



TECHNICAL AND COMPLIANCE COMMITTEE

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DRAFT CONSERVATION AND MANAGEMENT MEASURE ON TRANSHIPMENT VERIFICATION

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Paper prepared by the Secretariat

Introduction

1 The Second Regular Session of the Western and Central Pacific Fisheries Commission (Comm2) considered the issue of developing procedures for transshipment and tasked the Second Regular Session of Technical and Compliance Committee (TCC2) to develop a more comprehensive procedure incorporating longline and other vessels.¹ TCC2 was unable to reach consensus on the issue.

2. The Third Regular Session of the Commission agreed that interested CCMs collaborate with the Secretariat to prepare a draft proposal on transshipment for consideration at TCC3. In the interim, Comm3 also endorsed TCC2's recommendation to extend, for a further 12 months, exemption to the Philippines and FFA members regarding existing at-sea transshipment activities until transshipment guidelines are adopted at WCPFC4.

Draft Conservation and Management Measure for Verification of Transshipment

3. The Secretariat prepared a draft Transshipment Conservation and Management Measure (CMM) (**Attachment 1**) to provide a basis for collaboration with CCMs as agreed to at the Third Regular Session of the Commission.

4. In preparing the attached draft CMM, the Secretariat has consulted the Transshipment Schemes and Measures developed by the IATTC (see Appendix 1), IOTC (see Appendix 2), IATTC (see Appendix 3), and the FFA's Harmonized Minimum Terms and Conditions for Foreign Fishing Vessel Access (see Appendix 4). Ultimately, however, the draft CMM has been guided by the provisions of Article 29 of the Convention on the Conservation and Management

¹ Second Session of the Commission Summary Record 2005. Paragraph 40.

of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. It is important to note that unlike ICCAT, IOTC, and IATTC, the Convention has specific provisions regulating transshipment which must be taken into account in developing the CMM on transshipment.

Consultation with CCMS

5. By Circular No. 2007/18 dated 3rd August 2007, the Executive Director transmitted the draft CMM to CCMS and requested their comments by 24 August 2007. As at 1 September 2007, comments have been received from Australia, Japan, Korea, New Zealand, the United States and Japan. These comments can be found at **Attachment 2**.

Conclusion

6. TCC is invited to consider the draft CMM on transshipment verification, together with the comments received from CCMS with a view to making appropriate recommendations to WCPFC4.

DRAFT

**CONSERVATION AND MANAGEMENT MEASURE ON
TRANSHIPMENT VERIFICATION**

The Western and Central Pacific Fisheries Commission (Commission);

RECALLING that Article 29(1) of the Convention on the Conservation of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention) requires members of the Commission to encourage their fishing vessels, to the extent practicable, to conduct transshipment in port in order to support efforts to ensure accurate reporting of catches in the Convention Area;

ACKNOWLEDGING that transshipment at a port or within areas under national jurisdiction of a member of the Commission shall take place in accordance with applicable national laws;

TAKING NOTE of Article 29(3) of the Convention which requires the Commission to develop procedures to obtain and verify data on the quantity and species transhipped 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.

Adopts, in accordance with the Article 10 of the Convention, the following Conservation and Management Measure.

General Obligations

1. The objective of this Conservation and Management Measure is to ensure accurate reporting of catches of highly migratory species covered by the Convention².
2. Unless otherwise specified this Measure shall apply to all fishing vessels undertaking transshipment of highly migratory species covered by the Convention within the Convention Area.
3. Except under the conditions outlined in paragraphs 9 to 13 of this Measure, all transshipments of highly migratory fish in the Convention Area shall take place only in designated ports in accordance with applicable national laws of Members, Cooperating non-Members and Participating Territories (CCMs) of the Commission.
4. CCMs shall encourage fishing vessels carrying their flag, to the extent practicable, to conduct transshipment in port.³
5. CCMs shall take the necessary measures to ensure that fishing vessels flying their flag only tranship to and/or from vessels that are on the WCPFC Record of Fishing Vessels and are authorised to fish in accordance with the Commission's Conservation and Management Measure-2004-01 (Record of Fishing Vessels and Authorisation to Fish).
6. CCMs shall take the necessary measures to ensure that transshipments or landings within their ports or waters under their national jurisdiction are restricted to vessels that are on the WCPFC Record of Fishing

² Reflects Article 29(1) of the Convention.

³ Reflects Article 29(1) and 29(5) of the WCPF Convention

Vessels and are authorised to fish in accordance with the Commission's Conservation and Management Measure- 2004-01 (Record of Fishing Vessels and Authorisation to Fish).

