



**COMMISSION**  
**Twentieth Regular Session**  
4-8 December 2023  
Rarotonga, Cook Islands (Hybrid)

---

**FFA Members' Comments on Chairs Consultative Draft CMM 2023-01**

---

**WCPFC20-2023-DP02**  
**3 November 2023**

FFA Member CCMs



COMMISSION  
TWENTIETH REGULAR SESSION  
Rarotonga, Cook Islands  
1 – 7 December 2023

---

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

---

Conservation and Management Measure 2023-XX

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 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);

**Recognizing** that the Scientific Committee has:

- (a) ~~[PNA+: 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;] determined that the bigeye stock is not overfished and is likely not experiencing overfishing; [PNA+: 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 [PNA+: take] a precautionary approach, [PNA+: and] 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;~~

**Commented [1]:** FFA Members support the proposed text by the PNA+.

- (b) [PNA+: 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;] ~~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 [PNA+: take] a precautionary approach, [PNA+: 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~~
- (c) ~~determined that the [PNA+: 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 [PNA+: 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).~~

**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 [PNA+: 2022-03 ~~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; [US: Acknowledging that that the Commission has adopted CMM 2022-01 which established a [FFA Members: an interim] Management Procedure for WCPO Skipjack Tuna;]

**Commented [2]:** FFA Members support the PNA+ update of the CMM reference and the US addition to reference the SKJ MP, with amendments

**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, [FFA Members: as mandated in WCPFC Resolution 2019-01], 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;

**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:

**Recognizing** the United Nations Sustainable Development Goal [FFA Members: number 13] 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; that 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 [FFA Members: and that WCPFC Resolution 2019-01 mandates the integration of climate change into the decision making processes of WCPFC, including into the management of fish stocks in the Convention Area.]

## 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, [EU: the [FFA Members: interim] management procedure for WCPO skipjack tuna established in CMM 2022-01] 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 [3]:** FFA Members support the proposed text from the EU, with amendments

## 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.

### 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.

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. [US: 12. The spawning biomass of skipjack tuna is to be maintained on average at a level consistent with the target reference point contained in CMM 2022-01 on a [FFA Members: an interim] Management Procedure for Skipjack Tuna.]

**Commented [4]:** FFA Members support the proposed text from the US, with amendments

### **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>

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.

---

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

### 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:

- (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 [PNA+: in 2022 in 2026] including on a definition of biodegradable FADs, a timeline for the stepwise introduction of biodegradable FADs, potential gaps/needs and any other relevant information. [FFA Members: The definition for Biodegradable is non-synthetic materials and/or bio-based alternatives that are consistent with international standards for materials that are biodegradable in marine environments. The components resulting from the degradation of these materials should not be damaging to the marine and coastal ecosystems or include heavy metals or plastics in their composition.] [Japan: CCMs are encouraged to communicate and disseminate information on the development of biodegradable FADs.]

**Commented [5]:** FFA Members support the proposed text from the PNA+ and Japan. FFA Members also propose the inclusion of the definition of biodegradable in this paragraph 19.

20. The Commission at its [PNA+: 2023–2026] annual session, based on specific guidelines defined by the FAD Management Options Intersessional Working Group and advice from [PNA+: SC19 and TCC19 SC22 and TCC22] shall consider the adoption of measures on the implementation of biodegradable material on FADs.

**Commented [6]:** FFA Members support the proposed text from the PNA+.

### 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. [PNA+: CCMs shall ensure that all drifting FAD Buoys are activated and transmitting position data at least once in each 12-hour period when in the waters of the WCPFC Convention Area]. 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 [7]:** FFA Members support the proposed text from the PNA+.

22. CCMs shall also encourage vessels to:

<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).



- (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.
- (e) ~~[FP: initiate retrieval programs through cooperative/collaborative initiatives among fishing vessels or other vessels implementing programs dedicated for the recovery only of such FADs before being lost, abandoned or stranded. CCM shall report annually to the commission on the effort to implement each item of this paragraph 22.]~~

23. ~~The~~ Commission at its [PNA+: 2023-2026] 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.

**Commented [8]:** FFA Members support the proposed text from the PNA+.

**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 [PNA+: 2022-2023].

**Commented [9]:** FFA Members support the proposed text from the PNA+.

**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.~~ [FFA Members : The total amount of purse seine effort on the high seas between 20S and 20N will be limited to a maximum of 2300 days per year.] 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 [FFA Members: 20226], to enable the Commission to reach agreement in [FFA Members: 20236] 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)

**Commented [10]:** FFA Members propose text for the inclusion of their high seas limit proposal into the measure. The proposal (including 13-06 and Audit Points are found in Attachment A of this document)

<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.

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.

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.

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.

### **Monitoring and Control: Longline Fishery**

[PNA+] 35bis. 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 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.

