- 1) A valid CFVL;
- 2) Duly accomplished DWFP application form;
- 3) Copy of the Coastal State authorization;
- 4) Ship Station License;
- 5) Payment of application fee of P3,000.00; and
- 6) Payment of permit fee of P5,000.00.

**Section 16. Vessel Days Scheme Monitoring Form (VDSMF).** The fishing companies shall submit to BFAR once a year the VDSMF which shall contain the following:

- 1) Names of the vessels operating in the WCPO;
- 2) VDS purchased by the fishing company from the Coastal States for every vessel

- for the immediately incoming fishing season;
- 3) VDS already used by the fishing company for every vessel from the immediately preceding fishing season;
  - 4) Specific fishing grounds for the operation of the fishing vessels; and
  - 5) Other restrictions imposed on the VDS purchased, if applicable.

BFAR shall closely monitor the number of VDS purchased by the fishing companies from the Coastal States and ensure that such allocations are not exceeded, and the accompanying restrictions are complied with.

BFAR shall ensure that the data derived from the VD SMF shall be considered sensitive technical information and shall remain confidential, except otherwise ordered by the BFAR-Adjudication Committee or any competent Philippine Court of Law.

**Section 17. Bilateral cooperation with Other Coastal or Port State.** To ensure effective monitoring of landing and transshipment at sea or at port, BFAR shall coordinate and cooperate with other Coastal or Port State in sharing information and documents related to landing and transshipment of catch by Philippine-flagged fishing vessels in waters or ports of that Coastal or Port State, which may, as far as practicable, include information on vessel days, observer reports, and reports of inspection during the conduct of transshipment/landing.

**Section 18. Inspection and Monitoring of Landings in Domestic Ports.** Catches of distant water fishing vessels shall be landed only in designated fishports under the jurisdiction of the PFDA; provided that, unloading of catches shall only be made in the presence of a Fish Inspector who shall validate the information stated in the landing declaration and other relevant documents pertaining to the fishing activities, including fishing permit/authorization, transshipment declaration, stowage plans, and logsheets. To ensure traceability, landings shall be inspected and monitored by BFAR, in coordination with the PFDA.

Provided further that in cases of congestion and other relevant emergencies, the PFDA and BFAR may authorize in writing the landing in PFDA-authorized extension ports.

Towards this end, the PFDA and BFAR shall formulate the procedure and determine the criteria in the accreditation of PFDA-authorized extension ports taking into account the provision of Section 32 of RA 8550, as amended, and the relevant food safety standards.

Provided furthermore, that the same authorization shall be subject to the same rules and regulations as if the same is landed in PFDA ports.

**Section 19. Inspection and Monitoring in Other Coastal States.** Philippine-flagged distant water fishing vessels conducting transshipment and/or landing in other Coastal States shall be subjected to risk-based monitoring and inspection by authorized BFAR Officers to check for compliance with traceability and food safety requirements and other existing applicable fishery laws, rules and regulations.

To ensure effective implementation of this requirement, government and private stakeholders shall enter into a cost-sharing arrangement. BFAR shall shoulder the salary and expenses of authorized BFAR Officers who will conduct the risk-based monitoring and inspection while the private stakeholders shall shoulder the per diems, travelling expenses and other incidental expenses for inspection requested by the concerned company.

BFAR shall formulate the standard operating procedure for the conduct of monitoring and inspection of transshipment and/or landing of Philippine-flagged fishing vessels in other Port States.

**Section 20. Declaration of Landing in Foreign Ports.** Philippine-flagged fishing vessels authorized to engage in distant-water fishing may land their catch in ports designated by the Port States subject to the following conditions:

- 1) Fishing companies shall notify BFAR of any landing in a foreign port, in writing by attaching a scanned copy of the signed document as well as submitting the following information to be sent through electronic means within twenty-four (24) hours before the scheduled landing date:
  - a) Name, registration number, and call sign of the fishing vessel;
  - b) Specific name of port;
  - c) Port State (if landing in foreign ports);
  - d) Scheduled date of landing;
  - e) Estimated quantity/volume of fish to be landed; and
  - f) Buyer, if applicable.
- 2) All landing of catches outside the Philippines must be conducted in ports designated by the port authority and must be covered by a Landing Declaration duly signed by the Master. The subject Landing Declaration where applicable shall be submitted to BFAR within forty-eight (48) hours after the completion of the landing.
- 3) Each transshipment in a foreign port shall be recorded by means of a declaration of transshipment which shall contain the following:
  - a) Name and flag of the transshipping vessel;
  - b) Name and flag of the receiving vessel;
  - c) Volume and Species of fish transshipped;
  - d) Date of transshipment; and
  - e) Name of Port

The declaration of transshipment shall be prepared by the Master of the fishing vessel. Both the Master of the transshipping vessel and the Master of receiving vessel shall sign such declaration.

**Section 21. Advance Notification.** Fishing companies shall notify BFAR when transshipment occurs at port and request authorization when transshipment occurs at sea in accordance with the Conservation and Management Measure (CMM) of the RFMOs and shall submit the following information twenty-four (24) hours before the scheduled transshipment:

- 1) Name, registration number and other identification of the transshipping vessel;
- 2) Name, registration number and other identification of the receiving vessel;
- 3) Transshipment date;
- 4) Specific name of transshipment port and Port State; and
- 5) Estimated quantity/volume and species of fish to be transshipped.

The request for authorization shall be deemed approved if within twelve (12) hours from notice no response is received.

The Master/Captain of the Philippine-flagged vessel shall provide BFAR a copy of Transshipment Declaration within forty-eight (48) hours after completion of the transshipment operation.

#### **CHAPTER IV PROHIBITED ACTS AND PENALTIES**

**Section 22. Prohibitions and Penalties.** Fishing vessels found to have committed the following prohibited acts shall be imposed with the corresponding penalties stated herein.

- 1) For the purpose of this Order, the following are considered serious violations:
  - a) Engaging in distant-water fishing without Distant Water Fishing Permit;
  - b) Engaging in distant-water fishing in a Coastal State without authorization from that Coastal State;
  - c) Engaging in distant-water fishing without Fisheries Observer onboard as required by the RFMO or the Coastal State;
  - d) Engaging in distant-water fishing with no functional ALC/MTU;
  - e) Intentionally switching off, disabling or tampering the ALC/MTU;
  - f) Intentional failure to report the catch or misreporting of catch;
  - g) Assaulting, resisting, intimidating, harassing, seriously interfering with, or unduly obstructing or delaying a fisheries law enforcer, authorized inspector or observer, or other duly authorized government officer;
  - h) Employing Unlicensed Fisherfolk, Fishworker or Crew;
  - i) Transshipment in the High Seas or transshipment in violation of the laws or regulations of the Philippines or the Coastal State;
  - j) Transshipment or landing of fish catch without permission from BFAR;
  - k) Non-compliance with applicable FAD Management Regulations;
  - l) Fishing with the use of prohibited or unauthorized gear;
  - m) Intentional setting despite the known presence of a Whale Shark or

intentionally fishing species prohibited by either the concerned RFMO or the Coastal State; and

- n) Landing in unauthorized ports or landing sites.

For violations from letters a to h, they shall be imposed with the penalties provided in the applicable provision of R.A. 10654 and the relevant above-cited FAOs.

For other violations stated above the imposable penalty, in addition to the immediate cancellation of Distant Water Fishing Permit, shall include payment of fine in the amount equivalent to five (5) times the value of the catch or the amount provided below, whichever is higher:

- a) Two hundred fifty thousand pesos (P250,000.00) to five hundred thousand pesos (P500,000.00) for small-scale commercial fishing;
  - b) Seven hundred fifty thousand pesos (P750,000.00) to one million pesos (P1,000,000.00) for medium-scale commercial fishing; and
  - c) One million two hundred thousand pesos (P1,200,000.00) to three million pesos (P3,000,000.00) for large-scale commercial fishing.
- 2) The following acts not covered by the immediately preceding paragraphs shall also be punishable under this Order:
- a) Failure to submit Landing Declaration;
  - b) Failure to comply with prescribed vessel marking including marking of international call sign per FAO standards; and
  - c) Violation of prior notification requirement stated in Sections 10 and 12 of this Order.

