



**TECHNICAL AND COMPLIANCE COMMITTEE
FOURTH REGULAR SESSION**
2-7 October 2008
Pohnpei, Federated States of Micronesia

DRAFT CATCH DOCUMENTATION SCHEME FOR BIGEYE TUNA

WCPFC-TCC4-2008/27
25 September 2008

Paper prepared by the Secretariat

Introduction

1. TCC3 noted the importance of trade documentation schemes and their complexity, and endorsed the outcomes of the RFMO technical working group held at Raleigh, North Carolina, USA in July 2007, noting the importance of harmonization among RFMOs, and the importance of trade and catch documentation schemes (CDS). TCC3 noted the utility of forming a working group on this issue.
2. At WCPFC4, the EC, noting its experience with CDS issues in this and other RFMO fora, volunteered to lead an intersessional working group (operating electronically) to work toward designing an appropriate CDS for the region that focuses on the most critical species. The report of the working group will be tabled at TCC4 for review, possible refinement, and adopting for forwarding to WCPFC5. (Paragraph 296 of the WCPFC4 Summary Report).

Intersessional Working Group Outputs

3. On 8 April 2007 the EC requested the WCPFC Executive Director to circulate to all CMMs a draft CMM on a WCPFC Bigeye Tuna Catch Documentation Scheme (**Attachment A**), requesting comments on this draft proposal before 30 April 2008. On 9 May 2008 the WCPFC Executive Director wrote to all CCMs advising them that the deadline for comments on the EC's draft proposal had been extended to 31 May 2008 at the request of FFA members.
4. The WCPFC Secretariat received comments on the EC's draft proposal from CCMs directly, or via the EC, from Australia, Canada, Chinese Taipei, Fiji, FFA members, Japan and the U.S. These comments are appended at **Attachment B**.
5. On 20 September 2008 the EC advised the Executive Director that it had not been able to produce a revised text on a CDS for bigeye tuna. The EC suggested that the most recent version of a draft proposal for a CDS, together with all the comments provided by various parties, be presented in a document to TCC4 for discussion.

Discussion

6. TCC is invited to:
 - a. further discuss this matter during TCC4; or
 - b. identify any supporting work by the Secretariat or CCMs that may be required so that this matter can receive adequate consideration at TCC5.



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

International Affairs and Markets
Regional fisheries organisations

08.04.2008 D 03814

Brussels,
MARE/B-2 SE/ms D(2008)

Mr Andrew Wright
Executive Director WCPFC
P.O. Box 2356
Kaselelieh Street - Kolonia
Pohnpei State 96941
Federated States of Micronesia

Subject: Catch Documentation Scheme for bigeye tuna

Dear Mr Wright,

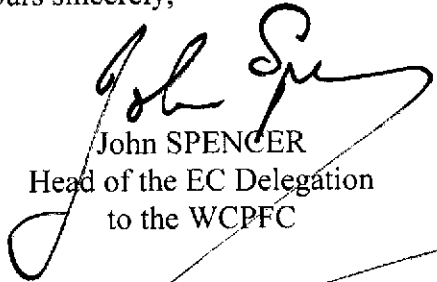
As you will recall from the 2007 annual Meeting in Guam, the EC undertook to lead an inter-sessional working group with the objective to develop a catch documentation scheme for bigeye tuna to be applied in the WCPFC Area. This commitment was confirmed in our letter of 7 April 2008 where we also indicated that we were working on a text on which could form the basis for discussion.

This text have now been finalised by our services and is attached to this letter for consideration of other Contracting Parties.

We would suggest that future work is organised in such a manner that Parties wishing to participate in this work be invited to provide comments on this draft proposal before **30 April 2008**. Those comments could be sent either through the Secretariat or directly to my services (staffan.ekwall@ec.europa.eu). The EC will as soon as possible thereafter circulate a modified proposal on the basis of the comments provided, on which participants will be invited to comment on. This process can be repeated as necessary in the coming months with the view that the work is reported to the TCC meeting in early October.

I would be grateful if this correspondence is circulated to all Contracting Parties.

Yours sincerely,



John SPENCER
Head of the EC Delegation
to the WCPFC

C.c.: Ms Lainé, Messrs Vergine, Kempff

**DRAFT CONSERVATION AND MANAGEMENT MEASURE ON A WCPFC
BIGEYE TUNA CATCH DOCUMENTATION PROGRAMME**

RECOGNIZING the situation of bigeye tuna stocks and the impact that market factors have on the fishery;

TAKING INTO ACCOUNT the conservation and management measures in the Western and Central Pacific Ocean for bigeye tuna that WCPFC has adopted, including the need for complementary market related measures;

CONCERNED by the impact that illegal, unregulated and unreported (IUU) fishing has in the Convention area;

REITERATING the responsibilities of flag States to ensure that their vessels conduct their fishing activities in a responsible manner, fully respecting WCPFC conservation and management measures;

NOTING the need for improved and strict control on all the components involved in the bigeye tuna fisheries;

MINDFUL of the rights and obligations of port States to promote the effectiveness of management measures adopted by regional fisheries management organizations;

UNDERLINING the complementary role that importing States also have in the control of the catches of bigeye tuna to ensure compliance with WCPFC conservation and management measures;

RECOGNIZING that in order to have effective control of the movements of bigeye tuna, strict tracking of the product from the point of capture throughout the whole operation to its final market has to be established;

COMMITTED to taking steps that conform with international law, notably as regards the World Trade Organization (WTO), and to ensure that bigeye tuna entering markets of Commission Members, Cooperating Non-Members and Participating Territories (CCMs) of WCPFC and non-members of WCPFC is caught in the Convention area in a manner that does not diminish the effectiveness of WCPFC conservation and management measures;

UNDERLINING that the adoption of this measure is intended to help support the implementation of conservation and management measures as well as scientific research for bigeye tuna;

ADOPTS, in accordance with the Article 10 of the WCPFC Convention, the following measures.

**PART I
GENERAL PROVISIONS**

1. Each Commission Member, Cooperating Non-Member and Participating Territory (hereafter referred to as CCMs) shall take the necessary steps to implement a WCPFC Bigeye Tuna Catch Documentation Programme for the purpose of identifying the origin of any bigeye tuna in order to support the implementation of conservation and management measures.

2. For the purpose of this Programme:

a) "Domestic trade" means:

– trade of bigeye tuna caught in the WCPFC Convention area by a vessel, which is landed in the territory of the CCM where the vessel is flagged, and

– trade between the Member States of the European Community of bigeye tuna caught in the WCPFC Convention area by vessels flagged to one Member State.

b) "Export" means:

Any movement of bigeye tuna in its caught or processed form from the territory of the CCM where the fishing vessel is flagged to the territory of another CCM or non-Member to the WCPFC, or from the fishing grounds to the territory of a CCM which is not the flag CCM of the fishing vessel or to the territory of a non-Member to the WCPFC.

c) "Import" means:

Any introduction of bigeye tuna in its caught or processed form into the territory of a CCM, which is not the CCM where the fishing vessel is flagged.

d) "Re-export" means:

Any movement of bigeye tuna in its caught or processed form from the territory of a CCM where it has been previously imported.

3. Each consignment of bigeye tuna domestically traded, imported into or exported or re-exported from its territories shall be accompanied by a validated BCD and, as applicable, a validated Bigeye Tuna Re-export Certificate (BETRC). Any such landing, transshipment, delivery, catch, domestic trade, import, export or re-export of bigeye tuna without a BCD or a BETRC shall be prohibited.

