



**Development of a Revised Tropical Tuna Measure Workshop 4
29 to 30 September 2023
Pohnpei, FSM, and online**

PNAO submission on proposed language to amend CMM 2021-01

**WCPFC-TTMW4-2023-DP02
9 September 2023**



PARTIES TO THE NAURU AGREEMENT

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8 September 2023

Dr. Josie Tamate
Chair
Western and Central Pacific Fisheries Commission
Pohnpei,
Federated States of Micronesia
96941

Dear Chair,

Subject: PNAO Submission on proposed language to amend the CMM 2021-01

I write to convey our response to your circular dated 22nd August 2023 (Circular No.: 2023/66), seeking specific drafting suggestions, from CCMs and Observers, for revisions to the tropical tuna measure, CMM 2021-01. This is provided without prejudice to the positions of the PNA Parties, either individually or collectively, prior to receiving the projection analysis requested of the Scientific Services Provider at SC19, to inform the discussions at the Development of a Revised Tropical Tuna Measure Workshop 4 (TTMW4).

Our comments are broadly along three tracks, the first being proposed language to implement the skipjack management procedure (CMM 2022-01), the second to provide some general comments on relating the output of the skipjack management procedure to existing limits and lastly, specific proposals to increase longline monitoring and control elements of the measure. These elements are as we discussed with you earlier this year, when yourself and the Executive Director visited us at our Office in Majuro.

We trust this provides the necessary information to you, so that you can prepare a revised document that can form the basis of a revised tropical tuna measure discussion, at the Commission meeting in December.

Sincerely,

Dr. Sangaalofa Clark
Chief Executive Officer

General Comment:

The PNAO consider that the major new element needing consideration at TTMW4 is the implementation of the skipjack Management Procedure (MP). The PNAO note that the SC has recommended that the Commission take into consideration the successful running of the skipjack MP as outlined in SC19-MI-WP-01 and its output. Beyond that the SC has noted that the MP output “sets maximum effort in the purse seine and pole-and-line fisheries and maximum catches in all other fisheries to their respective baseline levels for the period 2024-2026, when implementing CMM 2022-01”. The PNAO takes this to mean that the SC considers the MP output needs to be applied to the MP fishery baseline levels in determining limits for 2024-26. This was not the understanding of the PNA and Tokelau. Our understanding was that the MP output, in this case 1, would be applied to the existing limits in the Tropical Tuna CMM. In that direction, the PNAO notes that the existing limits for skipjack fishing are not generally based on 2012 effort levels, and applying the approach proposed by the SC would require substantial reconsideration of the existing limits. With the existing CMM working effectively this is neither feasible this year nor desirable. In that context, the PNAO proposes that the MP output be applied to the existing limits in the CMM as a workable way forward.

CMM2021-01 Text	Chair's Comments + PNA and Tokelau Responses	Proposed Language
PREAMBLE		
<p>Recognizing that the Scientific Committee has:</p> <p>(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;</p> <p>(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</p>	<p>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.</p> <p>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.</p>	<p>Recognizing that the Scientific Committee has:</p> <p>(a) <u>advised that the interim management objective for bigeye tuna in CMM 2021-01, to maintain the spawning biomass depletion ratio at or above the average SB/SBF=0 for 2012-2015, is being achieved;</u> 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 take a precautionary approach, <u>and</u> 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;</p> <p>(b) <u>advised that the interim management objective for yellowfin tuna in CMM 2021-01, to maintain the spawning biomass depletion ratio at or above the average SB/SBF=0 for 2012-2015, is being achieved;</u> 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</p>

<p>biomass at 2012-2015 levels until the Commission can agree on an appropriate target reference point; and</p> <p>(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).</p>		<p>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 take a precautionary approach, and 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</p> <p>(c) determined that the first run of the skipjack management procedure was successfully carried out and its output scalar of 1, indicates fishing mortality be maintained at current levels for 2024-2026; 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 previously 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).</p>
<p>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</p>		<p>Acknowledging that the Commission has adopted CMM 2014-06 2022-03014-06 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</p>

objectives, adoption of reference points, and development of harvest control rules;		management objectives, adoption of reference points, and development of harvest control rules;
<p>PURPOSE</p> <p>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.</p>	<p>Chair's Proposal: para 1: may remain unchanged.</p> <p>PNA and Tokelau Response: Agree</p>	<p>PURPOSE</p> <p>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.</p>
<p>Compatibility</p> <p>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.</p>	<p>Chair's Proposal: paras 2 to 7 on compatibility, area of application and small island developing states may remain unchanged.</p> <p>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.</p>	<p>Compatibility</p> <p>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.</p>