For said violations, the following penalties shall be imposed:

- i) One hundred thousand pesos (P100,000.00) to two hundred thousand pesos (P200,000.00) for small-scale commercial fishing;
- ii) Two hundred thousand pesos (P200,000.00) to four hundred thousand pesos (P400,000.00) for medium-scale commercial fishing; and
- iii) Four hundred thousand pesos (P400,000.00) to six hundred thousand pesos (P600,000.00) for large-scale commercial fishing.

## CHAPTER V MISCELLANEOUS PROVISIONS

**Section 23. Creation of IUUF List of Vessels and Philippine nationals found to have supported IUUF.** An IUUF List of Vessels and Philippine nationals found to have supported IUUF is hereby established. A Philippine-flagged fishing vessel or Philippine national found to have committed a prohibited act/s under this Order for three (3) times shall be listed in the said List. Such List shall be posted in the BFAR website and shall be made accessible to the public.

**Section 24. Annual Review.** This measure or any part thereof shall be subject to annual review resulting from changes to the WCPFC Tropical Tuna Conservation and Management Measure or as maybe necessary.

**Section 25. Separability Clause.** If any section or provision of this Order or part thereof, is declared unconstitutional or invalid, the other sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

**Section 26. Repealing Clause.** All existing administrative orders, rules and regulations which are inconsistent with the provisions of this Order are hereby repealed or modified.

**Section 27. Transitory Provision.** This Order shall take effect three (3) months after publication in any newspaper of general circulation and upon registration with the Office of the National Administrative Register (ONAR).

Issued this 27th day of January, 2023 at Quezon City, Metro Manila, Philippines.

**DOMINGO F. PANGANIBAN**  
*Senior Undersecretary*  
Department of Agriculture



DA-CD-OSEC-AO20230127-00002

## **Annex A**

### List of Acronyms

1. **BFAR** -Bureau of Fisheries and Aquatic Resources
2. **DWFP**-Distant Water Fishing Permit
3. **ICCAT**-International Commission for the Conservation of Atlantic Tuna
4. **IOTC** -Indian Ocean Tuna Commission
5. **SOLAS** – Safety of Life at Sea
6. **WCPFC** – Western and Central Pacific Fisheries Commission





COMMISSION  
EIGHTEENTH REGULAR SESSION  
Electronic Meeting  
1 – 7 December 2021

---

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

---

Conservation and Management Measure 2021-01

**Commented [A1]:** The EU supports the proposal to use this text as basis for discussing and developing a new TT CMM.

PREAMBLE

*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;

**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);

**Commented [A2]:** EU: in our view this is not necessary, since the key document of reference is the Convention.

**Recognizing** that the Scientific Committee has:

**Commented [A3]:** EU: suggestion to update based on any new advise and taking into account the SKJ MP

(a) determined that the bigeye stock is not overfished and is likely not experiencing overfishing; and, re-iterated that the Commission could continue to consider measures to reduce fishing mortality from fisheries that take juveniles, with the goal to increase bigeye fishery yields and reduce any further impacts on the spawning biomass for this stock in the tropical regions; and recommended, as a precautionary approach, that the fishing mortality on bigeye should not be increased from the level that maintains spawning biomass at 2012-2015 levels until the Commission can agree on an appropriate target reference point;

(b) determined that the yellowfin stock is not overfished and is not experiencing overfishing, and that the stock is currently exploited at relatively low levels; recommended the Commission notes that further increases in yellowfin tuna fishing

mortality would likely affect other stocks/species which are currently moderately exploited due to the multispecies/gears interactions in WCPFC fisheries taking yellowfin tuna; and recommended as a precautionary approach that the fishing mortality on yellowfin tuna stock should not be increased from the level that maintains spawning biomass at 2012-2015 levels until the Commission can agree on an appropriate target reference point; and

(c) determined that the skipjack stock is not overfished and is not experiencing overfishing, and is currently moderately exploited and the fishing mortality level is sustainable; at the same time, noted that fishing mortality is continuously increasing for both adult and juvenile while the spawning biomass reached the historical lowest level; and recommended that the Commission take appropriate management action to ensure that the biomass depletion level fluctuates around the target reference point (TRP) (e.g., through the adoption of a harvest control rule).

**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;

**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;

**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;

**Recognizing** the United Nations' Climate Change Sustainable Development Goal to "take urgent action to combat climate change and its impacts", and that climate change has particularly negative impacts on Small Island Developing States and Territories; and noting that Article 5 (c) of the Convention requires the application of the precautionary approach, and Article 5 (d) of the Convention requires the Commission to assess the impacts of fishing, other human activities and environmental factors on target stocks, non-target species, and species belonging to the same ecosystem or depend upon or associated with the target stocks;

**Noting** the SEAPODYM analyses presented to SC11, SC12 and SC13 on the projected impacts climate change will have on tuna distribution, larval numbers and stock biomass, the WCPFC needs to build resilience into the medium and long-term planning and manage WCPO fish stocks in a precautionary manner, and Article 30(2)(c) of the Convention requires the Commission to ensure there is no disproportionate burden of conservation action on developing States, Parties and Territories;

**Commented [A4]:** EU: suggestion to add more recent references.

**Adopts** in accordance with Article 10 of the Convention, the following Conservation and Management Measure with respect to the skipjack (*Katsuwonus pelamis*), yellowfin (*Thunnus albacares*) and bigeye (*Thunnus obesus*) tuna stocks in the Western and Central Pacific Ocean:

## PURPOSE

1. This measure is intended and designed to support fisheries for skipjack tuna, bigeye tuna, and yellowfin tuna in the Convention Area that benefit CCMs and their communities, and to do so in a way that is fair to all Members and addresses the special requirements of developing States and Participating Territories. The measure's provisions are based on the interim stock-specific objectives below, as well as other relevant provisions of the Convention and decisions of the Commission. As the harvest strategies for the tropical tuna stocks and/or their associated fisheries are developed, the objectives and provisions of the Measure will be amended accordingly.

**Commented [A5]:** EU: suggestion to add reference to the SKJ MP.

## 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.

**Commented [A6]:** EU: suggestion to inform the Commission about such measures if they exist to allow better informed decisions.

### **Small Island Developing States**

5. With the exception of paragraphs 14-24, 29, 31-36, and 47-50, 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 37-38 and 42-46, attribution of catch and effort shall be to the flag State, except that catches and effort of vessels notified as chartered under CMM 2021-04 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.

**Commented [A7]:** EU: it is still not fully clear what this provision entails and to whom it applies.

9. For purposes of paragraphs 37-38 and 42-46, 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 2021-04 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**

### **Bigeve**

11. 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**

12. 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.

**Commented [A8]:** EU: suggestion to refer to the MP

### **Yellowfin**

13. 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.

## **PURSE SEINE FISHERY**

### **FAD Set Management**

14. 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.<sup>1</sup>

**Commented [A9]:** EU: some clarification regarding the implementation of this footnote would be needed. We suggest that the Secretariat communicates any relevant information available.

15. In addition to the three-month FAD closure in paragraph 14, except for those vessels flying the Kiribati flag when fishing in the high seas adjacent to the Kiribati exclusive economic zone, 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 or November – December) shall be closed to setting on FADs by their fleets in the high seas for 2022, and 2023 and notify the Secretariat of that decision by March 1, each year. In case a CCM decides to change the notified period at any given year of the application of this CMM this shall be notified to the Secretariat before 1st March of that year.

16. The provisions of paragraphs 3 to 7 of CMM 2009-02 apply to the high seas FAD closures.

#### **Non-entangling FADs**

17. To reduce the risk of entanglement of sharks, sea turtles or any other species, as from 1<sup>st</sup> January 2024,<sup>2</sup> 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:

**Commented [A10]:** EU: suggestion to review based on SC and FADs WG advice/recs.

**Commented [A11]:** EU: Is this still needed?

(a) The use of mesh net shall be prohibited for any part of a FAD.

(b) If the raft is covered, only non-entangling material and designs shall be used.

(c) The subsurface structure shall only be made using non-entangling materials.

18. To reduce the amount of synthetic marine debris, CCMs shall encourage vessels flying their flag to use, or transition towards using, non-plastic and biodegradable materials in the construction of FADs.