4. Each CCM shall provide BCD forms only to vessels authorized to catch bigeye tuna in the Convention area. Such forms are not transferable. Each BCD form shall have a unique document identification number. Document numbers shall be specific to the flag State and assigned to the vessel.

PART II VALIDATION OF BCDs

5. The fishing vessel master, or its authorized representative, or the authorized representative of the flag State shall complete the BCD by providing the required information in appropriate sections and request validation in accordance with paragraph 7 for a BCD for catch landed, caught or transshipped on each occasion that it lands, catches or transships bigeye tuna.

6. A validated BCD shall include the information identified in **Annex 1** attached.

7. a) The BCD must be validated by an authorized government official, or other authorized individual or institution, of the flag State of the vessel.

b) The flag CCMs shall validate the BCD for all bigeye tuna products only when all the information contained in the BCD has been established to be accurate as a result of the verification of the consignment, and only when the accumulated validated amounts are within their quotas, catch or effort limits of each management year and when those products comply with other relevant provisions of the conservation and management measures.

c) Where the bigeye tuna quantities caught and landed are less than 1 metric ton or three fish, the logbook or the sales note may be used as a temporary BCD, pending the validation of the BCD within seven days and prior to export.

PART III VALIDATION OF BETRCs

8. Each CCM shall ensure that each bigeye tuna consignment which is re-exported from its territory be accompanied by a validated bigeye tuna re-export certificate (BETRC).

9. The operator who is responsible for the re-export shall complete the BETRC by providing the required information in its appropriate sections and request its validation for the bigeye tuna consignment to be re-exported. The completed BETRC shall be accompanied by a copy of the validated BCD(s) relating to the bigeye tuna products *previously imported*.

10. The BETRC shall be validated by an authorized government official or authority.

11. The CCM shall validate the BETRC for all bigeye tuna product only when

a) all the information contained in the BETRC has been established to be accurate,

b) the validated BCD(s) submitted in support to the BETRC had been accepted for the importation of the products declared on the BETRC,

c) the products to be re-exported are wholly or partly the same products on the validated BCD(s) and

d) a copy of the BCD(s) shall be attached to the validated BETRC.

12. The validated BETRC shall include the information identified in **Annex 2** attached.

PART IV VERIFICATION AND COMMUNICATION

13. Each CCM shall communicate a copy of all validated BCDs or BETRCs within five working days following the date of validation, or without delay where the expected duration of the transportation should not take more than five working days, to the following:

a) the competent authorities of the country where the bigeye tuna will be domestically traded, or imported, and

b) the WCPFC Secretariat.

14. The WCPFC Secretariat shall extract from the validated BCDs or BETRCs communicated under paragraph 13 above the information marked with an asterisk in **Annex 1** or **Annex 2** and enter this information in a database on a password protected section of its website, as soon as practicable.

At its request, the Scientific Committee shall have access to the catch information contained in the database, except the vessel names.

PART V VERIFICATION

15. Each CCM shall ensure that its competent authorities, or other authorized individual or institution, take steps to identify each consignment of bigeye tuna landed in, imported into or exported or re-exported from its territory or among member states of a regional economic organization and request and examine the validated BCD(s) and related documentation of each consignment of bigeye tuna. These competent authorities, or authorized individuals or institutions, may also examine the content of the consignment to verify the information contained in the BCD and in related documents and, where necessary, shall carry out verifications at with the operators concerned.

16. If, as a result of examinations or verifications carried out pursuant to paragraph 17 above, a doubt arises regarding the information contained in a BCD, the final importing State and the CCM whose competent authorities validated the BCD(s) or BETRC(s) shall cooperate to resolve such doubts.

17. If a CCM involved in trade of bigeye tuna identifies a consignment with no BCD, it shall notify the findings to the exporting State and, where known, the flag State.

18. Pending the examinations or verifications under paragraph 17 to confirm compliance of the bigeye tuna consignment with the requirements in the present Conservation and management measure and any other relevant measures, the CCMs shall not grant its release for domestic trade, import or export.

19. Where a CCM, as a result of examination or verifications under paragraph 16 above and in cooperation with the validating authorities concerned, determines that a BCD or BETRC is invalid, the domestic trade, import, export or re-export of the bigeye tuna concerned shall be prohibited.

20. The Commission shall request the non-Members that are involved in domestic trade, import, export or re-export of bigeye tuna to cooperate with the implementation of the Programme and to provide to the Commission data obtained from such implementation.

PART VI NOTIFICATION AND COMMUNICATION

21. Each CCM that validates BCDs in respect of its flag vessels in accordance with paragraph 7(a), shall notify the WCPFC Secretariat of the government authorities, or other authorized individuals or institutions (name and full address of the organization(s) and, where appropriate, name and title of the validating officials who are individually empowered, sample form of document, sample impression of stamp or seal, and as appropriate tag samples) responsible for validating and verifying BCDs or BETRCs. This notification shall indicate the date at which this entitlement comes into force. A copy of the provisions adopted in national law for the purpose of implementing the bigeye tuna catch documentation program shall be communicated with the initial notification, including procedures to authorize non-governmental individuals or institutions. Updated details on validating authorities and national provisions shall be communicated to the WCPFC Secretariat in a timely fashion.

22. The information on validating authorities transmitted by notifications to the WCPFC Secretariat shall be placed on a password protected page of the database on validation held by the WCPFC Secretariat. The list of the CCMs having notified their validating authorities and the notified dates of entry into force of the validation shall be placed on a publicly accessible website held by the WCPFC Secretariat.

CCMs are encouraged to access this information to help verify the validation of BCDs and BETRCs.

23. Each CCM shall notify to the WCPFC Secretariat the points of contact (name and full address of the organization(s)) that should be notified when there are questions related to BCDs or BETRCs.

24. Copies of validated BCDs and notification pursuant to paragraphs 21, 22 and 23 shall be sent by CCMs to the WCPFC Secretariat, by electronic means, whenever possible.

25. Copies of BCDs shall follow each part of split shipments or processed product, using the unique document number of the BCD to link them.

26. CCMs shall keep copies of documents issued or received for at least two years.

27. CCMs shall provide to the WCPFC Secretariat a report each year by October 1 for the period from July 1 of the preceding year to June 30 of the current year to provide the information described in **Annex 3**.

The WCPFC Secretariat shall post these reports on a password protected section of the WCPFC website, as soon as practicable. At its request, the Scientific Committee shall have access to the reports received by the WCPFC Secretariat.

Annex 1

Data to be Included in Bigeye Tuna Catch Document (BCD)

1. WCPFC Bigeye tuna catch document number*

2. Catch Information

Vessel name*

Flag State*

WCPFC Record No.