Prohibition of Transhipment at Sea by Purse seine Vessels

7. Transhipment at-sea by purse seine vessels operating in the Convention Area shall be prohibited except in respect of exemptions granted to existing operations by the Commission [**need to specify existing operations**].⁴ CCMs shall apply for exemptions for existing operations to the Commission, which, in granting an exemption, may stipulate a time-frame and other conditions that may apply to each exemption.

8. Purse seine transhipment operations at sea that are exempted under paragraph 7 of this Measure shall, nevertheless, comply with all the requirements in paragraphs 9 to 14 of this Measure.

Verification of Transhipment at Sea

9. CCMs shall not authorize fishing vessels flying their flag to tranship at sea in the Convention Area, unless they have obtained prior authorization from the appropriate authorities of the CCM.⁵

10. To obtain prior authorization, the master and/or operator of the fishing vessel must notify the following information to its flag State authorities at least [specify time]⁶ in advance of the intended transhipment:

- (a) the name of the fishing vessel and its WCPFC Identification Number (WIN);
- (b) the name of the carrier vessel and its WIN;
- (c) the species and quantity to be transhipped;
- (d) the date and location of transhipment; and
- (e) the geographic location of the tuna catches.

11. The fishing vessel concerned shall complete and transmit to its flag State, not later than [specify time]⁷ after the transhipment has been completed, the WCPFC Transhipment Declaration in accordance with the format set out in **Annex 1**.

12. The fishing vessel concerned shall carry an independent and impartial observer deployed under the WCPFC Regional Observer Programme.

13. The master of the receiving carrier vessel shall complete and transmit the WCPFC Transhipment Declaration in accordance with the format set out in **Annex 1** to the WCPFC Secretariat and the flag States of the fishing vessel and the receiving carrier vessel within [specify time]⁸ of the completion of the transhipment.

14. The master of the receiving carrier vessel shall transmit the WCPFC Transhipment Declaration in accordance with the format set out in **Annex 1** to the competent authorities of the port State where the landing is to take place within [specify time]⁹ before landing

15. Where the port State is not a member of the Commission, the flag State of the carrier vessel shall ensure that the master of the carrier vessel transmits the WCPFC Transhipment Declaration in accordance

⁴ Reflects Article 29(5).

⁵ Paragraph 11 is drawn from Articles 9-13 of the ICCAT Transhipment Recommendations.

⁶ ICCAT, IATTC and IOTC require 24 hours.

⁷ ICCAT, IATTC and IOTC require 15 days.

⁸ ICCAT, IATTC and IOTC require 24 hours.

⁹ ICCAT, IATTC and IOTC require 48 hours.

with the format set out in **Annex 1** to the competent authorities of the flag State within [specify time] before landing.

Verification of Transhipment in Port

16. All transhipments in port or within waters under the national jurisdiction of CCMs shall take place in accordance with applicable national laws and regulations.

17. CCMs may designate one or more of their ports or other waters in areas under their national jurisdiction as transhipment ports or areas.

18. CCMs shall submit a list of such designated ports or areas to the Secretariat annually by 1st January each year.

19. Unless the laws and regulations of CCMs provide for a more stringent requirement, the captain of the fishing vessel intending to tranship in port shall notify the following information to the port State authorities, at least [specify time]¹⁰ in advance of any intended transhipment in port.

- (a) the name of the fishing vessel and its number in the WCPFC Record of Fishing Vessels,
- (b) the tonnage by species to be transhipped,
- (c) the date and location of transhipment; and
- (d) the name of the receiving carrier and its WIN.

20. Unless the laws and regulations of the flag State provide for more stringent requirements, the master of the fishing vessel shall, at the time of the transhipment, inform its flag State authorities of the following:

- (a) the species and quantities involved,
- (b) the date and place of the transhipment, and
- (c) the name, registration number, the International Radio Call Sign and flag of the receiving carrier vessel and its WIN.

21. The master of the fishing vessel undertaking transhipment shall complete and transmit to its flag State the WCPFC Transhipment Declaration in accordance with the requirements in **Annex 1** not later than [specify time]¹¹ after the transhipment has been completed.

22. Not later than [specify time]¹² after the completion of the transhipment, the master of the receiving carrier vessel shall inform the port State authorities of the quantities of catches of tuna and tuna-like species transhipped to his vessel, and complete and transmit the WCPFC Transhipment Declaration, in accordance with the format set out in **Annex 1**, to the competent authorities.

23. The port State shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag CCM of the fishing vessel to ensure that landings are consistent with the reported catches amount of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience, and that degradation of the fish is avoided.