19. The Scientific Committee shall continue to review research results on the use of biodegradable material on FADs, and shall provide specific recommendations to the Commission in 2022 including on a definition of biodegradable FADs, a timeline for the

<sup>1</sup> 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. The Secretariat shall provide each year to the Scientific Services Provider and TCC the list of fishing vessels that have not

<sup>2</sup> This timeframe may be extended where there are extraordinary circumstances which make implementation impossible. Due to legislative constraints, Indonesia will have an additional 2 years to implement subparagraph (a).

stepwise introduction of biodegradable FADs, potential gaps/needs and any other relevant information.

20. The Commission at its 2023 annual session, based on specific guidelines defined by the FAD Management Options Intersessional Working Group and advice from SC19 and TCC19 shall consider the adoption of measures on the implementation of biodegradable material on FADs.

#### **Instrumented Buoys**

21. 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.

**Commented [A12]:** EU: suggestion to introduce a more robust monitoring system for FADs.

applied the FAD closure in the previous year, as well as, their respective numbers of FADs sets during the FADs closure.

22. CCMs shall also encourage vessels to:

- (a) responsibly manage the number of drifting FADs deployed each year;
- (b) carry equipment on board to facilitate the retrieval of lost drifting FADs;
- (c) make reasonable efforts to retrieve lost drifting FADs; and
- (d) report the loss of drifting FADs, and if the loss occurred in the EEZ of a coastal State, report the loss to the coastal State concerned.

23. The Commission at its 2023 meeting based on consideration of the FAD Management Options Working Group shall review the effectiveness of the limit on the number of FADs deployed as set out in paragraph 21 and whether the current limit of 350, or any limit, is appropriate and provide advice on the monitoring of FADs.

#### **Zone-based purse seine effort control**

24. 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 2022.

### **High seas purse seine effort control**<sup>3</sup>

25. CCMs that are not SIDS 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**.

26. 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 and/or north of 20°N.

27. 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. The Commission commits to transitioning to a more equitable allocation framework for high seas fishing opportunities that takes into account Articles 8, 10 (3) and 30 of the Convention. The Commission will commence a process to develop that framework in 2022, to enable the Commission to reach agreement in 2023 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 takes 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.

28. Where the catch and effort limits in paragraphs 24 and 25 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.

### **Catch retention: Purse Seine Fishery**

29. 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.

---

<sup>3</sup> Throughout this measure, in the case of small purse seine fleets, of five vessels or less, the baseline level of effort used to determine a limit shall be the maximum effort in any period and not the average.

**Commented [A13]:** EU: suggestion to discuss this in conjunction with para 24, since TTs do not recognise the man-made limits between HS and EEZs.



30. Nothing in paragraphs 14-16 and 29 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**

31. 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 35.

32. 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).

33. 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.

34. 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.

**Commented [A14]:** EU: it would be useful to know if this is this implemented and how.

35. 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**

36. 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**

**Commented [A15]:** Suggestion to rediscuss possible arrangements for catch retention in the LL fishery.

37. 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.

38. 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.

39. 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.

40. 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.

41. The Commission commits to transitioning to a more equitable allocation framework for fishing opportunities that takes into account Articles 8, 10 (3) and 30 of the Convention. The Commission will commence a process to develop that framework in 2022, to enable the Commission to reach agreement in 2023 on hard limits for bigeye amongst all Members and Participating Territories.

## **CAPACITY MANAGEMENT FOR PURSE SEINE AND LONGLINE VESSELS**

### **Purse Seine Vessel Limits**

42. CCMs, other than Small Island Developing States and Indonesia<sup>4</sup>, 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.

43. 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.

### **Limits on Longline Vessels with Freezing Capacity**

44. CCMs, other than Small Island Developing States and Indonesia<sup>5</sup>, shall not increase the number of their longline vessels with freezing capacity targeting bigeye tuna above the applicable level under CMM 2013-01.<sup>6</sup>

**Commented [A16]:** EU: are these f/v unambiguously defined?

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

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

<sup>6</sup> 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.

### **Limits on ice-chilled longline vessels landing fresh fish**

45. CCMs, other than Small Island Developing States and Indonesia<sup>7</sup> 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.<sup>8</sup>

**Commented [A17]:** EU: same as above regarding "targeting".

46. 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**

47. 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 tropical tunas (bigeye, yellowfin and skipjack), shall not exceed either the average level for the period 2001-2004 or the level of 2004.

**Commented [A18]:** EU: this might need to be updated based on advice from SC/TCC.

### **DATA PROVISION REQUIREMENTS**

48. 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.<sup>9 10</sup>

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

---

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

<sup>8</sup> 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.

<sup>9</sup> 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.

<sup>10</sup> 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.

50. 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**

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

52. This measure replaces CMM 2020-01. This measure shall come into effect on 16 February 2022 and remain in effect until 15 February 2024 unless earlier replaced or amended by the Commission.

**Attachment 1**

**Table 1: EEZ purse seine effort limits [paragraph 24]**

*(Table updated with information provided to Secretariat)*

| 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                                |   |
| Fiji                    | 300 days                                  |   |
| Niue                    | 200 days                                  |   |
| Samoa                   | 150 days                                  |   |
| Tonga                   | 250 days                                  |   |
| Vanuatu                 | 200 days                                  |   |
| Australia               | 30,000 mt SKJ<br>600 mt BET<br>600 mt YFT |   |
| French Polynesia        | 0   |   |
| Indonesia               | 70,820 mt                                 |   |
| Japan                   | 1500 days                                 |   |
| Korea                   | *   |   |
| New Zealand             | 40,000 mt SKJ                             |   |
| New Caledonia           | 20,000 mt SKJ                             |   |
| Philippines             | *   |   |
| Chinese Taipei          | 59 days<br>(~34 purse seine vessels)      |   |
| 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**.

CMM 2021-

**Table 2. High seas purse seine effort control [paragraphs 25-27]**

| 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**.

**Commented [A19]:** EU: in our view this table should include all CCMs that participate in this fishery. It might require some consideration of the limits in Table 1.

**Table 3. Bigeye Longline Catch Limits [paragraphs 37-39]**

| 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.

**01 Attachment 2**

**Attachment 2: Measure for Philippines**

#### **CMM 2021-**

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 (SMA) 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 HSP-1 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.

#### **01 Attachment 2**

#### **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.

**CMM 2021-**

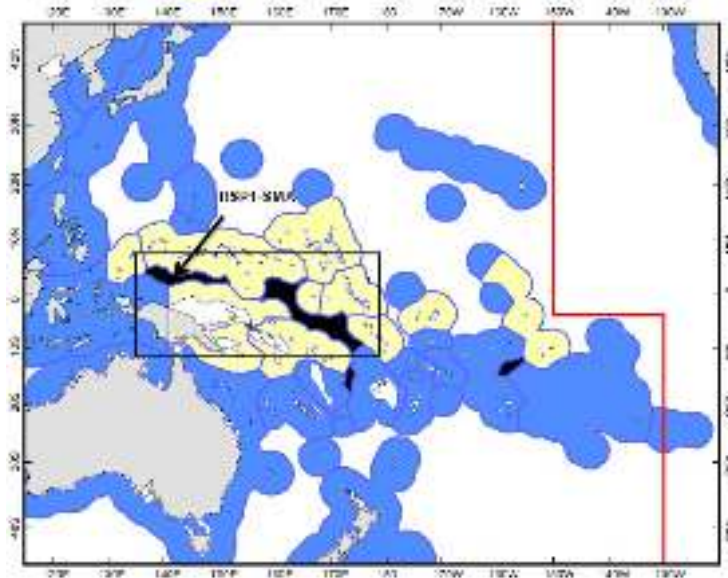
**COMPLIANCE**

9. All vessels conducting their fishing activities pursuant to this Attachment to CMM 2021-01 shall comply with all other relevant CMMs. Vessels found to be non-compliant with this decision shall be dealt with in accordance with CMM 2019-07 or its replacement CMM, and any other applicable measure adopted by the Commission.

**EFFORT LIMIT**

10. The total effort of these vessels shall not exceed 4,659<sup>11</sup> days. The Philippines shall limit its fleet to 36 fishing vessels (described by the Philippines as catcher fishing vessels) in the HSP-1 SMA.