Date, area of catch and gear used*

Number of fish, total weight, and average weight*

3. Transshipment information (if applicable)

Carrier vessel description

Flag State

Date

Port (name and country or position)

Product description

(F/FR; RD/GG/DR/FL/OT)

Total weight (NET)

4. Trade information

Product description

(F/FR; RD/GG/DR/FL/OT)

Total weight (NET)

Exporter/Seller information

Point of export or departure*

Export company name, address, signature and date

Description of transportation (relevant documentation to be attached)

Importer/buyer information

Point of import or destination*

Import company name, address, signature and date

5. Government validation

Name of authority and signatory, title, address, signature, seal and date

Annex 2

Data to be Included in the Bigeye Tuna Re-export Certificate (BETRC)

1. Document number of the BETRC*

2. Re-export section

Re-exporting CCM/Entity/Fishing Entity

Point of re-export*

3. Description of imported bigeye tuna

Product type F/FR RD/GG/DR/FL/OT

Net weight (kg)

BCD number(s) and date(s) of importation*

Flag(s) of fishing vessel(s)

4. Description of bigeye tuna to be re-exported

Product type F/FR RD/GG/DR/FL/OT*

Net weight (kg)*

Corresponding BCD number(s) from section 3

5. Statement of re-exporter

Name

Address

Signature

Date

6. Validation by governmental authorities

Name and address of the authority

Name and position of the official

Signature

Date

Government seal

7. Import section

Statement by the importer in the CPC of import of the bigeye tuna consignment

Name and address of the importer

Name and signature of the importer's representative and date

Point of import: City and CCM*

Note – Copies of the BCD(s) and Transport document(s) shall be attached

Annex 3
Report on the Implementation of the WCPFC Bigeye Tuna Catch Documentation Programme

Reporting CCM:

Period of reference: July 1 [2XXX] to June 30 [2XXX]

1. Information extracted from BCDs

- number of BCDs validated:
- number of validated BCDs received:
- total amount of bigeye tuna products traded domestically, with breakdown by fishing areas and fishing gears,
- total amount of bigeye tuna products imported, exported, re-exported with breakdown by CCM of origin, re-export or destination, fishing areas and fishing gears,
- number of verifications of BCDs requested to other CCMs and summary results:
- number of requests for verifications of BCDs received from other CCMs and summary results:
- total amount of bigeye tuna consignments subject to a prohibition decision with breakdown by products, nature of operation (domestic trade, import, export, re-export, transfer to farms), reasons for prohibition and CCMs and/or non-Members of origin or destination.

2. Information on cases under Part V paragraph 15

- number of cases
- total amount of bigeye tuna with breakdown by products, nature of operation (domestic trade, import, export, re-export), CCMs or other countries referred to in Part V paragraph 15 above.

Attachment B

Responses to the EC proposal for a Catch Documentation Scheme dated 8 April 2008



Australian Government

Department of Agriculture, Fisheries and Forestry

Staffan Ekwall
Principal Administrator
EC Delegation
PO Box 1000
BRUSSELS BELGIUM

Dear Mr Ekwall

I have received correspondence dated 8 April 2008 from John Spencer about the development of a conservation and management measure on a catch documentation programme (CDP) for bigeye tuna for the Western and Central Pacific Fisheries Commission (WCPFC) Area.

I would like to thank the European Community (EC) for leading the development of the draft measure and providing Australia with the opportunity to comment. Australia supports the current scope of the draft measure so that it applies to Commission members, Co-operating non-members and Participating Territories (CCM) and to the catch, landing and transhipment of bigeye tuna in the Convention Area.

I note that at the fourth meeting of the WCPFC in December 2007, FFA members proposed that a Catch Tracking Scheme Intersessional Working Group be established to develop objectives for a CDP that was integrated with other catch monitoring tools in the region. I agree that it is important to consider various overarching issues related to a CDP alongside a draft CMM. These issues should include: objectives; scope; operational issues; roles and responsibilities; capacity of small island developing states to implement such a measure and integration with other monitoring tools in the region. I would encourage the EC to consider some of these issues as part of the intersessional group's work.

In the interim, Australia has the following specific comments on the draft measure:

- Generally, the measure could be streamlined for greater simplicity and ease of understanding.
- The definitions of 'domestic trade', 'export', 'import' and 're-export' could be more clearly drafted (particularly in comparison to the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) conservation measure 10-05 (2006)).
- Propose adding definitions for 'land', 'catch' and 'tranship', as these terms are used throughout the measure.
- The terms 'bigeye tuna', 'bigeye tuna consignment', 'bigeye tuna in its caught or processed form' and 'bigeye tuna product' are used in various places throughout the measure. For clarity and to ensure that bigeye tuna caught in the WCPFC Area and products derived from that tuna are covered to the same extent throughout the measure, it would be helpful to include a term in the definitions that could be used throughout the document to cover both whole and processed bigeye tuna and bigeye tuna products which might form part of a consignment.
- Propose that the measure include a requirement, similar to that in paragraph 4 of the CCAMLR conservation measure 10-05, that each CCM requires that all transshipments of bigeye tuna to its vessels be accompanied by a completed Bigeye Tuna Catch Document (BCD). Transhipment should also be referenced in paragraphs 18 and 19 of the measure.
- The measure refers throughout to the 'CCM where the vessel is flagged' or to the 'flag state'. If bigeye tuna is caught by one vessel, and then transhipped to another vessel at sea, confusion

could arise about which is the 'flag state' for the purpose of the measure. This should be clarified in the text.

- Clarify the timeframe requirement in paragraph 13. Paragraph 13 requires each CCM to 'communicate' a copy of all validated documents within five working days. It is unclear whether the requirement is that the document must be sent by the CCM validating the BCD or Bigeye Tuna Re-export Certificate (BETRC), or must be received within five working days. If the intention is the latter, this should be made clear. Consideration may need to be given as to whether a five day timeframe is sufficient. The measure should indicate that documents should be sent by electronic means, whenever possible (as specified in the CCAMLR measures). I note this is specified in paragraph 24, but only in relation to the information to be provided under paragraphs 21, 22 and 23.
- Paragraph 14 provides that the Scientific Committee shall have access to the catch information contained in the database, except the vessel names. The WCPFC Secretariat must have a system, with integrity, that identifies a vessel, should the need arise from a Scientific Committee finding. The clause should specify that the information will remain confidential but may be used by the Secretariat and relevant parties, for example the Technical and Compliance Committee, for monitoring and compliance purposes and any other measures agreed to by the State.
- The process in Part V for verification of BCDs and BETRCs by importing and exporting states is not clear and includes potential loopholes. In particular:
 - It is unclear what 'related documentation' should be provided (or requested) for examination along with the BCD;
 - There is an errant 'at' in the last line of paragraph 15;
 - Paragraph 16 currently refers to paragraph 17. Rather, it should refer to examinations or verifications carried out pursuant to paragraph 15;
 - The requirements in relation to the examination and validation of BCDs and BETRCs are inconsistent. The requirements in relation to BCDs in each paragraph in Part V should be extended to BETRCs;
 - Paragraph 19 prohibits domestic trade, import, export and re-export of the bigeye tuna concerned if it is determined that a BCD or BETRC is invalid. This should also be the case if it is determined, under paragraph 17, that a BCD or BETRC is required and was not provided;
 - To avoid a potential loophole for some consignments of tuna, paragraphs 18 and 19 should also prohibit transshipment or re-export in addition to trade, import or export; and
 - Paragraph 3 should require that BCDs and BETRCs account for all the bigeye tuna contained in the shipment, similar to paragraph 10 in the CCAMLR measure.
- CCMs should be required to transmit validated copies of BCDs and BETRCs to the flag state of the originating vessel, as well as the destination country and the WCPFC Secretariat. This will assist effective flag state control by allowing flag states to track progress of shipments through the unique identifier, and ensure that identifiers are not being duplicated or otherwise made subject to fraud.
- Propose a further paragraph in Part V including a right for CCMs to require additional verification of BCD by flag states by using, inter alia, VMS data in respect of catches taken on the high seas in the WCPFC Area when landed at, imported into or exported from their territory (for example, paragraph 16 of the CCAMLR measure 10-05).
- There is no provision in this measure covering the situation where a consignment has no catch documentation, or if the CCM concerned determines the documentation to be invalid. Presumably in this case the consignment could be confiscated, sold or otherwise disposed of. Propose that a special catch document be issued for that purpose by the CCM concerned, with copies sent to other relevant states and the WCPFC Secretariat (for example, paragraph 18 of the CCAMLR measure 10-05).