24. CCMs shall include in their Annual Report (Part 1) each year to the Commission the details of the transhipments in port or designated area by their vessels.

¹⁰ ICCAT, IATTC and IOTC require 48 hours.

¹¹ ICCAT, IATTC and IOTC require 15 days.

¹² ICCAT, IATTC and IOTC require 24 hours.

Use of Observers during Transhipment

25. CCMs shall take the necessary measures to prohibit vessels flying their flag from commencing transhipments in the Convention Area without an independent and impartial observer deployed under the WCPFC Regional Observer Programme

26. CCMs shall take the necessary measures to ensure that 100 per cent of carrier vessels¹³ flying their flags that are on the WCPFC Record of Fishing Vessels shall have an independent and impartial observer deployed under the WCPFC Regional Observer Programme when transhipping species covered by the Convention within the Convention Area.

¹³ ICCAT, IATTC and IOTC all require 100 per cent observer coverage for transhipment vessels.

WCPFC TRANSHIPMENT DECLARATION

Information Required	Fishing (Transshipping) Vessel	Carrier (Receiving) Vessel
Name of vessel in English		
Vessel Flag		
International Radio Call Sign		
Flag State Registration Number		
Flag State Authorization Number		
WCPFC Identification Number (WIN)		
Name and Address of Vessel Owner		
Name and Nationality of Vessel Master		

	Day	Month	Hour	Year	_2 _0 _ _	Agent's name :	Fishing Vessel	Carrier Vessel
Departure	_	_	_	from	_ _ _	_____	Master's name :	Master's name :
Return	_	_	_	to	_ _ _	Signature :	Signature :	Signature :
Transhipment	_	_	_		_ _ _	_____	_____	_____

Indicate the weight in metric tonnes: |_|_|_|_|_| mt

Indicate whether transshipping is **full** or **partial** (Please circle one)

Species Name	Port Name	At-Sea Location		Type of Product	Type of Product	Type of Product	Type of Product	Type of Product	Type of Product	Type of Product	Type of Product
		Latitude (dd°.mm.mmm')	Longitude (ddd°.mm.mmm')	Whole Weight	Gilled and Guttled	Guttled and Headed	Gilled, Guttled and Tailed	Guttled, Headed and Tailed	Guttled Only	Fillets Weight	Trunk Weight
YFT											
BET											
ALB											
SKJ											

If transhipment is effected at-sea, WCPFC Observer Name and Signature : _____

INTER-AMERICAN TROPICAL TUNA COMMISSION

74TH MEETING
BUSAN (KOREA)
26-30 JUNE 2006

RESOLUTION C-06-04

**RESOLUTION ON ESTABLISHING A PROGRAM FOR TRANSHIPMENTS
BY LARGE-SCALE FISHING VESSELS**

The Inter-American Tropical Tuna Commission (IATTC):

Taking account of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the management regime already adopted by IATTC;

Expressing grave concern that organized tuna laundering operations have been conducted, and a significant amount of catches by IUU tuna longline fishing vessels have been transhipped under the names of duly licensed fishing vessels;

In view therefore of the need to ensure the monitoring of the transshipment activities by large-scale longline vessels in the Convention Area, including the control of their landings;

Resolves as follows:

SECTION 1. GENERAL RULES

1. Except under the special conditions outlined below in Section 2 and in accordance with Sections 3, 4 and 5 below for transshipment operations at sea, all transshipment operations of tuna and tuna-like species in the IATTC Convention Area must take place in port.
2. Each IATTC Party, Cooperating Non-party, fishing entity or regional economic integration organization (collectively “CPCs”) shall take the necessary measures to ensure that large-scale tuna fishing vessels¹ (“LSTFVs”) flying its flag comply with the obligations set out in Annex 1 when transshipping in port.
3. This resolution does not apply to troll vessels, pole-and-line vessels or vessels engaged in the transshipment of fresh fish² at sea.

¹ For the purposes of this Resolution, “large-scale tuna fishing vessels” are defined as all vessels fishing beyond areas of national jurisdiction and targeting tuna or tuna-like species.

² For the purposes of this Resolution, “fresh fish” means tuna or tuna-like species that are live, whole or dressed/gutted, but not further processed or frozen.

SECTION 2. PROGRAM TO MONITOR TRANSHIPMENTS AT SEA

4. The Commission hereby establishes a program to monitor transshipments at sea, which applies initially to large-scale tuna longline fishing vessels (“LSTLFVs”) and to carrier vessels authorized to receive transshipments from LSTLFVs at sea.
5. Each CPC shall determine whether or not to authorize its LSTLFVs to tranship at sea. Any such transshipments must be conducted in accordance with the procedures defined in Sections 3, 4 and 5, and annexes 2 and 3 of this Resolution.