**Commented [11]:** FFA Members are supportive of the proposal by the PNA+

35ter. 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.

35qter. 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.]

### **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**

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 [FFA Members: 20225], to enable the Commission to reach agreement in [FFA Members: 20236] 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>

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

---

<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.

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>

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. [FFA Members: CCMs with other commercial fisheries specified in the interim skipjack management procedure, fishing levels for skipjack shall not exceed their respective reference/baseline levels for the period 2024-26.] [PNA+: 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, or yellowfin, 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.]~~

Commented [12]: FFA Members are supportive of the proposal by the PNA+, with amendments

## 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.~~

[PNA+: ALT 52. This measure replaces CMM 2020-2021-01. This measure shall come into effect on 16 February 2022-2024 and remain in effect until 15 February 2026-2024-[China: 2027] unless earlier replaced or amended by the Commission.]

**Commented [13]:** FFA Members are supportive of the proposal by PNA+ and amendment by China

**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 600 mt BET 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 (~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]**

--

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**.

[US: \* Except for U.S. flagged vessels noticed as operating as an integral part of the American Samoa economy.]

**Commented [14]:** FFA Members are seeking further clarification from US in how the vessels are to be defined as 'integral' and how this footnote is to be implemented

**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.

**Attachment 2: Measure for Philippines**



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.

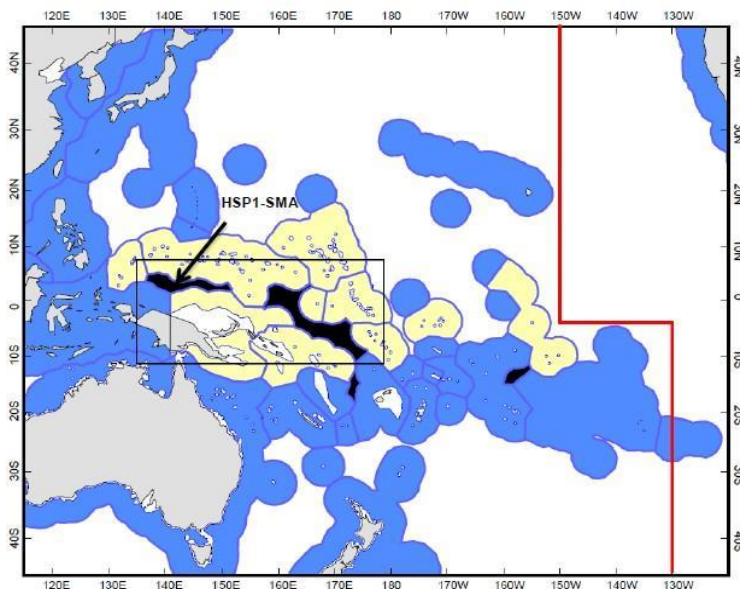
**COMPLIANCE**

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

## **Draft FFA proposal to restrict the level of purse seine effort on the high seas in the area 20°S and 20°N to a maximum of 2300 days per year**

### **Abstract**

This paper outlines a proposal by FFA to amend CMM 2021-01, the conservation and management measure (CMM) for bigeye (BET), yellowfin (YFT) and skipjack tuna (SKJ), to restrict the level of purse seine effort on the high seas in the area between 20°S to 20°N to a maximum of 2300 days per year.

### **Background**

1. The Commission adopted CMM 2022-01, a conservation and management measure (CMM) on a Management Procedure for Western and Central Pacific Ocean (WCPO) skipjack tuna (SKJ) at WCPFC19, in accordance with the Western and Central Pacific Fisheries Commission (WCPFC) Harvest Strategy Work Plan.
2. To ensure integrity in the implementation of the SKJ Management Procedure, it is critical that a hard limit for purse seine effort on the high seas is implemented.
3. The SKJ Management Procedure adjusts future catch or effort relative to baseline fishing conditions, which is set at 2012 levels for purse seine effort.
4. Currently, paragraph 25 provides that CCMs that are not Small Island Developing States (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 Table 2 of Attachment 1 of CMM 2022-01, except that the Philippines shall take measures on the high seas in accordance with Attachment 2 of this measure.
5. The total number of days provided in Table 2 of CMM 2022-01 is 2,282 days.
6. With the exception of the Philippines, the total number of days fished on the high seas in the WCPFC Convention Area in 2012 was 2,451 days.
7. On average, Small Island Developing States (SIDS) have averaged over 4,000 days of purse seine effort on the high seas over the last three years.
8. When combined with the 2,282 days provided in Table 2 of CMM 2022-01, the total number of days amounts to over 6,000 days of effort on the high seas, which is significantly more than the number of days fished on the high seas in 2012.
9. Table 1 of Attachment 1 in CMM 2022-01 provides the existing purse seine effort limits within exclusive economic zones (EEZs). Overall levels of purse seine effort in the EEZs have declined in recent years due a range of factors including Covid-19.