**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.

---

\_\_\_\_\_

<sup>11</sup> Reference Table 2(b), WCPFC9-2012-IP09\_rev3



(Comments from the EU)

“Regarding your question on the “limits” we suggest that for PS and PL could be provided by the upper limit deriving from the SKJ MP starting from the status quo conditions. Regarding the LL we suggest to explore combinations of PS/PL effort and LL catch to see the outcome in terms of depletion and interim objectives as in CMM2021-01.

As far as the allocation framework is concerned, we believe that it is important to remain open to a range of options available to us, noting in particular the obvious interlinks between HS and EEZs that would need to be taken duly into account.”



30 March 2023

Dr. Josie Tamate  
Chair  
Western and Central Pacific Fisheries Commission

Dear Dr Tamate,

**PNA AND TOKELAU RESPONSE TO THE WCPFC CHAIR'S PROPOSALS FOR REVISION OF THE TROPICAL TUNA MEASURE**

Thank you for your letter of 27 February on Revisions to the Tropical Tuna Measure, and your invitation to provide views and comments on your proposals.

PNA and Tokelau welcome the thoughtful proposals in your document and consider this document can form the basis for the initial discussions.

Please find attached the response of PNA and Tokelau to your proposals for revision of the Tropical Tuna Measure.

PNA and Tokelau look forward to working with you to make substantial early progress on this important work with other CCMs and the WCPFC Secretariat.

Yours sincerely,

Dr. Christain Ramofafia  
PNA Chair

**PNA AND TOKELAU RESPONSE TO THE WCPFC CHAIR'S PROPOSED  
APPROACH TO REVISIONS OF THE TROPICAL TUNA MEASURE**

- 1) **Chair's proposals are in blue.**
- 2) **PNA and Tokelau responses to the Chair's Responses to the Chair are in green.**

**General Comment**

**PNA and Tokelau support the comments provided by the FFA. We note that the major new element needing consideration in 2023 is the need to implement the skipjack Management Procedure (MP). This requires hard limits for skipjack fisheries, including hard limits for PS effort in the high seas, at a level consistent with the MP. In addition, the provisions of the TTM will need to be consistent with the skipjack MP, otherwise the MP may need to be revised.**

**Responses to the Chair's proposals on specific paragraphs of the TTM are set out below.**

---

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

---

**Conservation and Management Measure 2021-01**

**PREAMBLE**

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

[Chair's proposal: The following preambular paragraphs will require revision in light of SC advice. An additional preambular paragraph referring to CMM 2022-01 on a Management Procedure for WCPO Skipjack Tuna may be considered. Other preambular paragraphs may remain unchanged]

**PNA and Tokelau Response: agree that the paragraphs referring to bigeye and yellowfin may require revision if the SC advice changes following SC consideration of the bigeye and yellowfin assessments and the peer review of the yellowfin assessment. PNA and Tokelau understand that there is no agreed SC advice on skipjack at this point.**

**Recognizing** that the Scientific Committee has:

- (a) determined that the bigeye stock is not overfished and is likely not experiencing overfishing; and, re-iterated that the Commission could continue to consider measures to reduce fishing mortality from fisheries that take juveniles, with the goal to increase bigeye fishery yields and reduce any further impacts on the spawning biomass for this stock in the tropical regions; and recommended, as a precautionary approach, that the fishing mortality on bigeye should not be increased from the level that maintains spawning biomass at 2012-2015 levels until the Commission can agree on an appropriate target reference point;
- (b) determined that the yellowfin stock is not overfished and is not experiencing overfishing, and that the stock is currently exploited at relatively low levels; recommended the Commission notes that further increases in yellowfin tuna fishing mortality would likely affect other stocks/species which are currently moderately exploited due to the multispecies/gears interactions in WCPFC fisheries taking yellowfin tuna; and recommended as a precautionary approach that the fishing mortality on yellowfin tuna stock should not be increased from the level that maintains spawning biomass at 2012-2015 levels until the Commission can agree on an appropriate target reference point; and
- (c) determined that the skipjack stock is not overfished and is not experiencing overfishing, and is currently moderately exploited and the fishing mortality level is sustainable; at the same time, noted that fishing mortality is continuously increasing for both adult and juvenile while the spawning biomass reached the historical lowest level; and recommended that the Commission take appropriate management action to ensure that the biomass depletion level fluctuates around the target reference point (TRP) (e.g., through the adoption of a harvest control rule).

**PURPOSE** [para 1: may remain unchanged]

**PNA and Tokelau Response: agree**

**PRINCIPLES FOR APPLICATION OF THE MEASURE** [paras 2 to 7 on compatibility, area of application and small island developing states may remain unchanged]

**PNA and Tokelau Response: agree in principle but there may need to be some changes to these paragraphs arising from the outcomes of consideration of the core issues.**

## **GENERAL PROVISIONS**

**Charter Arrangements** [paras 8 and 9 may remain unchanged]

**PNA and Tokelau Response: agree in principle but there may need to be some changes to these paragraphs arising from the outcomes of consideration of the core issues.**

**Overlap Area** [para 10 may remain unchanged]

**PNA and Tokelau Response: agree**

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

[Chair's proposal: The following paragraphs will require revision in light of SC advice and CMM 2022-01 on a Management Procedure for Skipjack Tuna]

### **Bigeye**

11. 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.

**PNA and Tokelau Response: agree: this para may need changing depending on SC advice. Otherwise, the para should be retained.**

### **Skipjack**

12. 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.

**PNA and Tokelau Response: agree: Possible revision:**

***12. The spawning biomass of skipjack tuna is to be maintained on average at a level consistent with the target reference point.***

### **Yellowfin**

13. 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.

**PNA and Tokelau Response: this para may need changing depending on SC advice. Otherwise, the para should be retained.**

## **PURSE SEINE FISHERY**

**FAD Set Management** [paras 14 and 16 may remain unchanged, depending on output of the management procedure for skipjack tuna. The date in para 15 will require updating]

**PNA and Tokelau Response: Para 14 will require revision if changes to LL bigeye limits in Table 3 change the balance between LL and PS fisheries, taking into account also the outcomes of the 2023 bigeye assessment.**

15. In addition to the three month FAD closure in paragraph 14, except for those vessels flying the Kiribati flag when fishing in the high seas adjacent to the Kiribati exclusive economic zone, 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 or November – December) shall be closed to setting on FADs by their fleets in the high seas for 2022, and 2023 and notify the Secretariat of that decision by March 1, each year. In case a CCM decides to change the notified period at any given year of the application of this CMM this shall be notified to the Secretariat before 1st March of that year.

**Non-entangling FADs** [para 17 may remain unchanged, subject to any extraordinary circumstances. Paras 18 to 20 may require updating in light of SC and TCC advice and consideration by the Commission in accordance with para 20]

**PNA and Tokelau Response: agree**

17. To reduce the risk of entanglement of sharks, sea turtles or any other species, as from 1<sup>st</sup> January 2024,<sup>1</sup> 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:

- (a) The use of mesh net shall be prohibited for any part of a FAD.
- (b) If the raft is covered, only non-entangling material and designs shall be used.
- (c) The subsurface structure shall only be made using non-entangling materials.

18. To reduce the amount of synthetic marine debris, CCMs shall encourage vessels flying their flag to use, or transition towards using, non-plastic and biodegradable materials in the construction of FADs.

19. The Scientific Committee shall continue to review research results on the use of biodegradable material on FADs, and shall provide specific recommendations to the Commission in 2022 including on a definition of biodegradable FADs, a timeline for the stepwise introduction of biodegradable FADs, potential gaps/needs and any other relevant information.

20. The Commission at its 2023 annual session, based on specific guidelines defined by the

---

<sup>1</sup> This timeframe may be extended where there are extraordinary circumstances which make implementation impossible. Due to legislative constraints, Indonesia will have an additional 2 years to implement subparagraph (a).

FAD Management Options Intersessional Working Group and advice from SC19 and TCC19 shall consider the adoption of measures on the implementation of biodegradable material on FADs.

**Instrumented Buoys** [paras 21 to 23 may require revision in light of consideration by Commission in accordance with para 23]

**PNA and Tokelau Response: agree**

**PNA and Tokelau are applying new FAD reporting requirements and will be applying requirements for FAD Tracking and FAD Buoy Registration from 1 January 2024. PNA and Tokelau could support compatible measures being applied by the Commission in the high seas.**

21. 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.