SECTION 3. RECORD OF VESSELS AUTHORIZED TO RECEIVE TRANSHIPMENTS-ATSEA IN THE CONVENTION AREA

6. The Commission shall establish and maintain a record of carrier vessels authorized to receive tuna and tuna-like species at sea from LSTLFVs in the Convention Area (IATTC Record of Carrier Vessels). For the purposes of this Resolution, carrier vessels not on this Record are deemed not to be authorized to receive tuna and tuna-like species in at-sea transshipment operations.
7. By 1 July 2008, each CPC shall submit to the Director, in electronic format if possible, the list of the carrier vessels that are authorized to receive at-sea transshipments from its LSTLFVs in the Convention Area. This list shall include the following information for each vessel:
 - a. The flag of the vessel;
 - b. Name of vessel, register number;
 - c. Previous name (if any);
 - d. Previous flag (if any);
 - e. Details of previous deletion from other registries (if any);
 - f. International radio call sign;
 - g. Type of vessels, length, gross registered tonnage (GRT) and carrying capacity;
 - h. Name and address of owner(s) and operator(s)
 - i. Time period authorized for transshipping

8. Each CPC shall promptly notify the Director, after the establishment of the initial IATTC Record, of any addition to, deletion from and/or modification of the IATTC Record, at the time such changes occur.
9. The Director shall maintain the IATTC Record and take measures to ensure publicity of the Record and through electronic means, including placing it on the IATTC website, in a manner consistent with confidentiality requirements notified by CPCs for their vessels.
10. Carrier vessels authorized for at-sea transshipment shall be required to install and operate a VMS in accordance with Resolution C-04-06 on the establishment of a Vessel Monitoring System (VMS).

SECTION 4. AT-SEA TRANSHIPMENT

11. Transshipments by LSTLFVs in waters under the jurisdiction of the CPCs are subject to prior authorization from the Coastal State concerned. CPCs shall take the necessary measures to ensure that LSTLFVs flying their flag comply with the following conditions:

Flag State Authorization

12. LSTLFVs are not authorized to tranship at sea unless they have obtained prior authorization from their Flag State.

Notification obligations

Fishing vessel:

13. To receive the prior authorization mentioned in paragraph 11 above, the master and/or owner of the LSTLFV must notify the following information to its Flag State authorities at least 24 hours in advance of the intended transshipment:
 - a. the name of the LSTLFV and its number in the LSTLFV List,
 - b. the name of the carrier vessel and its number in the IATTC Record of Carrier Vessels, and the product to be transhipped,
 - c. the tonnage by product to be transhipped,
 - d. the date and location of transshipment,
 - e. the geographic location of the tuna catches.

The LSTLFV concerned shall complete and transmit to its flag State, not later than 15 days after the transshipment, the IATTC transshipment declaration, along with its number in the IATTC LSTLFV List, in accordance with the format set out in Annex 2.

Receiving carrier vessel:

14. The master of the receiving carrier vessel shall complete and transmit the IATTC transshipment declaration to the Director and the flag CPC of the

LSTLFV, along with its number in the IATTC Record of Carrier Vessels, within 24 hours of the completion of the transshipment.

15. The master of the receiving carrier vessel shall, 48 hours before landing, transmit an IATTC transshipment declaration, along with its number in the IATTC Record of Carrier Vessels, to the competent authorities of the State where the landing takes place.

Regional Observer Program

16. Each CPC shall ensure that, not later than 1 January 2009, all its carrier vessels that tranship at sea have on board an IATTC observer, in accordance with the IATTC Regional Observer Program in Annex 3. The IATTC observer shall monitor compliance with this Resolution, and notably that the transshipped quantities are consistent with the catch reported in the IATTC transshipment declaration.
17. Vessels shall be prohibited from commencing or continuing at-sea transshipping in the Convention Area without an IATTC observer on board, except in cases of *force majeure* duly notified to the Director.

SECTION 5. GENERAL PROVISIONS

18. To ensure the effectiveness of the IATTC conservation and management measures pertaining to species covered by Statistical Document Programs:
 - a. In validating the Statistical Document, Flag CPCs of LSTLFVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLFV.
 - b. The Flag CPC of the LSTLFV shall validate the Statistical Documents for the transhipped fish, after confirming that the transshipment was conducted in accordance with this Resolution. This confirmation shall be based on the information obtained through the IATTC Observer Program.
 - c. CPCs shall require that the catches of species covered by the Statistical Document Programs by LSTLFVs in the Convention Area, when imported into the territory of a CPC, be accompanied by validated statistical documents and a copy of the IATTC transshipment declaration.
19. Each CPC shall report annually before 30 June to the Director:
 - a. The quantities by species transshipped during the previous year.
 - b. The names of its vessels on the IATTC LSTLFV List which have transhipped during the previous year.
 - c. A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received

transhipment from its LSTLFVs.