- Propose removing the words 'paragraph 15' from paragraph 2 of Annex 3 so that Annex 3 required the reporting on all cases under Part V.
- The information required under Annex 1 and 2 should require that if an observer or authorised government official is present at the time of harvest or landing then the CDS must include the name, member state and authorisation number of that observer.
- A timeframe for implementation of this measure should be specified for a robust enforcement regime.
 - Propose including a timeframe in paragraph 17, for example 'as soon as practicable'.
 - The recommendation should include a date of review with terms of reference to include effectiveness, improvements, costs and benefits.

I welcome the opportunity to comment on a modified proposal in the coming months.

Yours sincerely



John Kalish
General Manager
International Fisheries and Aquaculture
Fisheries and Forestry

31 May 2008

From: Lapointe, Sylvie [mailto:LapointeSy@DFO-MPO.GC.CA]
Sent: Tuesday, May 27, 2008 12:35 PM
To: wcpfc@mail.fm
Cc: Staffan Ekwall
Subject: Deadline Extension - Prov. of comments on the EC's proposal for a Catch Documentation Scheme for Bigeye Tuna

Thank you for the opportunity to comment.

We would note that the EC proposal resembles by and large the catch documentation scheme that was adopted by ICCAT last year for bluefin tuna. As a Contracting Party that fully advocated this approach and participated actively in its development at ICCAT, we have no difficulty with this proposal for bigeye in the WCPFC. We would also note the move away from statistical document programs to the implementation of catch documentation schemes is fully in line with the recommendations coming out of the Kobe process.

The existing ICCAT scheme does allow exemptions for those countries that tag all fish, which may be of interest to some Parties like Japan that do tag all western Atlantic bluefin tuna.

Sylvie

Sylvie Lapointe

Director, Straddling and Highly Migratory Stocks/Directrice, Espèces chevauchantes et hautement migratoires
International Fisheries Directorate/Direction des pêches internationales
200 Kent, 8E239
Ottawa, Ontario K1A 0E6
613-993-6853
613-993-5995
lapointesy@dfo-mpo.gc.ca

From: WCPFC [mailto:wcpfc@mail.fm]
Sent: Sunday, May 11, 2008 8:21 PM
To: Lapointe, Sylvie
Subject: Deadline Extension - Prov. of comments on the EC's proposal for a Catch Documentation Scheme for Bigeye Tuna

Dear Ms. Lapointe,

Please find the attached letter regarding "Provision of comments on the EC's proposal for Catch Documentation Scheme for Bigeye Tuna – Deadline Extension to 31 May 2008. Your acknowledgement upon receipt of the attachment is kindly requested.

Warm regards,

Lucille Abello Martinez

Executive Assistant
Western and Central Pacific Fisheries Commission
P.O. Box 2356
Kolonja, Pohnpei 96941
Federated States of Micronesia

Ph: (691) 320-1992/1993
Fax: (691) 320-1108
Email: wcpfc@mail.fm / lucillem@mail.fm



行政院農業委員會漁業署

FISHERIES AGENCY

Council of Agriculture, Executive Yuan

No.1, Fishing Harbour North 1st Road, Chien Chen district,
Kaohsiung, Taiwan

TEL: 886-7-823-9827 FAX: 886-7-815-8278 <http://www.fa.gov.tw>

April 30, 2008

Mr. Andrew Wright
Executive Director
Western and Central Pacific Fisheries Commission
P.O. Box 2356, Kolonia, Pohnpei
Federated States of Micronesia

Dear Mr. Wright,

Our response to the EC's draft CMM on CDS are as follows.

We would like to express our gratitude to EC for facilitating the discussion of Trade Document issue and sharing the workload of TCC meeting.

As we mentioned in the previous WCPFC meeting, we fully support a practical trade document scheme which could help verify the catch and deter IUU fisheries. With regard to the proposed CDS for bigeye tuna, we note that most of the ideas are originated from the ICCAT Bluefin tuna CDS, which we had expressed our support in the ICCAT meeting.

However, we still have concerns on whether this scheme could be implemented on bigeye tuna fisheries in consideration the different characteristics and catch amount of the two fisheries. Thus, we have difficulty in offering our support to this proposal at this stage, but we are willing to continue discussions with EC and other interested members on this issue.

Nevertheless, we would like to offer our preliminary comment on the proposal. There is difficulty in the practical application, if bigeye catch document of each landing or catching of bigeye is to be validated, since bigeye is caught in much larger quantity than bluefin and physically it is not possible to identify small bigeye in purse seine fishing. During past Commission meetings, we proposed that the existing trade documentation scheme as applied in ICCAT, IOTC and IATTC should be the first step to ensure that the bigeye exported is caught legally, and our position still remains unchanged.



行政院農業委員會漁業署

FISHERIES AGENCY

Council of Agriculture, Executive Yuan

No.1, Fishing Harbour North 1st Road, Chien Chen district,
Kaohsiung, Taiwan

TEL: 886-7-823-9827 FAX: 886-7-815-8278 <http://www.fa.gov.tw>

Sincerely yours,

Tzu Yaw Tsay

Tzu Yaw Tsay

Director

Deep Sea Fisheries Division

cc. Mr Staffan Ekwall



**MINISTRY OF PRIMARY INDUSTRIES
FISHERIES DEPARTMENT**

HEADQUARTERS

Toorak Road, Toorak, Suva
P. O. BOX 2218
Government Buildings
SUVA, Fiji Islands

Phone: (679) 3301011
Fax: (679) 3318769

REFERENCE: 34/1

DATE: 03-Jun-08

**Mr Andrew Wright
Executive Director
Western and Central Pacific Fisheries Commission
P O Box 2356
POHNPEI 96941
Federated States of Micronesia**

Dear Mr Wright,

RE: Fiji Response to EC proposal for a draft Conservation and Management Measure on a WCPFC Bigeye Tuna Catch Documentation Programme

Fiji acknowledges with appreciation the EC draft Conservation and Management Measure on a WCPFC Bigeye Tuna Catch Documentation Programme (CDP).

While Fiji notes the need for harmonisation of trade tracking programs of tuna RFMOs as recommended in WCPFC4-2007 DP24, Fiji adds caution on the direct application of a measure from another RFMO. In this regard, it is noted that the EC draft is almost identical to the ICCAT Bluefin Tuna CDP (ICCAT Recommendation 07-10). Additional reference in the development of the CDP to existing schemes of the IATTC (IATTC Resolution C-03-01) and CCAMLR is recommended.

Fiji supports the need for the CDP to be an essential component of the WCPFC's monitoring, control and surveillance framework. The MCS framework of the WCPFC must be integrated and comprehensive and this is to be taken into account in the objectives of a CDP and the operational provisions.

Fiji affirms the response from FFA members dated 30 May 2008 including the need to initially agree on the objectives of the scheme and design framework before substantiating operational parameters.

That being said, Fiji wishes to make comments on objectives and design considerations before addressing issues arising from the EC draft.