<p>Area of Application</p> <p>3. This Measure applies to all areas of high seas and all EEZs in the Convention Area except where otherwise stated in the Measure.</p> <p>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.</p> <p>Small Island Developing States</p> <p>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.</p> <p>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.</p> <p>7. In giving effect to this CMM, the Commission shall pay attention to:</p> <p>(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;</p> <p>(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</p>		<p>Area of Application</p> <p>3. This Measure applies to all areas of high seas and all EEZs in the Convention Area except where otherwise stated in the Measure.</p> <p>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.</p> <p>Small Island Developing States</p> <p>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.</p> <p>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.</p> <p>7. In giving effect to this CMM, the Commission shall pay attention to:</p> <p>(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;</p> <p>(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</p>
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(c) the need to avoid adverse impacts on subsistence, small-scale and artisanal Fishers.		(c) the need to avoid adverse impacts on subsistence, small-scale and artisanal Fishers.
<p>Charter Arrangements</p> <p>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.</p> <p>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.</p>	<p>Chair’s Proposal: paras 8 and 9 may remain unchanged.</p> <p>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.</p>	<p>Charter Arrangements</p> <p>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.</p> <p>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.</p>
<p>Overlap Area</p> <p>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</p>	<p>Chair’s Proposal: para 10 may remain unchanged.</p> <p>PNA and Tokelau Response: Agree</p>	<p>Overlap Area</p> <p>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.</p>

measure apply to all vessels fishing in the overlap area.		
<p>Bigeye</p> <p>11. Pending agreement on a target reference point the spawning biomass depletion ratio (SB/SBF=0) is to be maintained at or above the average SB/SBF=0 for 2012-2015.</p>	<p>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.</p> <p>PNA and Tokelau Response: agree: this para may need changing depending on SC advice. Otherwise, the para should be retained.</p>	<p>Bigeye</p> <p>11. Pending agreement on a target reference point the spawning biomass depletion ratio (SB/SBF=0) is to be maintained at or above the average SB/SBF=0 for 2012-2015.</p>
<p>Skipjack</p> <p>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.</p>	<p>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.</p> <p>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.</p>	<p>Skipjack</p> <p>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. <u>The spawning biomass of skipjack tuna is to be maintained on average at a level consistent with the target reference point.</u></p>
<p>Yellowfin</p> <p>13. Pending agreement on a target reference point the spawning biomass depletion ratio (SB/SBF=0) is to be maintained at or above the average SB/SBF=0 for 2012-2015.</p>	<p>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.</p> <p>PNA and Tokelau Response: agree: this para may need changing depending on SC advice. Otherwise, the para should be retained.</p>	<p>Yellowfin</p> <p>13. Pending agreement on a target reference point the spawning biomass depletion ratio (SB/SBF=0) is to be maintained at or above the average SB/SBF=0 for 2012-2015.</p>
<p>FAD Set Management</p> <p>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,</p>	<p>Chair's Proposal: 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.</p>	<p>FAD Set Management</p> <p>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,</p>

<p>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 20oN and 20oS.1</p> <p>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.</p> <p>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</p>	<p>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.</p>	<p>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 20oN and 20oS.1</p> <p>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.</p> <p>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</p>
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<p>notified to the Secretariat before 1st March of that year.</p> <p>16. The provisions of paragraphs 3 to 7 of CMM 2009-02 apply to the high seas FAD closures.</p>		<p>notified to the Secretariat before 1st March of that year.</p> <p>16. The provisions of paragraphs 3 to 7 of CMM 2009-02 apply to the high seas FAD closures.</p>
<p>Non-entangling FADs</p> <p>17. To reduce the risk of entanglement of sharks, sea turtles or any other species, as from 1st January 2024,1 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:</p> <p>(a) The use of mesh net shall be prohibited for any part of a FAD.</p> <p>(b) If the raft is covered, only non-entangling material and designs shall be used.</p> <p>(c) The subsurface structure shall only be made using non-entangling materials.</p>	<p>Chair’s Proposal: para 17 may remain unchanged, subject to any extraordinary circumstances.</p> <p>PNA and Tokelau Response: Agree</p>	<p>Non-entangling FADs</p> <p>17. To reduce the risk of entanglement of sharks, sea turtles or any other species, as from 1st January 2024,1 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:</p> <p>(a) The use of mesh net shall be prohibited for any part of a FAD.</p> <p>(b) If the raft is covered, only non-entangling material and designs shall be used.</p> <p>(c) The subsurface structure shall only be made using non-entangling materials.</p>
<p>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.</p> <p>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.</p> <p>20. The Commission at its 2023 annual session, based on specific guidelines defined by the FAD Management Options Intersessional Working</p>	<p>Chair’s Proposal: Paras 18 to 20 may require updating in light of SC and TCC advice and consideration by the Commission in accordance with para 20.</p> <p>PNA and Tokelau Response: Agree</p>	<p>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.</p> <p>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 2022² including on a definition of biodegradable FADs, a timeline for the stepwise introduction of biodegradable FADs, potential gaps/needs and any other relevant information.</p> <p>20. The Commission at its 2023³ annual session, based on specific guidelines defined by the FAD Management Options Intersessional Working</p>