22. CCMs shall also encourage vessels to:

- (a) responsibly manage the number of drifting FADs deployed each year;
- (b) carry equipment on board to facilitate the retrieval of lost drifting FADs;
- (c) make reasonable efforts to retrieve lost drifting FADs; and
- (d) report the loss of drifting FADs, and if the loss occurred in the EEZ of a coastal State, report the loss to the coastal State concerned.

23. The Commission at its 2023 meeting based on consideration of the FAD Management Options Working Group shall review the effectiveness of the limit on the number of FADs deployed as set out in paragraph 21 and whether the current limit of 350, or any limit, is appropriate and provide advice on the monitoring of FADs.

**Zone-based purse seine effort control** [the date in para 24 may require updating.]

**PNA and Tokelau Response: agree**

24. 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 2022.

**High seas purse seine effort control**<sup>2</sup> [paras 25 and 27 will require revision. Paras 26 and 28 may remain unchanged]

---

<sup>2</sup> Throughout this measure, in the case of small purse seine fleets, of five vessels or less, the baseline level of effort used to determine a limit shall be the maximum effort in any period and not the average.

**PNA and Tokelau Response:**

- **PNA and Tokelau agree that paras 25 and 27 require revision.**
- **However, PNA and Tokelau consider that para 26 also requires revision.**
- **Adopting hard limits on all significant skipjack fisheries in the EEZs and high seas is necessary for the application of the skipjack MP.**
- **The skipjack MP cannot be applied without hard limits on purse seine effort in the high seas,**
- **If the overall limit for high seas purse seine effort exceeds the 2012 level, the skipjack MP will need to be revised accordingly.**

25. CCMs that are not SIDS 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**.

26. 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 and/or north of 20°N.

**PNA and Tokelau Response: The skipjack MP cannot be fully applied until there are comprehensive measures to limit fishing for skipjack in the high seas. This means all high seas, not just the tropical high seas. PNA and Tokelau propose that para 26 be revised to close the areas north of 20N and south of 20S to purse seine fishing that takes skipjack.**

27. 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. The Commission commits to transitioning to a more equitable allocation framework for high seas fishing opportunities that takes into account Articles 8, 10 (3) and 30 of the Convention. The Commission will commence a process to develop that framework in 2022, to enable the Commission to reach agreement in 2023 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 takes 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.

**PNA and Tokelau Response: support the FFA view that agreeing on a hard limit for tropical high seas purse seine effort and allocation of that limit should be the primary focus of the work on the TTM in 2023.**

28. Where the catch and effort limits in paragraphs 24 and 25 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.

**Catch retention: Purse Seine Fishery** [paras 29 and 30 may remain unchanged, subject to checking of cross-references]

**PNA and Tokelau Response: agree**



29. 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.

30. Nothing in paragraphs 14-16 and 29 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** [paras 31 to 35 may remain unchanged]

**PNA and Tokelau Response: agree**

**Research on Bigeye and Yellowfin** [paragraph 36 may remain unchanged]

**PNA and Tokelau Response: agree**

**LOONGLINE FISHERY** [paras 37 to 41 will require revision]

**PNA and Tokelau Response: agree that paras 37 to 41 require revision in the light of para 41. In addition, PNA and Tokelau propose additional paras will be required to apply additional monitoring arrangements for the LL fishery to ensure the effective monitoring of any agreed increases in LL bigeye catch limits as proposed by the FFA.**

37. 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.

**PNA and Tokelau Response: agree that para 37 requires revision in the light of para 41. However, we support the FFA view that consideration of the bigeye assessment and a TRP for bigeye is required as a basis for the application of para 41.**

38. 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.

39. 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.

40. 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.

41. The Commission commits to transitioning to a more equitable allocation framework for fishing opportunities that takes into account Articles 8, 10 (3) and 30 of the Convention. The Commission will commence a process to develop that framework in 2022, to enable the Commission to reach agreement in 2023 on hard limits for bigeye amongst all Members and Participating Territories.

## **CAPACITY MANAGEMENT FOR PURSE SEINE AND LONGLINE VESSELS**

**PNA and Tokelau Response: agree that paras 42 to 46 may remain unchanged.**

**Purse Seine Vessel Limits** [paras 42 to 43 may remain unchanged]

**Limits on Longline Vessels with Freezing Capacity** [para 44 may remain unchanged]

**Limits on ice-chilled longline vessels landing fresh fish** [paras 45 and 46 may remain unchanged]

## **OTHER COMMERCIAL FISHERIES** [para 47 may remain unchanged]

**PNA and Tokelau Response: PNA and Tokelau consider para 47 will need to be revised. The impact of fishing for skipjack by other commercial fisheries, including pole and line fisheries, has been a major issue in the framing of the skipjack MP. It follows that for consistency, there will need to be a reframing of the limits in para 47. Currently, these limits apply a collective limit for catches of bigeye, yellowfin or skipjack tuna. For consistency with the skipjack MP, at least for the pole and line fisheries, the skipjack components will need to be separated out from the bigeye and yellowfin limits.**

## **DATA PROVISION REQUIREMENTS** [paras 48 to 50 may remain unchanged]

**PNA and Tokelau Response: agree**

## **REVIEW AND FINAL PROVISIONS** [para 51 may remain unchanged. Para 52 will require updating]

**PNA and Tokelau Response: agree**

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

52. This measure replaces CMM 2020-01. This measure shall come into effect on 16 February 2022 and remain in effect until 15 February 2024 unless earlier replaced or amended by the Commission.

## Attachment 1

[Attachment 1 may require updating]

**PNA and Tokelau Response: this information should not need revision.**

**Table 1: EEZ purse seine effort limits [paragraph 24]**

*(Table updated with information provided to Secretariat)*

| 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                                |   |
| Fiji                    | 300 days                                  |   |
| Niue                    | 200 days                                  |   |
| Samoa                   | 150 days                                  |   |
| Tonga                   | 250 days                                  |   |
| Vanuatu                 | 200 days                                  |   |
| Australia               | 30,000 mt SKJ<br>600 mt BET<br>600 mt YFT |   |
| French Polynesia        | 0   |   |
| Indonesia               | 70,820 mt                                 |   |
| Japan                   | 1500 days                                 |   |
| Korea                   | *   |   |
| New Zealand             | 40,000 mt SKJ                             |   |
| New Caledonia           | 20,000 mt SKJ                             |   |
| Philippines             | *   |   |
| Chinese Taipei          | 59 days<br>(~34 purse seine vessels)      |   |
| 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 25-27]**  
 [Table 2 will require revision in light of changes to paragraphs 25-27]

**PNA and Tokelau Response: agree. The existing limits in Table 2 will need to be adjusted to include limits as agreed in para 27 for all Members and Participating Territories that adequately take into account the rights and interests of SIDS to participate fairly in high seas fisheries.**

| <b>CCM</b>  | <b>Effort Limit (Days)</b> |
|---|----------------------------|
| 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 37-39]**

[Table 3 will require revision in light of changes to paras 37-39]

**PNA and Tokelau Response: agree. The existing limits in Table 3 will need to be adjusted to include limits as agreed in para 41 for all Members and Participating Territories that adequately take into account the rights and interests of SIDS to participate fairly in high seas fisheries following consideration of the bigeye assessment and work on a TRP for bigeye.**

| 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**

[Attachment 2 may remain unchanged]

**PNA and Tokelau Response: agree**

(Comments from Canada)

Canada's priority is to ensure that the messaging in Paragraphs 40 of the current measure is retained in the new draft CMM. For ease of reference, Paragraph 40 reads:

"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"

## TTM Comments from Chinese-Taipei:

“At this stage, we have yet comments on specific paragraphs and will follow the Work Plan to participate the workshops to discuss all components, including purse seine and longline, to develop the TTM. Furthermore, we would also like to stress the need to rebalance the components in the CMM considering the sacrifice the longline fleets made in the past.”

(Japan's comments)

While para 25 and 27 (High seas purse seine effort control) are stated to "require revision", para 24 (Zone-based purse seine effort control) does not expect revisions, except for updating of the dates. Since these paragraphs treat effort limits, it would be better to treat them equally at least this stage.