Fiji contends that the primary objective of a BET CDP is the monitoring and verification of BET catch data to support the conservation and management efforts of the stocks as defined in the respective CMMs of the WCPFC. Other objectives such as the deterrence of IUU fishing, monitoring of BET catches from other tuna RFMOs, and harmonisation with other tuna RFMOs, are considered to be secondary objectives. If the scope of a CDP extends to other species in addition to BET, similar but adapted objectives would apply.

Fiji is mindful that although a secondary objective of a BET CDP would be the deterrence and elimination of IUU fishing, the validation requirements of the CDP can be used by IUU fishers to validate IUU BET catches from within the WCPFC Convention Area and beyond. Clearer roles and responsibilities of flag States, coastal States and port States is essential.

With respect to design considerations, Fiji believes that the scope of the CDP and data submission and handling requirements need to be discussed further. Data confidentiality is important. Access to data submitted by a validating CCM should only be released to the Scientific Committee (or any other body) if written consent is provided by the relevant validating CCM.

Further, Fiji acknowledges the relevance of charters or leased vessels to domestic fleets operating in the Convention Area. In this regard, paragraph 5 of CMM 2005-01 provides that:

For the purposes of these measures, vessels operated under charter, lease or other similar mechanisms by developing islands States and participating territories, as an integral part of their domestic fleet, shall be considered to be vessels of the host island state or territory. Such charter, lease or other similar mechanism shall be conducted in a manner so as not to invite IUU vessels.

Given the recognition of chartered vessels as an *integral part* of domestic fleets, the CDP should allow for validation also by the chartering State of the vessel.

Fiji contends that the failure to accommodate validation by the chartering State will effectively prejudice the legitimate rights and obligations of those Small Island Developing State Members and participating territories in the Convention Area seeking to develop and monitor their own domestic fisheries.

In operationalising a CDP, the existence and maintenance of adequate capacity of each CCM is important. Fiji is particularly mindful of the vulnerabilities and the special requirements of Small Island Developing State fully recognised in article 30 of the WCPF Convention. In this respect, Fiji suggests that a CDP support the building of capacity particularly in SIDS and territory CCMs and refers to the provision of assistance in accordance with article 30(4). It is also vital that SIDS and territory CCMs are not transferred, directly or indirectly, a disproportionate burden.

As alluded to above, the roles and responsibilities of relevant parties need to be clear in the measure. Based on the points above, relevant parties include: flag States, chartering States, coastal States and port/market States. The CDP should address situations where for instance, a carrier vessel flagged in country A takes from fishing vessels flagged by

country H, I and J fish caught from the zones of country B, C, D and the high seas in the Convention Area and lands the catches in country E for export to X and Y.

Having made general comments, Fiji now adds its views on the proposed EC draft:

1. Preambular text

Fiji believes that although various objectives of a CDP are mentioned in the existing text, this section needs to be redrafted to reflect the region, current and proposed efforts through the Commission, and agreed objectives.

For instance, Fiji suggests the need to refer to the role of the CDP in supporting the integrated MCS framework of the Commission, and that CCMs are committed to developing capacity of Small Island Developing State and territory CCMs.

2. Part I General Provisions

Fiji contends that the definitions provided in the EC draft need to be considered in more detail. For brevity sake, comments on the definitions of “domestic trade” and “import” only are made.

The existing definition of domestic trade does not provide for the trade of BET by a chartered vessel. As noted earlier, chartered vessels are an integral part of domestic fleets in the region and need to be accommodated.

With reference to the second part of the definition, Fiji contends that this form of trade between Member States of the EC should not equate to “domestic trade”.

Rather, Fiji believes that an additional definition for “Intra-regional trade” would accommodate existing trade practices between CCMs within the Convention Area. A definition for “Intra-regional trade” may be:

“Trade between Small Island Developing State or territory CCMs of bigeye tuna caught within the WCPFC Convention Area by vessels authorised by any said State or territory.”

Fiji is also mindful that domestic trade would include the sale of fish that may not meet the quality requirements for export abroad. In Fiji, these products are either distributed among crew for household consumption or sold in local outlets.

On the definition of “import”, two brief points are made. Firstly, the definition appears to only apply to BET caught by a fishing vessel flagged with a CCM that lands its catch in another CCM. It would therefore not apply to situations where fishing vessels flagged in country A for instance fishes under a licence in country B and lands all of its catch in country A. Or, to a situation where the same fishing vessel tranships its catch from country B in the port of country A. Secondly, the role of chartered vessels needs to be incorporated.

Apart from the definitions, paragraphs 3 and 4 of the EC draft deserve some comment. Paragraph 3 refers to each consignment of BET “*domestically traded, imported into or exported or re-exported*” to be accompanied by a validated BCD. Fiji notes that the reference to domestic trade would also include a validated BCD for the use and trade of fish consumed locally.

Paragraph 4 refers to the provision of BCD forms to authorised vessels only. Authorised vessels in the WCPF Convention Area include flagged vessels, chartered vessels, and other vessels operating under similar mechanisms. Fiji suggests that the provision be amended to ensure that the document number *also* be specific to the chartering State and assigned to a chartered vessel.

3. Part II Validation of BCDs

Fiji believes that the validation of BCDs should also be extended to authorised representatives of the chartering State.

Fiji notes para. 7(c) and seeks further information on the rationale for allowing for a temporary BCD if a validated BCD would be required anyway.

4. Part III Validation of BETRCs

Fiji suggests the need for more deliberation on the issue of re-exports. Based on the definition in the EC draft, re-export means any movement of BET from the territory of a CCM where it has been previously imported.

Given the existing definition, Fiji contends that an authorised fishing vessel fishing in country B but landing all its catch in country A would not be involved in the import unless flagged with country B. If the vessel is not flagged in country B, then the landing may not be considered an “import” and a BCD rather than a BETRC would be completed by country A.

5. Part IV Verification and Communication

Fiji notes that there are potential overlap between Parts IV and V and suggest that the process for verification and communication be clearly laid out in one part.

In addition, Fiji questions the inclusion of the words “domestically traded” rather than “exported” in para. 13(a).

Fiji reiterates that the CDP needs to promote data confidentiality. In this respect, references to access to catch information by the Scientific Committee “at its request” can potentially undermine confidentiality. Fiji suggests that any request for access should be made to the validating CCM. The validating CCM may agree or disagree with such access and if in agreement, shall provide written consent.

6. Part V Verification

In Fiji's view, verification precedes validation of a BCD or a BETRC. Therefore, this part needs to be put before the parts relating to the validations of BCD and BETRC.

Fiji suggests closer deliberation of provisions of this part to ensure consistency and clarity.

7. Part VI Notification and Communication

Fiji notes the overlaps in notification and communication requirements in this part and in preceding parts.

Earlier comments on data confidentiality and the requirement of written consent by a validating CCM to allow access to reports apply in this part also.

8. Annex 1

The parameters in annex 1 need to reflect Fiji's views.

9. Annex 2

The parameters in annex 2 need to reflect Fiji's views.

Fiji expresses its appreciation to the Commission Secretariat for the opportunity and looks forward to further exchanges.

Yours Sincerely,



Niumaia Tabunakawai
Permanent Secretary for Fisheries and Forests



Friday, 30 May 2008

File Ref: DB/1.2

Mr Andrew Wright
Executive Director
Western and Central Fisheries Commission
PO Box 2356
POHNPEI 96941
Federated States of Micronesia

Dear Drew,

Subject: FFA Response to EU proposal for a draft Conservation and Management Measure on a WCPFC Bigeye Tuna Catch Documentation Programme

FFA Members acknowledge with appreciation the lead the EU has taken in developing a draft Conservation and Management Measure on a WCPFC Bigeye Tuna Catch Documentation Programme (CDP); noting that Forum Members fully support the concept of a CDP.