10. If purse seine fishing effort in the EEZs returns to 2012 levels, and effort on the high seas is maintained at current levels, the combined purse seine effort in the area between 20°S and 20°N will exceed 2012 levels of purse seine effort. This would be greater than the maximum effort specified in the SKJ MP.
11. Such effort levels will increase the risk to all three stocks in the Tropical Tuna Measure (TTM) (SKJ, BET and YFT). For instance, the depletion level for SKJ is at, or above the TRP of 50% when the level of high seas effort is at or below 2000 days and effort in the EEZs is at 2012 levels. The depletion level for SKJ falls to 49% when the level of high seas effort exceeds 4000 days. This exceeds the current interim target reference point of 50% provided in the TTM.
12. Moreover, recently released projections by the Scientific Service Provider suggest that the interim objective for YFT in the TTM will not be met over the longer term under all fishing scenarios examined, while the interim objective BET will not be met for higher effort scenarios.
13. Setting the hard limit for high seas at 2300 days will also minimise the disconnect between the TTM and SKJ MP, given the existing purse seine effort limits in the EEZs (Table 1) and high seas (Table 2) of the TTM already exceed the 2012 effort levels used as a scalar to determine overall fishing effort in the SKJ MP.

#### **Outline of the Proposal**

The FFA is proposing to restrict the level of purse seine effort on the high seas in the area 20°S and 20°N to a maximum of 2300 days per year by amending paragraph 27.

**CMM 2013-06 Assessment of FFA's proposal for a limit of 2,300 days in the high seas.**

**a. Who is required to implement the proposal?**

All CCMs with purse seine fishing activities on the high seas between 20°N and 20°S in the WCPFC Convention Area are required to implement the proposal.

**b. Which CCMs would this proposal impact and in what way(s) and what proportion?**

This proposal will impact all CCMs with purse seine fishing activities on the high seas between 20°N and 20°S in the WCPFC Convention Area over the long term because of the implementation of a constrained hard limit on the high seas.

This proposal will have a beneficial impact on all CCMs that take skipjack tuna (SKJ) in the Western and Central Pacific Ocean over the long term because a purse seine effort hard limit on the high seas will ensure the efficient running of the SKJ management procedure (CMM 2022-01) adopted at WCPFC19. This will help ensure that the spawning potential depletion ratio of SKJ is maintained on average at a level consistent with the target reference point (TRP) in a manner that achieves the objective of relative stability in fishing levels between management periods and in the longer term.

Another primary benefit afforded by this proposal is that the high seas limit will be allocated to all CCMs, not just those currently fishing on the high seas or those with existing limits in Table 2, Attachment 1. Therefore, those CCMs that do not have existing limits in Table 2, Attachment 1, may directly benefit by being allocated a high seas limit for their purse seine fisheries.

CCMs with aspirations to develop their purse seine tuna fisheries in the high seas will also be affected, as the proposal will limit the opportunities available for such aspirations. It will also result in the exemptions to SIDS fishing under paragraph 25 of CMM 2022-01 on the high seas being made redundant. This will negatively affect those SIDS that have been taking advantage of this exemption.

**c. Are there linkages with other proposals or instruments in other regional fisheries management organizations or international organizations that reduce the burden of implementation?**

No.

**d. Does the proposal affect development opportunities for SIDS?**

The proposal will affect development opportunities for SIDS in the following way;

- The proposal will lead to a scarcity of fishing opportunities in the high seas, which will increase the value of purse seine fishing days inside SIDS EEZs.

- SIDS that currently don't fish on the high seas may be allocated days on the high seas when the Commission adopts an allocation framework for the high seas limit.
- SIDS who currently take advantage of the exemption provided in paragraph 25 will be negatively affected when the high seas limit is introduced because they will lose access to this exemption and free access to the high seas. Moreover, the effort allocation for some SIDS may be much lower than the number of days currently fished on the high seas through this exemption.

**e. Does the proposal affect SIDS domestic access to resources and development aspirations?**

- SIDS with domestic purse seine fleets are likely to be allocated days on the high seas when the allocation framework is implemented. As such, they will maintain access to the high seas. The value of days in their EEZs is likely to increase due to the scarcity of fishing opportunities in the high seas resulting from the proposal.
- Other SIDS that have minimal purse seine activities in their EEZs, but aspire to develop their purse seine fishery in the high seas will be affected by the proposal.

**f. What resources, including financial and human capacity, are needed by SIDS to implement the proposal?**

Resources will be needed to help in the development of a robust monitoring system to monitor and validate both catch and effort from the purse seine fishery.