Japan would like to suggest changing the note to para 24 from "the date in para 24 may require updating" to "para 24 will require revision", and similarly, add a note to Table 1 in the attachment 1: "Table 1 will require revision in light of changes to paragraphs 24".



## Republic of Korea's views on Tropical Tuna Measure

| Paragraph<br>(Element)   | Views   | Explanation/Rationale  |
|--|---|--|
| <p align="center"><b>14</b><br/><b>(3-month FAD Closure)</b></p>                             | <p>The stock status and management advice for bigeye and yellowfin tuna should also be considered in addition to the output of the skipjack MP. We expect that the 3-month FAD closure would be shortened to some extent in the event that the overall catch limit for bigeye tuna in longline fisheries is increased as a result of improved stock status.</p> <p>In this context, we request that the SSP include stock projections for different scenarios of reduced FAD closure(e.g. 10%, 20%, 30% reduction, etc.) in their analyses to be presented to SC19.</p> | <p>FAD sets in purse seine fisheries and the catch in longline fisheries are the two main factors that have the biggest impact on the stock status of bigeye tuna. Therefore, those elements should be dealt with as a package.</p>  |
| <p align="center"><b>15 and 16</b><br/><b>(2-month Additional high seas FAD Closure)</b></p> | <p>It is unclear to us whether or not vessels operating in support of purse seine vessels, such as carrier vessels, may retrieve FADs and/or instrumented buoys during the high seas FAD closure period.</p> <p>Para. 15 and 16 of CMM 2021-01 or CMM 2009-02 need to be revised in order to make this point clear.</p>   | <p>Self-explanatory</p>  |
| <p align="center"><b>21</b><br/><b>(Limit on FADs with instrumented Buoys)</b></p>           | <p>We expect that the maximum number of FADs that can be deployed with activated instrument buoys would be increased to some extent in the event that the overall catch limit for bigeye tuna in longline fisheries is increased as a result of improved stock status.</p>  | <p>Same as para. 14</p>  |
| <p align="center"><b>25 and 27</b><br/><b>(High seas Purse Seine Effort Control)</b></p>     | <p>We believe that the overall HS effort limit should be increased.</p> <p>In relation to the CCMs with effort limits set out in Attachment 1, Table 2, the historical level of effort in the years prior to 2010 must be considered.</p> <p>The Commission may consider allocating the same number of HS days to each purse seine vessel, once the total limit is agreed. Some considerations should be given to SIDS CCMs and transfers among CCMs should be allowed.</p>   | <p>The overall effort limit for HS is too small given the size of HS areas.</p> <p>Please refer to Figure 10 of WCPFC-SC17-2021/MI-IP-11 and the Korean paper submitted to TTMW2 (WCPFC-TTMW2-2021-DP01)</p> <p>This can be one way to reach an agreement and to avoid lengthy negotiations. Fishing opportunities should be commensurate with fishing capacity.</p> |

|  |   |  |
|--|---|--|
|  | <p>In setting the total PS effort limit for high seas, the Commission may wish to address the Philippines separately or in a different manner.</p>  | <p>We believe that the fishing activities conducted by the traditional fresh/ice chilled fishing vessels of Philippines would have less impact on the tropical tuna stocks when compared to large-scale industrial purse seine vessels.</p>                  |
| <p><b>37 to 41<br/>(Longline<br/>Fishery<br/>Bigeye tuna<br/>Catch Limits)</b></p> | <p>Subject to the bigeye tuna stock assessment in 2023 and management advice, the catch limits in Attachment 1, Table 3 should be increased by XX%.</p> <p>Catch limits should be commensurate with fishing capacity.</p> | <p>CCMs in Attachment 1, Table 3 reduced their bigeye tuna catch substantially for more than 10 years, contributing to the recovery of bigeye tuna stock. Their effort and sacrifice, and the improved stock status of bigeye tuna should be recognized.</p> |



**DEVELOPMENT OF A NEW TROPICAL TUNA MEASURE  
WORKSHOP 2 (TTMW2)  
Electronic Meeting  
6-10 September 2021**

---

**REPUBLIC OF KOREA'S VIEWS ON THE TROPICAL TUNA MEASURE**

---

**WCPFC-TTMW2-2021-DP01**

**6 August 2021**

**REPUBLIC OF KOREA**

## **Republic of Korea's Views on certain elements of Tropical Tuna Measure**

### **I. Current objectives and baseline periods versus new objectives**

#### **A. Bigeye and Yellowfin tuna**

We would like to reiterate our position expressed in the first workshop(TTMW1). The Republic of Korea sees the management objective and the associated total allowable catch/effort level as a package, and believes that the Commission should agree on management objectives which would lead to certain level of increases of fishing opportunities from the baseline(2016-2018), at least for a short-term time frame.

For both bigeye and yellowfin tuna, CMM 2020-01 specifies that, pending agreement on a TRP, 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. According to the SSP(WCPFC-SC17-2021/MI-WP-01), achieving that depletion level for bigeye tuna implies increases in fishing from 2016-2018 levels by 38%(recent recruitment) and 22%(long-term recruitment). For yellowfin tuna, it implies increased fishing by 29%.

An appropriate level of increases in fishing should be decided taking account of various factors including socio-economic implications.

#### **B. Skipjack tuna**

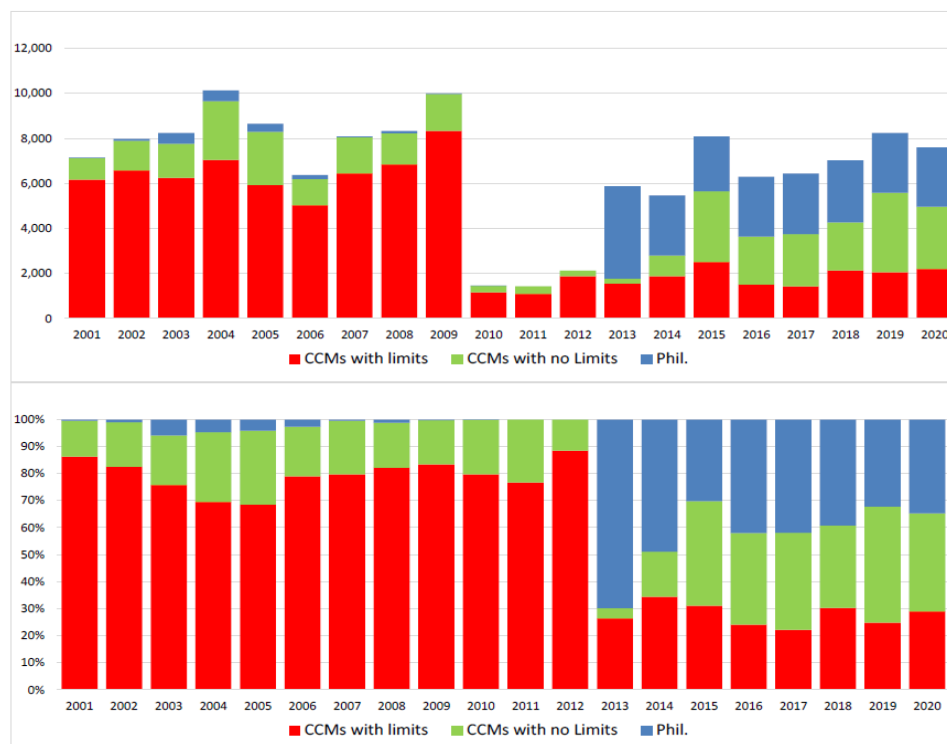
CMM 2020-01 specifies that the spawning biomass of skipjack tuna is to be maintained on average at a level consistent with the interim target reference point of 50% of the spawning biomass in the absence of fishing. According to 2019 stock assessment,  $SB/SB_{F=0}$  for 2012 is 42% and the fishing efforts(sum of days fished in EEZ and high seas) in recent years were lower than those of 2012. Given that the risk of breaching the LRP is 0% under all depletion levels examined(i.e. 36% to 50%), 50% seems to be an overly ambitious target which may result in constraining fishing effort more than necessary or hamper the optimum utilization of the skipjack tuna resources. We believe that a TRP of around 40% of  $SB_{F=0}$  or 2012 level could be an option for the management objective.