<p>Group and advice from SC19 and TCC19 shall consider the adoption of measures on the implementation of biodegradable material on FADs.</p> <p>Footnote: 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).</p>		<p>Group and advice from <u>SC2219</u> and <u>TCC2219</u> shall consider the adoption of measures on the implementation of biodegradable material on FADs.</p> <p>Footnote: 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).</p>
<p>Instrumented Buoys</p> <p>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.</p> <p>22. CCMs shall also encourage vessels to:</p> <p>(a) responsibly manage the number of drifting FADs deployed each year;</p> <p>(b) carry equipment on board to facilitate the retrieval of lost drifting FADs;</p> <p>(c) make reasonable efforts to retrieve lost drifting FADs; and</p>	<p>Chair’s Proposal: paras 21 to 23 may require revision in light of consideration by Commission in accordance with para 23.</p> <p>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.</p>	<p>Instrumented Buoys</p> <p>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.</p> <p>22. CCMs shall also encourage vessels to:</p> <p>(a) responsibly manage the number of drifting FADs deployed each year;</p> <p>(b) carry equipment on board to facilitate the retrieval of lost drifting FADs;</p> <p>(c) make reasonable efforts to retrieve lost drifting FADs; and</p>

<p>(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.</p> <p>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.</p>		<p>(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.</p> <p>23. The Commission at its 20263 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.</p>
<p>Zone-based purse seine effort control</p> <p>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.</p>	<p>Chair's Proposal: the date in para 24 may require updating.</p> <p>PNA and Tokelau Response: Agree</p>	<p>Zone-based purse seine effort control</p> <p>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 20232.</p>
<p>High seas purse seine effort control</p> <p>25. CCMs that are not SIDS shall restrict the level of purse seine effort on the high seas in the area 20oN to 20oS 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.</p> <p>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 200S and/or north of 200N.</p> <p>27. The limits set out in Attachment 1, Table 2 do not confer the allocation of rights to any CCM and</p>	<p>Chair's Proposal: paras 25 and 27 will require revision. Paras 26 and 28 may remain unchanged.</p> <p>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.</p>	<p>High seas purse seine effort control</p> <p>25. CCMs that are not SIDS shall restrict the level of purse seine effort on the high seas in the area 20oN to 20oS 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.</p> <p>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 200S and/or north of 200N. <u>CCMs shall ensure that purse seine fisheries within the</u></p>

<p>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.</p> <p>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.</p>	<p>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.</p> <p>PNA 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.</p>	<p><u>Convention Area south of 20°S and/or north of 20°N shall restrict fishing effort to 2012 levels.</u></p> <p>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.</p> <p>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.</p>
<p>Catch retention: Purse Seine Fishery</p> <p>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 20oN and 20oS to</p>	<p>Chair's Proposal: paras 29 and 30 may remain unchanged, subject to checking of cross-references.</p> <p>PNA and Tokelau Response: Agree</p>	<p>Catch retention: Purse Seine Fishery</p> <p>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 20oN and 20oS to</p>

<p>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:</p> <p>(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</p> <p>(b) when the fish are unfit for human consumption for reasons other than size; or</p> <p>(c) when serious malfunction of equipment occurs.</p> <p>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.</p>		<p>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:</p> <p>(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</p> <p>(b) when the fish are unfit for human consumption for reasons other than size; or</p> <p>(c) when serious malfunction of equipment occurs.</p> <p>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.</p>
<p>Monitoring and Control: Purse Seine Fishery</p> <p>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</p>	<p>Chair's Proposal: paras 31 to 35 may remain unchanged.</p> <p>PNA and Tokelau Response: Agree</p>	<p>Monitoring and Control: Purse Seine Fishery</p> <p>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</p>

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.

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.

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.

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.