20. All tuna and tuna-like species landed in or imported into, the territory of a CPC, either unprocessed or after having been processed on board and which are transhipped, shall be accompanied by the IATTC transhipment declaration until the first sale has taken place.
21. Each year, the Director shall present a report on the implementation of this Resolution to the annual meeting of the Commission, which shall review compliance with this Resolution.
22. These provisions will be applicable from 1 July 2008. At its 2010 Annual Meeting, the Commission shall review and, as appropriate, revise this Resolution.

ANNEX 1

CONDITIONS RELATING TO IN-PORT TRANSHIPMENT BY LSTFVS

General

1. Transhipment operations in port may only be undertaken in accordance with the procedures detailed below.

Notification obligations

2. Fishing vessel:
 - 2.1. At least 48 hours prior to transhipping, the captain of the vessel must notify the following information to the Port State authorities:
 - a. the name of the vessel and its number in the IATTC Regional Vessel Register,
 - b. the name of the carrier vessel, and the product to be transhipped,
 - c. the tonnage, by product, to be transhipped,
 - d. the date and location of transhipment,
 - e. the major fishing grounds of the tuna and tuna-like species catches.
 - 2.2. The captain of a LSTFV shall, at the time of the transhipment, inform the vessel's Flag State of the following:
 - a. the products and quantities involved,
 - b. the date and place of the transhipment,
 - c. the name, registration number and flag of the receiving carrier vessel,

- d. the geographic location of the tuna and tuna-like species catches.
- 2.3. The captain of the LSTFV shall complete and transmit to the vessel's flag State not more than 15 days after the transshipment, the IATTC transshipment declaration, along with the vessel's number in the IATTC LSTFV List, in accordance with the format set out in Annex 2.

Receiving vessel

3. Not later than 24 hours before the beginning and at the end of the transshipment, the master of the receiving carrier vessel shall inform the authorities of the Port State in which the transshipment takes place of the quantities of catches of tuna and tuna-like species transhipped to the carrier vessel, and complete and transmit to the competent authorities of the vessel's flag CPC the IATTC transshipment declaration.

Landing State

4. The master of the receiving carrier vessel shall, 48 hours before landing, complete an IATTC transshipment declaration, and transmit it to the competent authorities of the landing State where the landing is to take place.
5. The Port State and the landing State referred to in the above paragraphs shall take the appropriate measures to verify the accuracy of the information received, and shall cooperate with the flag CPC of the LSTFV to ensure that landings are consistent with the catches reported by the vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.
6. Each flag CPC with LSTFVs shall report each year to the IATTC the details of the transshipments by its vessels.

ANNEX 3

IATTC REGIONAL OBSERVER PROGRAM

1. Each CPC shall require carrier vessels included in the IATTC Record of Carrier Vessels which tranship at sea, to carry an IATTC observer during each transshipment operation in the Convention Area.
2. The Director shall appoint the observers, and shall place them on board the carrier vessels authorized to receive transshipments in the Convention Area from LSTLFVs flying the flag of Parties and of Cooperating non-Parties and fishing entities that implement the IATTC observer program established by this Resolution.

Designation of the observers

3. The designated observers shall have the following qualifications:

- a. sufficient experience to identify species and fishing gear;
- b. satisfactory knowledge of IATTC conservation and management measures;
- c. the ability to observe and record accurately;
- d. a satisfactory knowledge of the language of the flag of the vessel observed.

Obligations of the observer

- 4. Observers shall:
 - a. have completed the technical training required by the guidelines established by IATTC;
 - b. be nationals of one of the CPCs and, to the extent possible, not of the flag CPC of the receiving carrier vessel;
 - c. be capable of performing the duties set forth in point 5 below;
 - d. be included in the list of observers maintained by the Director;
 - e. not be a crew member of an LSTLFV or an employee of an LSTLFV company.
- 5. The observer tasks shall be in particular to:
 - a. monitor the carrier vessel's compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:
 - i. record and report upon the transshipment activities carried out;
 - ii. verify the position of the vessel when engaged in transshipping;
 - iii. observe and estimate products transhipped;
 - iv. verify and record the name of the LSTLFV concerned and its registration number;
 - v. verify the data contained in the transshipment declaration;
 - vi. certify the data contained in the transshipment declaration;
 - vii. countersign the transshipment declaration;
 - b. issue a daily report of the carrier vessel's transshipping activities;