However, maintaining the spawning biomass of skipjack tuna at 2012 level does not necessarily mean that the level of fishing in the respective fisheries should be the same as or similar to those in 2012. We may refer to the total fishing effort or catch of 2012 in setting the TRP or management objective but the management options for each fishery should be carefully examined and adjusted because 2012 is one of the unusual years when the high seas were closed to purse seine fisheries. This would require further discussions.

## II. Balance between fisheries and high seas effort control

We do not have any specific comments to make at this point on the balance between purse seine and longline fisheries with regards to fishing opportunities but when it comes to MCS measures, it is quite natural from our perspective to have additional or more stringent measures for purse seine fishery because it usually accounts for around 70% of the total WCPO tuna catch while longline fishery accounts for 10% or so. Nevertheless, in any case, we are open to discussions on necessary MCS measures for both purse seine and longline fisheries.

Apart from the balance between purse seine and longline fisheries, we believe that the Commission should pay keen attention to the changes in the purse seine effort in high seas over the two decades. The proportion of fishing efforts in high seas versus EEZs used to be approximately 20:80 but this balance was broken when the high seas pockets were closed to purse seine fisheries in 2010, 2011 and 2012. The proportion changed to 3.5:96.5 on average during this period. This period was also referred to in setting the high seas purse seine effort limits in the tropical tuna CMM. As a result, certain CCMs had to reduce their purse seine effort in the high seas by 80~90% from their historical level while some other CCMs fished without any limit. Figure 10 of WCPFC-SC17-2021/MI-IP-11 demonstrates the overall situation well :



**Figure 10. Purse seine effort in high seas (20°N–20°S), by fleet category.**

(days fished—top and percentage days fished—bottom)

(Refer to NOTES under TABLE 2 above)

*“CCMs with no limits” are Pacific Island fleets fishing in high seas adjacent to their home waters;  
Philippines effort data prior to 2013 are not available or underreported)*

The Republic of Korea expresses its concern about this very unfair and unreasonable situation. While we agree that all CCMs need to fish in the high seas, the levels of reduction or sacrifice that certain CCMs had to make were unreasonably excessive and their fishing opportunities in the high seas should be restored to some extent, if not totally. We also note that this is an issue that has to do with the agenda item “Hard limits and allocation” as well.

### **III. FAD Management**

We would like to reiterate our position expressed in WCPFC15, WCPFC16 and TTMW1(WCPFC15-2018-DP17, WCPFC16-2019-DP16\_rev1 and WCPFC-TTMW1-2021-DP06 respectively). We are of the view that any floating object that does not have a tracking buoy attached shall not be considered to be a FAD for the purpose of FAD closure. Also, the existing FAD set prohibition rule(one nautical mile rule) is not realistic and creates a number of unintended non-compliance cases. Of course, the fishing vessels would be in a better position to comply with such a rule if the current definition of FAD is amended to include floating objects with tracking buoy attached only. A “1/2 nautical mile” may be a remedial option for the time being, as proposed by the United States of America already.

The Republic of Korea does not support the continuation of footnote 1 and paragraph 17 of CMM 2020-01 which create loopholes or open-ended exemptions. We are mindful of the special requirements of SIDS, i.e. Article 10 and 30 of the Convention and believe that the Commission should give a due consideration to SIDS CCMs when developing conservation and management measures. However, in our view, that does not necessarily mean that unconditional, open-ended exemptions should be provided to those CCMs. We would like to discuss with SIDS and other interested CCMs on what would be the best way to strike a balance between the two important elements, special requirements of SIDS and the long-term conservation and sustainable use of tropical tuna resources.

**CONSERVATION AND MANAGEMENT MEASURE FOR BIGEYE, YELLOWFIN  
AND SKIPJACK TUNA IN THE WESTERN AND CENTRAL PACIFIC OCEAN**  
**Conservation and Management Measure 2021-01**

**PREAMBLE**

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

[The following preambular paragraphs will require revision in light of SC advice. An additional preambular paragraph referring to CMM 2022-01 on a Management Procedure for WCPO Skipjack Tuna may be considered. Other preambular paragraphs may remain unchanged]

The United States supports the revision of the preambular paragraphs based on SC advice and the addition of language referring to the Management Procedure adopted in 2022 for WCPO skipjack.

**Recognizing** that the Scientific Committee has:

(a) determined that the bigeye stock is not overfished and is likely not experiencing overfishing; and, re-iterated that the Commission could continue to consider measures to reduce fishing mortality from fisheries that take juveniles, with the goal to increase bigeye fishery yields and reduce any further impacts on the spawning biomass for this stock in the tropical regions; and recommended, as a precautionary approach, that the fishing mortality on bigeye should not be increased from the level that maintains spawning biomass at 2012-2015 levels until the Commission can agree on an appropriate target reference point;

(b) determined that the yellowfin stock is not overfished and is not experiencing overfishing, and that the stock is currently exploited at relatively low levels; recommended the Commission notes that further increases in yellowfin tuna fishing mortality would likely affect other stocks/species which are currently moderately exploited due to the multispecies/gears interactions in WCPFC fisheries taking yellowfin tuna; and recommended as a precautionary approach that the fishing mortality on yellowfin tuna stock should not be increased from the level that maintains spawning biomass at 2012-2015 levels until the Commission can agree on an appropriate target reference point; and

(c) determined that the skipjack stock is not overfished and is not experiencing overfishing, and is currently moderately exploited and the fishing mortality level is sustainable; at the same time, noted that fishing mortality is continuously increasing for both adult and juvenile while the spawning biomass reached the historical lowest level; and recommended that the Commission take appropriate management action to ensure that the biomass depletion level fluctuates around the target reference point (TRP) (e.g., through the adoption of a harvest control rule).

**PURPOSE** [para 1: may remain unchanged]

United States supports

3

**PRINCIPLES FOR APPLICATION OF THE MEASURE** [paras 2 to 7 on compatibility, area of application and small island developing states may remain unchanged]

United States supports

The United States would like to ensure the use of terminology referring to SIDS and SIDS+

Territories is used consistently throughout the document.

## GENERAL PROVISIONS

**Charter Arrangements** [paras 8 and 9 may remain unchanged]

The United States may consider proposing changes to paragraph 9 specifically, therefore the United States would like to keep this paragraph open for consideration of potential revisions.

**Overlap Area** [para 10 may remain unchanged]

United States supports

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

[The following paragraphs will require revision in light of SC advice and CMM 2022-01 on a Management Procedure for Skipjack Tuna]

The United States supports revisions to par 11 - 13 based on updated output/advice from the SC and updating Skipjack tuna paragraph to be consistent with CMM 2022-01(as mentioned above).

### **Bigeve**

11. 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**

12. 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**

13. 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.

[**Note:** any revisions to CMM 2021-01 will need to take into account the output of the management procedure for skipjack tuna, as required by CMM 2022-01]

## PURSE SEINE FISHERY

**FAD Set Management** [paras 14 and 16 may remain unchanged, depending on output of the management procedure for skipjack tuna. The date in para 15 will require updating]

The United States would like to keep the option open for discussing paragraphs 14-16 (including footnote 1)

15. In addition to the three month FAD closure in paragraph 14, except for those vessels flying the Kiribati flag when fishing in the high seas adjacent to the Kiribati exclusive economic zone, 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 or November – December) shall be closed to setting on FADs by their fleets in the high seas for 2022, and 2023 and notify the Secretariat of that decision by March 1, each year. In case a CCM decides to change the notified period at any given year of the application of this CMM this shall be notified to the Secretariat before 1st March of that year.

**Non-entangling FADs** [para 17 may remain unchanged, subject to any extraordinary circumstances. Paras 18 to 20 may require updating in light of SC and TCC advice and consideration by the Commission in accordance with para 20]

The United States supports the Chair’s recommendation to update par 18-20 based on outcomes of SC and TCC and the output of the FAD Management Options Intersessional Working Group.

17. To reduce the risk of entanglement of sharks, sea turtles or any other species, as from 1<sup>st</sup> January 2024,<sup>1</sup> 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:

- (a) The use of mesh net shall be prohibited for any part of a FAD.
- (b) If the raft is covered, only non-entangling material and designs shall be used.
- (c) The subsurface structure shall only be made using non-entangling materials.