FFA Members have repeatedly stated that an integrated and comprehensive framework of monitoring, control and surveillance measures is required within the WCPFC to ensure compliance with, and effectiveness of, the Conservation and Management Measures of the WCPFC. The implementation of a Catch Documentation Programme is considered a central element of such an MCS framework.

FFA Members note the tabled WCPFC4-2007 DP24, the "Recommendation to Tuna RFMOs on Harmonisation and Improvement of Trade Tracking Programs". However FFA Members firmly feel that the introduction of a CDP must not simply copy that of other RFMO's where the objectives were not clearly established and/or not understood and/or not addressed. The implementation of a CDP must not undermine the very conservation and management functions of the Commission.

As you will recall, FFA members endeavoured at WCPFC 4 to establish a formal working group (the Catch Tracking Scheme Intercessional Working Group [CTS-IWG]) that could prepare objectives and develop an agreed design framework for a Catch Documentation Programme. These efforts were made through the submission of WCPFC 4-2007-DP30 and participation in the small working group convened by Australia. FFA members remain of the opinion that a structured approach allowing a more holistic consideration of issues is required to ensure that the WCPFC will implement a CMM which will be effective and consistent with its conservation and management objectives.

The draft CMM on CDP proposed by the EU raises a number of concerns including its effectiveness, species, data accuracy, scope, integration with other MCS initiatives and small island state issues. This suggests that it may be prudent to initially agree on the objectives of the scheme and design standards and framework before developing its operational structure. Once the objectives and design are established and agreed upon, a catch tracking scheme can be developed to reflect such standards and framework. The draft CMM presented by the EU will provide an excellent base for such consideration.

It is therefore suggested that the CTS-IWG consider the following in developing design standards and framework:

- a. Objective/s including compliance and verification of catch data, harmonisation with other Tuna RFMO's and elimination of IUU fishing.

- b. Scope including species, fishing gears, product form and transshipping operations.
- c. Operational issues of data submission, handling, analysis, reconciliation and dissemination including use of electronic based systems and consideration of commercial trade tracking programs.
- d. Roles and responsibilities of flag states, coastal states, port states, WCPFC Secretariat and trade organisations
- e. Capacity within CCM's and particularly small island developing states to implement and capacity building assistance.
- f. Integration within the MCS framework of WCPFC.

It is further suggested that the CTS-IWG seek technical expertise and input from CCAMLR who have an operational catch tracking system which has been repeatedly modified and improved over time. Input from other tuna RFMO's, regional trade and customs bodies is also considered to be of potential value.

The Forum Members suggest the Commission Secretariat coordinate the CTS-IWG exchange, and where required, meetings.

Yours sincerely,



Theofanes Isamu
FFC Chair
PACIFIC ISLANDS FORUM FISHERIES AGENCY

From: Staffan.Ekwall@ec.europa.eu
Sent: Tuesday, May 06, 2008 8:35 PM
To: andrewr@mail.fm
Cc: dreww@mail.fm
Subject: FW: WCPFC: EC-CDS proposal and japan..

-----Original Message-----

From: hideo_inomata@nm.maff.go.jp [mailto:hideo_inomata@nm.maff.go.jp]
Sent: Tuesday, April 22, 2008 5:00 AM
To: EKWALL Staffan (MARE)
Subject: WCPFC: EC-CDS proposal
Dear Mr. Ekwall,

I hope you and your colleagues are doing fine. In this e-mail, I refer to the circular from WCPFC Secretariat on 10 April regarding the EC proposal on CDS.

As you may know, Japan's basic position on this issue is, at first, to discuss the needs, applicability and practicality of this scheme in light of the reality of fishing activities in WCPO. Without clarifying these points, discussion on the specific text of the proposal would be of no use, I am afraid. Therefore, I would like to hear your response to the various points that Japan raised in its paper at TCC3 (attached). Unfortunately, we did not have in depth discussion on the specific points so far at the Commission and its subsidiary bodies.

In addition to this, I would like to note additional questions which I would like to hear your view:

- Why statistical document program already in force in other RFMO is insufficient from the point of EC's domestic policy purpose?
- In technical sense, how purse-sein vessels operating both in EPO and WCPO could effectively comply with the requirements of CDS of WCPFC?
- How to deal with re-export of CCMs' products to non-members?

Finally, I would like to refer to Mr. Spenser's remarks at WCPFC WS held at Canberra in this April. I remember that EU members are going to require such certification as documented by exporting nations when EU members are accepting fish and fish products into EU regions. Since I would like to examine EC/EU scheme into more detail, I would appreciate it if you provide relevant document with me.

Please note that until satisfactory explanations are made, Japan have to reserve its position on your proposal.

Thank you in advance for your cooperation.

With best regards,

Hideo Inomata
Fisheries Agency of Japan

cc. WCPFC Secretariat



TECHNICAL AND COMPLIANCE COMMITTEE

THIRD REGULAR SESSION

27 September – 02 October 2007

Pohnpei, Federated States of Micronesia

BASIC QUESTIONS ON CATCH DOCUMENTATION SCHEME IN WCPFC

WCPFC-TCC3-2007/DP06

21 September 2007

Paper prepared by Japan

Whether we refer to catch documentation scheme (CDS) or to statistical document program (SDP), what lacks in this forum is a focused discussion on the specific aspects of proposed scheme, in terms of both theory and practicality. In other words, why proposed scheme is necessary, what it aims at in pursuing any management objective, and how it will be implemented in the real situations of WCPO fishery, are the imperative points if we are to further the discussion.

For this sake, Japan already submitted its discussion paper (WCPFC3-2006-DP17: attached to this paper) at the 3rd session of the Commission. In that paper, Japan underlined some problems in light of the utility and practicality of catch documentation scheme, by introducing various parameters and facts of tuna fisheries in WCPO for reference. However, because of the lack of time available at the plenary, such focused session was not realized in the previous session of the Commission. Although some of the points listed may need to be amended and complemented, Japan would like other members look again at this document, since basic propositions of the paper are still relevant. Japan highly welcomes the response and inputs by other members on specific points in the paper.

In addition to the points noted in the paper (WCPFC3-2006-DP17) Japan herein listed very basic practical questions on CDS for your considerations and comments. These are not particular problems only for Japan but the ones other members including developing nations may be concerned. If CDS is to be introduced, it must be

implemented by the all the vessels operating in the WCPO regardless of nationality and type of vessels in order to fulfill its purpose. By doing so, however, it causes many practical problems that may hinder legitimate tuna fishing activities of members. Japan would like to consider further jointly with other members whether CDS needs to be introduced in spite of these difficulties.

Q1: How mixed-harvests caught and stored by purse seiners can be identified species by species and be accurately documented?

This is an almost impossible task to separate and count fishes by species particularly when a bulk of multi-species harvested by purse-seiner will be destined to cannery or processing factories.

Q2: How landings at a considerable number of domestic ports including those of developing nations be monitored on real time basis?

This is physically impossible to cover all the coastal landing sites with supervisors at 365 days-24hours for validation, although catch information may be obtained by alternative methods.

Q3: How large amount of tunas to be landed at or exported to non-members be adequately covered?