- c. establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information.
 - d. submit to the Director the aforementioned general report within 20 days from the end of the period of observation.
 - e. exercise any other functions as defined by the Commission.
6. Observers shall treat as confidential all information with respect to the fishing operations of the LSTLFVs and of the LSTLFVs owners and accept this requirement in writing as a condition of appointment as an observer;
 7. Observers shall comply with requirements established in the laws and regulations of the flag State which exercises jurisdiction over the vessel to which the observer is assigned.
 8. Observers shall respect the hierarchy and general rules of behavior which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel personnel set forth in paragraph 9 of this program.

Obligations of the Flag States of carrier vessels

9. The responsibilities regarding observers of the flag States of the carrier vessels and their captains shall include the following, notably:
 - a. Observers shall be allowed access to the vessel personnel and to the gear and equipment;
 - b. Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in paragraph 5:
 - i. satellite navigation equipment;
 - ii. radar display viewing screens when in use;
 - iii. electronic means of communication.
 - c. Observers shall be provided accommodations, including lodging, food and adequate sanitary facilities, equal to those of officers;
 - d. Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties; and
 - e. The flag States shall ensure that captains, crew and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an

observer in the performance of his/her duties. The Director, in a manner consistent with any applicable confidentiality requirements, is requested to provide to the flag State of the carrier vessel under whose jurisdiction the vessel transhipped and to the Flag CPC of the LSTLFV, copies of all raw data, summaries, and reports pertaining to the trip. The Director shall submit the observer reports to the Compliance Working Group and to the Stock Assessment Working Group.

Observer fees

- a. The costs of implementing this program shall be financed by the flag CPCs of LSTLFVs wishing to engage in transshipment operations. Each CPC shall determine the manner in which it covers the costs. The fee shall be calculated on the basis of the total costs of the program. This fee shall be paid into a special account of the Director and the Director shall manage the account for implementing the program;
- b. No observer shall be assigned to a vessel for which the fees, as required under subparagraph a), have not been paid.

ANNEX 2

IATTC TRANSHIPMENT DECLARATION

Carrier Vessel	Fishing Vessel
Name of the Vessel and Radio Call Sign:	Name of the Vessel and Radio Call Sign:
Flag:	Flag:
Flag state license number:	Flag state license number:
National Register Number, if available:	National Register Number, if available:
IOTC Register Number, if available:	IOTC Register Number, if available:

	Day	Month	Hour	Year	2_ 0_ _ _	Agent's name:	Master's	name	of	Master's	name	of
Departure	_ _	_ _	_ _	from	_ _ _ _		LSTV:			Carrier:		
Return	_ _	_ _	_ _	to	_ _ _ _	Signature:	Signature:			Signature:		
Transhipment	_ _	_ _	_ _		_ _ _ _							

Indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit: [] kilograms LOCATION OF TRANSHIPMENT

Species	Port		Sea	Type of product										
				Whole	Gutted	Headed	Filleted							

If transshipment effected at sea, IATTC Observer Name and Signature:

Appendix 2

IOTC RESOLUTION 06/02 ON ESTABLISHING A PROGRAMME FOR TRANSHIPMENT BY LARGE-SCALE FISHING VESSELS

The Indian Ocean Tuna Commission,

TAKING ACCOUNT of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the conservation and management measures already adopted by IOTC;

EXPRESSING GRAVE CONCERN that organized tuna laundering operations have been conducted and a significant amount of catches by IUU fishing vessels have been transhipped under the names of duly licensed fishing vessels;

IN VIEW THEREFORE OF THE NEED to ensure the monitoring of the transhipment activities by large-scale longline vessels in the Convention area, including the control of their landings;

TAKING ACCOUNT of the need to collect catch data of such large scale long-line tuna to improve the scientific assessments of those stocks;

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

SECTION 1. GENERAL RULE

1. Except under the special conditions outlined below in Section 2 for transhipment operations at sea, all transhipment operations of tuna and tuna like species in the IOTC Area must take place in port.
2. The Flag Contracting Party, Cooperating non Contracting Party (CPCs) shall take the necessary measures to ensure that large scale tuna vessels (hereafter referred as the “LSTVs”) flying their flag comply with the obligations set out in Annex 1 when transhipping in port.