18. To reduce the amount of synthetic marine debris, CCMs shall encourage vessels flying their flag to use, or transition towards using, non-plastic and biodegradable materials in the construction of FADs.

19. The Scientific Committee shall continue to review research results on the use of biodegradable material on FADs, and shall provide specific recommendations to the Commission in 2022 including on a definition of biodegradable FADs, a timeline for the stepwise introduction of biodegradable FADs, potential gaps/needs and any other relevant information.

20. The Commission at its 2023 annual session, based on specific guidelines defined by the FAD Management Options Intersessional Working Group and advice from SC19 and TCC19 shall consider the adoption of measures on the implementation of biodegradable material on FADs.

**Instrumented Buoys** [paras 21 to 23 may require revision in light of consideration by Commission in accordance with para 23]

The United States supports revision of par 21 through 23 based on the outcomes of the FAD management options working group.

21. 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.

22. CCMs shall also encourage vessels to:

- (a) responsibly manage the number of drifting FADs deployed each year;
- (b) carry equipment on board to facilitate the retrieval of lost drifting FADs;
- (c) make reasonable efforts to retrieve lost drifting FADs; and

<sup>1</sup> This timeframe may be extended where there are extraordinary circumstances which make implementation impossible. Due to legislative constraints, Indonesia will have an additional 2 years to implement subparagraph (a).

5

(d) report the loss of drifting FADs, and if the loss occurred in the EEZ of a coastal State, report the loss to the coastal State concerned.

23. The Commission at its 2023 meeting based on consideration of the FAD Management Options Working Group shall review the effectiveness of the limit on the number of FADs deployed as set out in paragraph 21 and whether the current limit of 350, or any limit, is appropriate and provide advice on the monitoring of FADs.

**Zone-based purse seine effort control** [the date in para 24 may require updating.]

United States supports

24. 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 2022.

**High seas purse seine effort control**<sup>2</sup> [paras 25 and 27 will require revision. Paras 26 and 28 may remain unchanged]

The United States supports further discussions on par 25 and 27.

25. CCMs that are not SIDS 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**.

26. 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 and/or north of 20°N.

27. 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. The Commission commits to transitioning to a more equitable allocation framework for high seas fishing opportunities that takes into account Articles 8, 10 (3) and 30 of the Convention. The Commission will commence a process to develop that framework in 2022, to enable the Commission to reach agreement in 2023 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 takes 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.

28. Where the catch and effort limits in paragraphs 24 and 25 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.

**Catch retention: Purse Seine Fishery** [paras 29 and 30 may remain unchanged, subject to checking of cross-references]

United States supports

6

29. 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.

30. Nothing in paragraphs 14-16 and 29 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** [paras 31 to 35 may remain unchanged]

United States supports

### **Research on Bigeye and Yellowfin** [paragraph 36 may remain unchanged]

United States supports

### **LONGLINE FISHERY** [paras 37 to 41 will require revision]

Reviewing and revising paragraphs 37-41 and updating Table 3 are priorities for the United States. The United States would like to discuss options for increasing BET allocations in Table 3

The United States would like to work with members to develop a paragraph on Monitoring and Control of the longline fishery (similar to par 32 and 33 under Monitoring and Control: Purse Seine).

37. 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.

38. 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.

39. 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.

40. 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.

41. The Commission commits to transitioning to a more equitable allocation framework for fishing opportunities that takes into account Articles 8, 10 (3) and 30 of the Convention. The Commission will commence a process to develop that framework in 2022, to enable the Commission to reach agreement in 2023 on hard limits for bigeye amongst all Members and

Participating Territories.

## **CAPACITY MANAGEMENT FOR PURSE SEINE AND LONGLINE VESSELS**

**Purse Seine Vessel Limits** [paras 42 to 43 may remain unchanged]

United States supports

**Limits on Longline Vessels with Freezing Capacity** [para 44 may remain unchanged]

United States supports

**Limits on ice-chilled longline vessels landing fresh fish** [paras 45 and 46 may remain unchanged]

United States supports

**OTHER COMMERCIAL FISHERIES** [para 47 may remain unchanged]

The United States anticipates needing to have a discussion on par 47 related to Indonesia's large fish handline fishery and setting an agreed upon limit.

**DATA PROVISION REQUIREMENTS** [paras 48 to 50 may remain unchanged]

United States supports

**REVIEW AND FINAL PROVISIONS** [para 51 may remain unchanged. Para 52 will require updating]

The United States supports the updating of para 52 including discussions on the length of implementation of the CMM.

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

52. This measure replaces CMM 2020-01. This measure shall come into effect on 16 February 2022 and remain in effect until 15 February 2024 unless earlier replaced or amended by the Commission.



### Attachment 1

[Attachment 1 may require updating]

United States supports updating Attachment 1

**Table 1: EEZ purse seine effort limits [paragraph 24]**

*(Table updated with information provided to Secretariat)*

| 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                                   |   |
| Fiji                    | 300 days                                     |   |
| Niue                    | 200 days                                     |   |
| Samoa                   | 150 days                                     |   |
| Tonga                   | 250 days                                     |   |
| Vanuatu                 | 200 days                                     |   |
| Australia               | 30,000 mt<br>SKJ 600 mt<br>BET<br>600 mt YFT |   |
| French Polynesia        | 0  |   |
| Indonesia               | 70,820 mt                                    |   |
| Japan                   | 1500 days                                    |   |
| Korea                   | *  |   |
| New Zealand             | 40,000 mt SKJ                                |   |
| New Caledonia           | 20,000 mt SKJ                                |   |
| Philippines             | *  |   |

|                   |                                      |  |
|-------------------|--------------------------------------|--|
| Chinese Taipei    | 59 days<br>(~34 purse seine vessels) |  |
| 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 25-27]**  
[\[Table 2 will require revision in light of changes to paragraphs 25-27\]](#)

### United States supports

|  |
|--|
| 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 <b>Attachment 2</b> . |

**Table 3. Bigeye Longline Catch Limits [paragraphs 37-39]**  
[\[Table 3 will require revision in light of changes to paras 37-39\]](#)

### United States supports

|                             |
|-----------------------------|
| 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

[Attachment 2 may remain unchanged]

United States supports

10

### Annex 2: Attachment H

#### Process to Negotiate a Revised Tropical Tuna Measure in 2023

##### Background

CMM2021-01 (Tropical Tuna Measure, TTM) remains in effect until February 15, 2024, and outlines timeframes for the Commission's agreement on (1) purse seine hard effort or catch limits in the high seas of the Convention Area and an allocation framework (para 27) and (2) longline hard limits for bigeye and an allocation framework (para 41) amongst all Members and Participating Territories by 2023.

The Measure requires that an allocation framework take into account Articles 8, 10 (3), and 30 of the Convention.

WCPFC 19 agreed that the process to revise the TTM will be based on 2021-01 without a complete overhaul, and at least two workshops will be needed to make progress towards the adoption of a revised TTM in 2023.

##### Work Plan

The process will be led by the Chair of the Commission, with the assistance of the Vice Chair of the Commission. The Secretariat and the Scientific Services Provider will assist the Chair, Vice Chair and CCMs throughout the process.

- **End of February, 2023** : The Chair will produce a document highlighting the areas of the TTM that need revisions (reference to scientific information, limits, allocation, etc).
- **End of March, 2023** : CCMs will provide feedback on the areas of the TTM that need revisions, and provide their views on relevant limits and allocation frameworks. CCMs will hold a virtual pre-workshop to have an initial exchange of views.

- **End of April, 2023** : The Chair will circulate the compilation of the feedback from CCMs, narrowing down options hard limits and their allocation and identify any additional information needs and issues to be considered at SC19.

providing a side-by-side comparison of different views on relevant limits and allocation frameworks. The objectives and agenda for the first workshop will be circulated by the Chair and agreed intersessionally by the end of May 2023.

- **End of June, 2023** : The first workshop will be held virtually. This workshop will focus on

- **August 2023** : SC19 will consider any issues related to the limits.

- **Beginning of October 2023** : The second workshop will be held (virtually / in person) to address remaining issues. This workshop will also determine the necessity of another workshop, and a contingency plan that could be adopted if no agreement can be reached at WCPFC 20 on the revision of the TTM.