This is one of the most fundamental problems in implementing CDS in WCPFC, where a number of non-members (e.g., Thailand) are importing tunas caught in WCPO.

Q4: How large amount of tunas caught by the vessels of non-members be adequately covered?

This is also a fundamental problem in implementing CDS in WCPFC. As observed in Q3 and Q4, insufficient coverage of tuna catch and its distribution due to the presence of non-members of WCPFC makes CDS malfunctioned unfortunately.

Q5: How clearance of custom at importing countries be proceeded without spoiling the quality of fresh products?

In fact, considerable amount of “fresh” tuna such as bigeye are exported to Japan from wide variety of nations and its total amount is far larger than fresh bluefin tuna and southern bluefin tuna carried into Japan. For example, amount of fresh

bigeye that was exported to Japan in current years is shown in the Table 1. In addition, the total number of commercial lot in which fresh bigeye was packed and distributed will be far larger than those of BFT and SBT because Bigeye's size is smaller than BFT and SBT. Because of these facts, if CDS is strictly enforced in Japan with current capacity of government administrative services, more prolonged time may be required in proceeding custom clearances; consequently the quality of products and flexibility of business transaction may be affected.

Please note that these are non-exhaustive list and other important questions may occur to us. If every member could share Japan's points, subsequent interactions among members in this regard would be well grounded on real situations surrounding WCPO fishery.

Table 1: Fresh Bigeye exported to Japan

Unit: ton

	2004	2005	2006
PNG	390,820	219,000	164,900
USA	102,611	167,446	84,632
Guam (USA)	877,570	369,685	964,127
US-Samoa	0	0	396
Australia	738,691	553,423	334,972
Canada	19,277	3,031	4,945
Cook Islands	15,610	5,839	2,782
Samoa	0	0	599
Solomon Islands	442,440	19,285	0
Tonga	4,535	24,780	20,284
New Caledonia	36,712	23,110	812
New Zealand	166,271	118,803	129,823
Palau	690,525	1,812,583	2,883,466
Fiji	455,944	305,826	279,873

Philippines	433,767	728,905	674,428
Marshall Islands	556,927	213,663	11,876
FSM	677,468	96,423	301,130
Chinese Taipei	990,259	624,065	411,767
China	0	1,065	175
Malaysia	97,669	79,512	150,182
Thailand	1,274,870	635,916	821,511

Total (include other states)	19,066,923	16,930,229	15,876,070
------------------------------	------------	------------	------------



THIRD REGULAR SESSION

Apia, Samoa

11-15 December 2006

**Memorandums for further consideration regarding
suitability and applicability of
Statistical Document/Catch Document
in the context of WCPFC**

WCPFC3-2006-DP17

6TH December 2006

Prepared by the Japanese delegation

Since the second regular session of the Commission in 2005, arguments regarding statistical documents and catch documentation have not advanced significantly in WCPFC. Japan's proposal to introduce Statistical Document Program (SDP) on Bigeye, which was already implemented by all other tuna RFMOs and was supported by several Members, was however rejected by some Members of WCPFC because of their general preference for Catch Documentation Scheme (CDS).

At the second session of the Technical and Compliance Committee (TCC) in October 2006, similar discussion to WCPFC2 was occurred and the TCC failed to conduct detailed technical discussion to be anticipated. Although Japanese delegation submitted its explanatory note in this regard (TCC2-2006/DP4) for consideration by Members, there are no counter arguments against the specific points that were raised by the paper. Consequently, it still remains to be clarified fully why SDP is not relevant for WCPFC and CDS instead is necessary. In addition, technical difficulties Japan pointed out regarding the implementation of CDS in the case of Bigeye of WCPO, in contrast with the case of CCAMLR, were not well countered by the Members that supported CDS.

To date, Japan did not received any specific suggestions from Members regarding the Japanese original proposal on SDP, although general comments already expressed in previous session of WCPFC are notified. Because of the absence of the specific suggestions by other members, Japan is unable to improve its proposal on SDP.

In order to further contribute to the discussion at the third regular session of the Commission (WCPFC3), Japan herein prepared additional tables and figures which highlight the points to be considered by the Commission. Japan considers that having well focused discussion regarding specific technical points rather than exchanging general opinions and preferences would enable the Commission step further.

Table 1 is an expanded version of the comparison of various parameters between CDS (Toothfish of CCAMLR) and SDP (BY of WCPFC). From Japan's point of view,

there are significant differences between two different fisheries and associated schemes. These facts imply that comprehensive application of CDS for bigeye in all the WCPFC Members is almost impossible because there are many technical difficulties. In particular, developing Members may be unable to comply with the requirements.

Table 2 is another table of comparison in which policy implications for these two schemes were listed and considered. These points, in Japan's view, support the SDP as a feasible and effective measure in order to combat IUU fishing. Table 2 also signifies the difficulties associated with implementation in CDS. Even if it is implemented, it entails significant transaction costs and unnecessary burden to legitimate fishermen as well as to government authorities. In addition financial and administrative implications of the Commission in administering the CDS also need to be considered.

Since this Table 2 is not completed, the Commission need to consider further the relevant points in this table. Since the author of this paper is unable to fill the column on the side of CDS, the Member that support CDS is kindly requested to submit its reasoning and feasibility in detail to support the CDS. The basic point above all is that the reason to introduce CDS despite perceived transaction costs and burdens was not clearly demonstrated.

The last page of this paper shows the conceptual diagrams regarding the catch composition of Bigeye and Toothfish by members and non-members and its destinations. Previous Japan's explanatory note already explained that the case of CCAMLR could not be a reasonable analogy for WCPFC because of the lack of focused policy objectives and other measures to be combined. In addition to this, attention should be paid to the facts that the area "D" of Bigeye (Fig.1) is far larger than that of toothfish (Fig.2); this is because of the substantial volume of Bigeye which is caught by non-members and/or exported to non-members (e.g., Thailand).

We recall that the general preference for CDS expressed by some members seems to be because of its comprehensive coverage. But in the reality of WCPO, preferred comprehensiveness could not be achieved even if CDS is introduced. This means only the governments and fishermen of WCPFC members will be burdened while non-cooperating non-members continue to be exempted from the application of CDS. In this sense, what is intended and what should be achieved under CDS, with incomplete coverage, need to be fully explained in the context of WCPFC.

For the sake of fairness, Japanese side admits that SDP is not *per se* almighty for combating IUU fishing. SDP intends to obtain information on origins of fish through international trade and hereby identify the source of IUU fishing because most of IUU fishing is export driven. When it is implemented with other measures such as Positive list and IUU fishing vessel list, SDP could contribute to prevent IUU fishing products from entering into international markets. The utility of SDP as a feasible and effective tool is already recognized by other tuna RFMOs.

Finally, SDP and CDS are not mutually exclusive in their natures. In this sense, considering CDS further can not be a reason to block introducing SDP in WCPFC as an immediate step. In the case of CCSBT, the Commission meeting in 2006 agreed to continue its discussion with a view to introducing CDS on SBT replacing with existing SDP. At the same time, CDS entail significant technical and financial problems to implement successfully, which needs thorough consideration at respective forum taking into consideration the situations of fisheries in question. SDP is a good approach in order to accumulate experiences on this kind of scheme in WCPFC and continue to consider the desirability and feasibility of CDS.