SECTION 2. PROGRAMME TO MONITOR TRANSHIPMENTS AT SEA

3. The Commission hereby establishes a programme to monitor transhipment at sea which applies initially to large-scale tuna longline fishing vessels (hereafter referred to as the “LSTLVs”) and to carrier vessels authorised to receive transhipments from these vessels at sea. The Commission shall at its 2010 Annual Meeting, review and, as appropriate, revise this Resolution.
4. The CPCs that flag LSTLVs shall determine whether or not to authorize their LSTLVs to tranship at sea. However, if the flag CPC authorizes the at-sea transhipment by its flag LSTLVs, such transhipment should be conducted in accordance with the procedures defined in Sections 3, 4 and 5, and annexes 2 and 3 below.

SECTION 3. RECORD OF VESSELS AUTHORISED TO RECEIVE TRANSHIPMENTS-AT-SEA IN THE IOTC AREA

5. The Commission shall establish and maintain an IOTC Record of (Carrier) Vessels authorized to receive tuna and tuna-like species at sea in the IOTC Area from LSTLVs. For the purposes of this Resolution, carrier vessels not entered on the record are deemed not to be authorized to receive tuna and tuna-like species in at-sea transshipment operations.
6. Each CPC shall submit, electronically where possible, to the IOTC Secretary by 1 July 2008 the list of the carrier vessels that are authorized to receive at-sea transshipments from its LSTLVs in the IOTC Area. This list shall include the following information:
 - 1 The flag of the vessel
 - 2 Name of vessel, register number
 - 3 Previous name (if any)
 - 4 Previous flag (if any)
 - 5 Previous details of deletion from other registries (if any)
 - 6 International radio call sign
 - 7 Type of vessels, length, gross tonnage (GT) and carrying capacity
 - 8 Name and address of owner(s) and operator(s)
 - 9 Time period authorised for transshipping
7. Each CPC shall promptly notify the IOTC Secretary, after the establishment of the initial IOTC Record, of any addition to, any deletion from and/or any modification of the IOTC Record, at any time such changes occur.
8. The IOTC Secretary shall maintain the IOTC Record and take measures to ensure publicity of the record and through electronic means, including placing it on the IOTC website, in a manner consistent with confidentiality requirements notified by CPCs for their vessels.
9. Carrier vessels authorized for at-sea transshipment shall be required to install and operate a Vessel Monitoring System (VMS).

SECTION 4. AT-SEA TRANSHIPMENT

10. Transshipments by LSTLVs in waters under the jurisdiction of the CPCs are subject to prior authorization from the Coastal State concerned. CPCs shall take the necessary measures to ensure that LSTLVs flying their flag comply with the following conditions:

Flag State Authorization

11. LSTLVs are not authorized to tranship at sea, unless they have obtained prior authorization from their Flag State.

Notification obligations

Fishing vessel:

12. To receive the prior authorization mentioned in paragraph 11 above, the master and/or owner of the LSTLV must notify the following information to its Flag State authorities at least 24 hours in advance of an intended transshipment:
 - a) the name of the LSTLV and its number in the IOTC Record of Vessels,
 - b) the name of the carrier vessel and its number in the IOTC Record of Carrier Vessels authorized to receive transshipments in the IOTC area, and the product to be transhipped,
 - c) the tonnage by product to be transhipped,
 - d) the date and location of transshipment,
 - e) the geographic location of the tuna catches
13. The LSTLV concerned shall complete and transmit to its flag State, not later than 15 days after the transshipment, the IOTC transshipment declaration, along with its number in the IOTC record of fishing vessels, in accordance with the format set out in Annex 2.

Receiving carrier vessel:

14. The master of the receiving carrier vessel shall complete and transmit the IOTC transshipment declaration to the IOTC Secretariat and the flag CPC of the LSTLV, along with its number in the IOTC Record of Carrier Vessels authorized to receive transshipment in the IOTC area, within 24 hours of the completion of the transshipment.
15. The master of the receiving carrier vessel shall, 48 hours before landing, transmit an IOTC transshipment declaration, along with its number in the IOTC Record of Carrier Vessels authorized to receive transshipment in the IOTC area, to the competent authorities of the State where the landing takes place.

Regional Observer Programme

16. Each CPC shall ensure that all carrier vessels transshipping at sea have on board an IOTC observer, not later than 1 January 2009, in accordance with the IOTC Regional Observer Programme in Annex 3. The IOTC observer shall observe the compliance with this Resolution, and notably that the transshipped quantities are consistent with the reported catch in the IOTC transshipment declaration.
17. Vessels shall be prohibited from commencing or continuing at-sea transshipping in the IOTC area without an IOTC regional observer on board, except in cases of 'force majeure' duly notified to the IOTC Secretariat.