Longline Fishery

xx. CCMs shall ensure that longline vessels entitled to fly their flags and fishing exclusively on the high seas, on the high seas and in waters under the

		<p>jurisdiction of one or more coastal States, report electronically to the Commission, upon entry/exit to the high seas or waters under the jurisdiction of a coastal state.</p> <p>xx. In accordance with CMM 2022-06, each CCM shall ensure that the master of each longline vessel flying its flag in the Convention Area shall keep a complete and accurate electronic log of every day that it spends on the high seas of the Convention Area, including trips that include fishing in an EEZ under bilateral arrangements as well as high seas in one trip.</p> <p>xx. CCMs shall ensure that longline 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 achieve 30% observer coverage of their trips, with observers sourced from the Commission’s Regional Observer Program or maintain and operate an electronic video monitoring system, to achieve the equivalent trip coverage level.</p>
<p>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.</p>	<p>Chair’s Proposal: paragraph 36 may remain unchanged.</p> <p>PNA and Tokelau Response: Agree.</p>	<p>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.</p>
<p>LOGLINE FISHERY</p>	<p>Chair’s Proposal: paras 37 to 41 will require revision.</p>	<p>LOGLINE FISHERY</p>

<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>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.</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
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<p>CAPACITY MANAGEMENT FOR PURSE SEINE AND LONGLINE VESSELS</p> <p>Purse Seine Vessel Limits</p> <p>42. CCMs, other than Small Island Developing States and Indonesia, shall keep the number of purse seine vessels flying their flag larger than 24m with freezing capacity operating between 20oN and 20oS (hereinafter “LSPSVs”) to the applicable level under CMM 2013-01.</p> <p>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.</p> <p>Limits on Longline Vessels with Freezing Capacity</p> <p>44. CCMs, other than Small Island Developing States and Indonesia, shall not increase the number of their longline vessels with freezing capacity targeting bigeye tuna above the applicable level under CMM 2013-01.</p> <p>Limits on ice-chilled longline vessels landing fresh fish</p> <p>45. CCMs, other than Small Island Developing States and Indonesia 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</p>	<p>Chair’s Proposal: paras 42 to 46 may remain unchanged.</p> <p>PNA and Tokelau Response: Agree</p>	<p>CAPACITY MANAGEMENT FOR PURSE SEINE AND LONGLINE VESSELS</p> <p>Purse Seine Vessel Limits</p> <p>42. CCMs, other than Small Island Developing States and Indonesia, shall keep the number of purse seine vessels flying their flag larger than 24m with freezing capacity operating between 20oN and 20oS (hereinafter “LSPSVs”) to the applicable level under CMM 2013-01.</p> <p>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.</p> <p>Limits on Longline Vessels with Freezing Capacity</p> <p>44. CCMs, other than Small Island Developing States and Indonesia⁵, shall not increase the number of their longline vessels with freezing capacity targeting bigeye tuna above the applicable level under CMM 2013-01.</p> <p>Limits on ice-chilled longline vessels landing fresh fish</p> <p>45. CCMs, other than Small Island Developing States and Indonesia 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</p>
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<p>established limited entry programmes applying during the operation of CMM 2013-01.</p> <p>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.</p>		<p>established limited entry programmes applying during the operation of CMM 2013-01.</p> <p>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.</p>
<p>OTHER COMMERCIAL FISHERIES</p> <p>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.</p>	<p>Chair's Proposal: para 47 may remain unchanged.</p> <p>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.</p>	<p>OTHER COMMERCIAL FISHERIES</p> <p>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. <u>CCMs with other commercial tuna fisheries, but excluding those fisheries taking less than 2,000 tonnes of tropical tunas (bigeye, yellowfin and skipjack), shall ensure the catch of bigeye, yellowfin or skipjack tuna, shall not exceed either the average level for the period 2001-2004 or the level of 2004, which equates to X,XXX tonnes, X,XXX tonnes and X,XXX days respectively.</u></p>
<p>DATA PROVISION REQUIREMENTS</p> <p>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</p>	<p>Chair's Proposal: paras 48 to 51 may remain unchanged. para 52 will require updating.</p> <p>PNA and Tokelau Response: Agree</p>	<p>DATA PROVISION REQUIREMENTS</p> <p>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</p>

<p>cooperation to SIDS under Article 30 of the Convention</p> <p>49. The Commission shall ensure the confidentiality of those data provided as non-public domain data.</p> <p>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.</p> <p>REVIEW AND FINAL PROVISIONS</p> <p>51. The Commission shall review this CMM annually to ensure that the various provisions are having the intended effect.</p> <p>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.</p>		<p>cooperation to SIDS under Article 30 of the Convention</p> <p>49. The Commission shall ensure the confidentiality of those data provided as non-public domain data.</p> <p>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.</p> <p>REVIEW AND FINAL PROVISIONS</p> <p>51. The Commission shall review this CMM annually to ensure that the various provisions are having the intended effect.</p> <p>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.</p>
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