Table 1: Comparison of various parameters and facts between Toothfish and Bigeye

	Toothfish	Bigeye
Catch amount	<i>34,000 MT</i>	<i>120,000 MT</i>
Number of vessel	<i>< 30</i>	<i>> 5,000</i>
Gear	<i>LL</i>	<i>LL, PS, PL, etc.</i>
Product type	<i>Frozen</i>	<i>Fresh, Frozen, etc.</i>
Fishermen involved	<i>Limited (well organized with capitals and equipped with modern technologies)</i>	<i>Countless (includes small-scale and artisanal fishermen)</i>
Landing port	<i>Limited</i>	<i>Countless</i>
Non-members	<i>A few</i>	<i>Many</i>
Export to non-CCMs	<i>Negligible</i>	<i>Large (e.g., Thailand)</i>
Distribution pattern	<i>Relatively simple (export to/domestic consumption in limited developed nations)</i>	<i>Well varied (from local consumption to international trade, from canning to sashimi)</i>
Markets	<i>Focused (limited number of developed nations)</i>	<i>Numerous</i>

Table 2: Points to be considered on SDP/CDS in the context of WCPFC

	Statistical Document	Catch Document
Immediate Purposes	To identify the national/vessel/ocean origins of the tuna caught in international trade	?
Coverage	Catches by both CCMs and non-CCMs and are exported to CCMs	Catches by CCMs
Policy Targets	IUU fishing states/vessels that export their harvests to CCMs	?
Measures to be combined	- Positive list - IUU negative fishing vessel list - Trade restriction against a nation	?
Expected effects	- the catches by non-CCMs will be quantified - harvests by IUU fishing will be rejected from CCM members	?
Actors responsible	Both exporting and importing CCMs	Flag CCMs
Transaction costs for gov.	Medium (required only in international trade)	High(always required)
Burden for fishermen	Low	High
Commission Budget	Low (administered by CCMs)	High (Secretariat's function needed)
Feasibility	High (already implemented by all other tuna RFMOs)	Low (technical difficulties entailed)
Urgency	High (to combat IUU fishing)	Low
Compatibility with other tuna RFMO	High (ICCAT, IOTC, IATTC, CCSBT)	None
Suitability for WCPFC	High	Low

Fig.1 Bigeye in WCPO

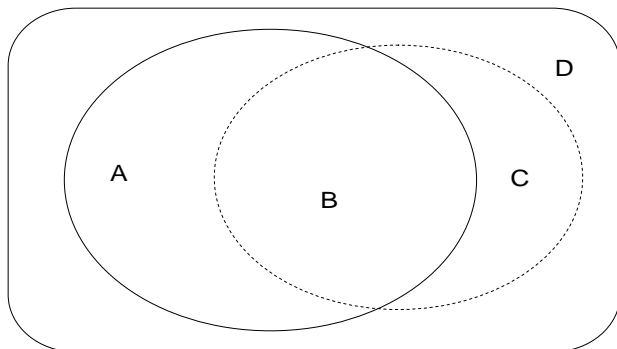
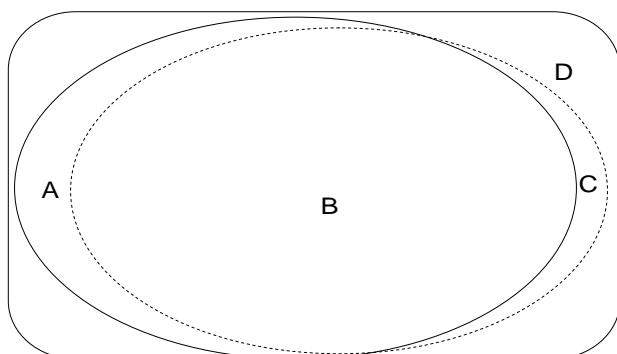


Fig.2 Patagonian toothed fish



Rounded square: All the catch by CCMs and non-Members

Circle of solid line: Catch by CCMs

Circle of broken line: Catch for international trade

Area A: Catch by CCMs for domestic distribution

Area B: Catch by CCMs for export to other CCMs

Area C: Catch by non-CCMs for export to CCMs

Area D: Other catches not covered by A, B and C (e.g., catch by non-CCMs for their domestic distribution or export to other non-CCMs)



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
1601 Kapiolani Blvd., Suite 1110
Honolulu, Hawaii 96814-4700
(808) 944-2200 • Fax (808) 973-2941

APR 30 2008

Mr. Andrew Wright
Executive Director
Western and Central Pacific Fisheries Commission
PO Box 2356
Kolonias, Pohnpei State
Federated States of Micronesia

Re: European Community's (EC) Bigeye Tuna Catch Documentation Program (CDP) proposal.

Dear Drew:

Thank you for the opportunity to comment on the European Community's (EC) Bigeye Tuna Catch Documentation Program (CDP) proposal.

The draft measure is similar to proposals made by the EC in other tuna regional fisheries management organizations (RFMOs). However, these RFMOs have a longer history and greater experience with trade and catch documentation issues. Equally important, a more comprehensive set of MCS protocols have been established in these RFMOs and the CDPs provide a complement to these other MCS elements. Finally, these RFMOs have much larger support staffs and IT capabilities or there has been an expressed willingness to augment the respective secretariats to support the needs of a CDP. None of these are the case in the Western and Central Pacific Ocean.

We note that the EC proposal is very similar (if not essentially identical) to the bluefin tuna catch documentation system adopted at ICCAT last year. The United States (U.S.) agreed to a CDS approach for Atlantic bluefin tuna because of our grave concern for the status of the eastern stock combined with serious issues of non-compliance by eastern harvesters with catch monitoring and data reporting protocols established. We note that there are substantial differences between Pacific bigeye and Atlantic bluefin tuna fisheries—given the large number of markets, the size and diversity of the fishing fleets, the size of the global catch, the number of product types, particularly canned product, and the way bigeye tuna are stored and traded. Domestically the U.S. has concerns related to potential impacts on fresh fish markets as well as impacts on other sectors, including small scale/recreational and subsistence fishermen, some of who may occasionally sell bigeye tuna through formal market channels.

The proposal appears to be overly burdensome and detailed for bigeye tuna while, at the same time, not inclusive of other important species. It seeks to include all bigeye tuna, all vessels, and all gears across the entire convention area, and to do so by recording every detail of the catch, transport, processing, and marketing of each individual fish. Inasmuch as catch numbers for some countries are questionable and others are estimated, robust implementation of this program may be very challenging for WCPFC members.



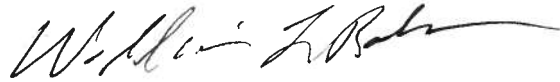
Using essentially the same CDP in both ocean basins may have its benefits – however, we believe that the associated costs significantly outweigh the benefits particularly given the differences in the fisheries, the RFMOs, and the capabilities of the MCS systems established to monitor these fisheries.

The U.S. considers it more useful to concentrate first on the establishment of robust logbook and/or observer-based catch reporting systems, establishment of transshipping monitoring and control (documentation) and the establishment of appropriate linkage to conservation and management measures adopted by the Commission. After these elements are fully established – then it may be the appropriate time to revisit CDPs.

At this time the U.S. will reserve more specific comments on the EC proposal in order to consider the comments of other CCMs, and in particular whether or not the ECs approach is an acceptable basis from which to initiate further discussion.

If there are any questions or comments on this matter they can be forwarded to Mr. Ray Clarke at 808-944-2205 or Raymond.clarke@noaa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "William L. Robinson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

William L. Robinson
Regional Administrator

cc: William Gibbons-Fly, Department of State