



**TECHNICAL AND COMPLIANCE COMMITTEE
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**DRAFT CONSERVATION AND MANAGEMENT MEASURE ON
REGULATION OF TRANSHIPMENT
(Revision from WCPFC4-2007/DP-08)**

**WCPFC-TCC4-2008/DP-06
4 October 2008**

**Proposal submitted by the Republic of Marshall Islands, Papua New Guinea,
Nauru, Federated States of Micronesia, Solomon Islands, Palau and Kiribati**

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**Proposal submitted by the Republic of Marshall Islands, Papua New Guinea,
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*The Commission for the Conservation and Management of Highly Migratory Fish Stock
in the Western and Central Pacific Ocean,*

Acknowledging that effective conservation and management of highly migratory fish stocks is dependent on the provision of accurate reporting of catches of such stocks in the Convention Area;

Recognizing that transshipment of catches of highly migratory fish stocks at sea, in particular on the high seas contributes to distort reporting of catches of such stocks and supports IUU fishing in the Convention Area;

Recalling Article 29(1) of the Convention which provides that in order to support efforts to ensure accurate reporting of catches, the members of the Commission shall encourage their fishing vessels, to the extent practicable, to conduct transshipment in port.

Recalling also Article 29(2) and (3) of the Convention that transshipment at a port or in an area within waters under the national jurisdiction of a member of the Commission shall take place in accordance with applicable national laws, and that the Commission shall develop procedures to obtain and verify data on the quantity and species transshipped both in port and at sea in the Convention Area and procedures to determine when transshipment covered by the Convention has been completed;

Recalling further that Article 29(5) of the Convention prohibits transshipping at sea by purse seine vessels operating within the Convention Area, subject to specific exemptions which the Commission shall adopt in order to reflect existing operations;

Recognizing the importance of economic benefits from port operations to developing CCMs

Desiring to establish procedures to obtain and verify data on the quantity and species transshipped in the Convention Area to ensure accurate reporting of catches, and enhance stock assessments of highly migratory fish stocks.

Adopts in accordance with Article 10 of the WCPFC Convention:

SECTION 1: GENERAL RULES

- 1.1 The provisions of this measure shall apply to all transshipment of highly migratory fish stocks in the Convention Area, and to the transshipment outside the Convention Area of highly migratory fish stocks taken in the Convention Area.
- 1.2 Each CCM shall take necessary measures to ensure that vessels flying its flag, and

its chartered vessels, comply with this Measure.

- 1.3 CCMs shall report on all transshipment activities covered by paragraph 1.1 as part of their Annual Report (part 2) in accordance with guidelines established by the Executive Director.
- 1.4 The Commission shall provide appropriate assistance to developing states, in particular small island developing states, in the implementation of this measure.

SECTION 2: HIGH SEAS TRANSHIPMENT

- 2.1 There shall be no transshipment on the high seas except where a CCM has determined that it is impracticable for certain vessels flying its flag to operate without being able to transship on the high seas, and has advised the Commission of such. In these cases:
 - a) the flag state shall:
 - i) advise the Commission of its procedures for monitoring and verification of the transshipments;
 - ii) provide 48 hours prior notification of each transshipment operation to the WCPFC Secretariat. The Executive Director shall ensure that these notifications are made available to other CCMs for compliance activities;
 - iii) provide the Commission with a verified WCPFC Transshipment Declaration within 15 days of completion of each transshipment; and
 - iv) comply with any conditions that the Commission may apply to transshipment on the high seas.
 - b) there shall be 100% observer coverage of all transshipments under the WCPFC Regional Observer Programme;
 - c) there shall be no transshipment to or from non-CCM vessels;
 - d) the Commission may vary these conditions for any particular fishery, for which there are alternative arrangements to ensure accurate reporting of catches, including verification of catches transhipped, taking into account the characteristics of the fishery concerned; and
 - e) the Commission shall review each case as appropriate but at least every 2 years to establish whether monitoring and verification has been effective. After review, the Commission may prohibit any vessels in any fishery in which monitoring and verification of transshipment on the high seas is proven to have been ineffective from transshipping on the high seas, or establish or vary any conditions for transshipping on the high seas
- 2.2 Notwithstanding paragraph 2.1 above:
 - a) there shall be no transshipment of frozen fish from longliners on the high seas in the area bounded by 20°N and 20°S and no transshipment on the high seas of frozen fish taken in the area bounded by 20°N and 20°S;

- b) there shall be no transshipment in any area of high seas entirely surrounded by the exclusive economic zones of members of the Commission; and
- c) no vessel, including any carrier vessel, that has been on the IUU list of the WCPFC or any other RFMO in the past 5 years, or been the subject of a prosecution for an offence relating to transshipment, shall be authorised to transship on the high seas.

SECTION 3: TRANSHIPMENT IN NATIONAL WATERS AND IN PORT

- 3.1 Transshipment in a port or in waters under the national jurisdiction of a CCM shall take place in accordance with applicable national laws. Nothing in this measure shall prejudice the application of national laws when transshipment occurs in areas under the national jurisdiction of a CCM, including the application of more stringent requirements.
- 3.2 A CCM may notify the Executive Director of its designated port or ports for transshipment. The Executive Director shall circulate periodically to all members a list of such designated ports.
- 3.3 Each CCM shall monitor and verify, inter alia, the volumes, species, and areas of catches transhipped from each vessel in its ports or waters.
- 3.4 If the catch transhipped includes catch taken on the high seas or in waters under the national jurisdiction of another CCM, verified WCPFC Transshipment Declarations shall be sent to the Executive Director within 15 days of completion of each transshipment operation by:
 - i) the coastal or port state CCM; and
 - ii) the flag or chartering state CCM

SECTION 4: PROHIBITION OF TRANSHIPMENT AT SEA BY PURSE SEINE VESSELS

- 4.1 Transshipment at sea by purse seine vessels shall be prohibited except in respect of exemptions granted by the Commission to existing group seine operations composed of small purse seine boats [600 mt or less] that have no fish holds, operate in tandem with freezer carrier boat/s to freeze the catch or if operating closer to base with ice carrier boat/s to store the fish, and operate as one group together with their support vessels such as freezer carrier boat/s and/or ice carrier boat/s. Transshipment occurs when refrigerated or other ice carrier boats dock alongside fishing boats and transship fish from the catcher boats which stay with the purse seiner/s all the time.
- 4.2 CCMs shall apply to the Commission for an exemption for the group seine operations described above, which shall stipulate a time frame and any other conditions that are necessary to ensure accurate reporting of catches.

SECTION 5: TRANSHIPMENT OUTSIDE THE CONVENTION AREA

- 5.1 Transshipment of WCPO catch outside the Convention Area shall be undertaken in port.
- 5.2 The flag state of a vessel transshipping catch from the WCPO outside the Convention Area shall provide the Commission with a verified WCPFC Transshipment Declaration within 15 days of completion of each transshipment.

SECTION 6: TRANSSHIPMENT OF FROZEN BIGEYE

Include any specific additional conditions needed for consistency with regulation of transshipment of frozen bigeye by other tuna RFMOs.

ANNEX 1

WCPFC TRANSHIPMENT DECLARATION