**g. What mitigation measures are included in the proposal?**

Not applicable to this proposal, however, as part of the TTM under review, the commission shall agree to a framework for the fair allocation of the high seas purse seine limit among CCMs. This will ensure that SIDS have access to purse seine fishing in the high seas, not limited to those CCMs that have already established purse seine fisheries in the high seas.

**h. What assistance mechanisms and associated timeframe, including training and financial support, are included in the proposal to avoid a disproportionate burden on SIDS?**

Assistance for effective participation of the SIDS during the negotiations of developing the WCPFC Allocation frameworks.

## Audit Points Checklist for Proposed New or Amended Obligations ("Audit Points Checklist")

*(To be completed by proponents of new and amended measures. This checklist should not be confused with the "2013-06 Checklist", which is specific to impacts of new or amended proposals on SIDS.)*

1. To whom does the obligation apply? Set out any proposed exceptions or exclusions.

All CCMs \_\_\_\_\_  Flag CCMs      Some CCMs - if so, which CCMs?

2. What is the scope of the new obligations (i.e., does it apply to a particular geographical area, fishery, stock, species of special interest?)

A high seas purse seine limit of 2300 days is proposed and applies to all CCMs.

3. Are there existing obligations that should be assessed in combination with any of the proposed new obligations? If so, name the CMM and paragraph(s), or other Commission obligation.

It will be assessed in combination with para 25 as the Table 2 in Attachment 1 has to be revised to include all CCMs with HS's allocated Purse Seine limits.

4. Which proposed new obligations will require submission of Reports (R) or Implementation Statements (I), impose Limits (L), or have Deadlines (D)? Please fill out the relevant section(s) for each of the proposed new obligations.

I.      Deadline  
Specify what is required and by what deadline.

Limit is to be adopted once and reported against annually.

II.     Report  
Specify the type of information that is required, including any specific formats or templates to be used, and whether the information must be complete (100%) or a subset of information is sufficient to meet the proposed objective.

It will follow the same reporting format and process that is currently in place for reporting against the limits in Table 2 Attachment 1, however will be expanded to all CCMs.

Is this information already provided wholly or in part through any other data submission requirement, i.e. operational level catch and effort data?

Yes

If no, specify the proposed reporting mechanism to be used for submission of new required information (i.e., Annual Report Part 1, Annual Report Part 2, direct to WCPFC Secretariat, other)  
Can the information provided be verified through another source? If yes, specify what other data or information source should be used.

Using the already identified verification process for reporting as in paragraph 25.

III. Implementation

In addition to the required Implementation Statements, list any additional information required to demonstrate CCM's implementation with the proposed new requirement.

Describe any data or other information that can be reviewed by the WCPFC Secretariat to confirm or verify implementation.

IV. Quantitative Limit

Specify the proposed CCM-level or Collective limit.

Quantitative Limit will be reported in either CCM-level or Collective limit

Specify what verifiable data shall be provided by CCM to confirm its adherence to the limit.

Effort data in days fished

Specify what data sources are available to the WCPFC Secretariat to review and confirm CCM's reported limit.

Effort data in days fished, available through the WCPFC Science Service Provider.,

V. Other

If none of the other categories are appropriate:

Specify the nature of the obligation.

Specify how compliance is to be assessed.

Process for considering proposed audit points alongside new proposals

The purpose of the checklist is for proponents of new obligations to identify what they see as being the appropriate criteria or performance standard by which compliance should be assessed against new or amended obligations. This process will assist in identifying data gaps, potential duplication of reporting, and existing measures that might be linked to new or amended obligations.

The process for considering proposed audit points for proposed new obligations is as follows:

Step 1: Proponent of the proposed new or amended obligation(s) submits a completed AP Checklist at the same time as the proposed new or amended obligation(s) is submitted.

Step 2: Where proposed new or amended obligation(s) undergoes further discussion and negotiation, the AP Checklist remains attached to the proposal and is also considered throughout the iterative process.

Step 3: If a proposed new or amended obligation(s) reaches the stage of finalization for adoption, the lead CCM on finalizing the proposed new or amended obligation(s) also updates the AP Checklist to reflect the final proposed new or amended obligation(s).

Step 4: The proposed audit points for the proposed new or amended obligation(s) are adopted as part of the final proposed new or amended obligation(s) and attached to the final CMM, or in the case of a Commission decision that is not reflected in a CMM, the proposed audit points are posted on the appropriate section of the WCPFC website associated with the decision or outcome.



Paragraph	Obligation	Draft AP
<p>27. <b>[The total amount of purse seine effort on the high seas between 20S and 20N will be limited to a maximum of 2300 days per year.]</b> 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 <b>[20226]</b>, to enable the Commission to reach agreement in <b>[20236]</b> 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>Quantitative Limit</p>	<p><b>Proposed Approach:</b> No AP currently feasible as an agreement on an allocation framework is required before this limit can be implemented.</p>