SECTION 5 GENERAL PROVISIONS

18. To ensure the effectiveness of the IOTC conservation and management measures pertaining to species covered by Statistical Document Programs:
 - a) In validating the Statistical Document, Flag CPCs of LSTLVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLV.
 - b) The Flag CPC of LSTLVs shall validate the Statistical Documents for the transhipped fish, after confirming that the transshipment was conducted in accordance with this Resolution. This confirmation shall be based on the information obtained through the IOTC Observer Programme.
 - c) CPCs shall require that the species covered by the Statistical Document Programs caught by LSTLVs in the Convention area, when imported into the territory of a Contracting Party, be accompanied by statistical documents validated for the vessels on the IOTC record and a copy of the IOTC transshipment declaration.
19. The CPCs shall report annually before 15 September to the Secretary:
 - a) The quantities by species transhipped during the previous year.
 - b) The list of the LSTLVs registered in the IOTC Record of Fishing Vessels which have transhipped during the previous year.
 - c) A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from their LSTLVs.
20. All tuna and tuna-like species landed or imported into the CPCs either unprocessed or after having been processed on board and which are transhipped, shall be accompanied by the IOTC transshipment declaration until the first sale has taken place.
21. Each year, the Secretary shall present a report on the implementation of this Resolution to the annual meeting of the Commission which shall review compliance with this Resolution.
22. These provisions will be applicable from July 1st, 2008.

RESOLUTION 06/02 - ANNEX 1

CONDITIONS RELATING TO IN-PORT TRANSHIPMENT BY LSTVs

General

- 1 Transshipment operations in port may only be undertaken in accordance with the procedures detailed below:

Notification obligations

2 Fishing vessel:

- 2.1 Prior to transshipping, the Captain of the LSTV must notify the following information to the Port State authorities, at least 48 hours in advance:
 - a) the name of the LSTV and its number in the IOTC record of fishing vessels,
 - b) the name of the carrier vessel, and the product to be transhipped,
 - c) the tonnage by product to be transhipped,
 - d) the date and location of transshipment,
 - e) the major fishing grounds of the tuna and tuna like species catches
- 2.2 The Captain of a LSTV shall, at the time of the transshipment, inform its Flag State of the following;
 - a) The products and quantities involved
 - b) the date and place of the transshipment
 - c) the name, registration number and flag of the receiving carrier vessel
 - d) the geographic location of the tuna and tuna like species catches.
- 2.3 The captain of the LSTV concerned shall complete and transmit to its Flag State the IOTC transshipment declaration, along with its number in the IOTC Record of Fishing Vessels, in accordance with the format set out in Annex 2 not later than 15 days after the transshipment.

Receiving vessel:

- 3 Not later than 24 hours before the beginning and at the end of the transshipment, the master of the receiving carrier vessel shall inform the Port State authorities of the quantities of tuna and tuna-like species transhipped to his vessel, and complete and transmit the IOTC transshipment declaration, to the competent authorities within 24 hours.

Landing State:

- 4 The master of the receiving carrier vessel shall, 48 hours before landing, complete and transmit an IOTC transshipment declaration, to the competent

authorities of the Landing State where the landing takes place.

- 5 The Port State and the Landing State referred to in the above paragraphs shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag CPC of the LSTV to ensure that landings are consistent with the reported catches amount of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.
- 6 Each flag CPC of the LSTV shall include in its annual report each year to IOTC the details on the transshipments by its vessels.

RESOLUTION 06/02 - ANNEX 2

IOTC TRANSHIPMENT DECLARATION

Carrier Vessel	Fishing Vessel
Name of the Vessel and Radio Call Sign:	Name of the Vessel and Radio Call Sign:
Flag:	Flag:
Flag state license number:	Flag state license number:
National Register Number, if available:	National Register Number, if available:
IOTC Register Number, if available:	IOTC Register Number, if available:

	Day	Month	Hour	Year	2_ 0_ _ _	Agent's name:	Master's name of	Master's name of
Departure	_ _	_ _	_ _	from	_ _ _ _	LSTV:	Carrier:	
Return	_ _	_ _	_ _	to	_ _ _ _	Signature:	Signature:	Signature:
Transhipment	_ _	_ _	_ _		_ _ _ _			

Indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit: [] kilograms LOCATION OF TRANSHIPMENT

Species	Port		Sea	Type of product										
				Whole	Gutted	Headed	Filleted							

If transshipment effected at sea, IOTC Observer Name and Signature:

Appendix 3

RECOMMENDATION BY ICCAT ESTABLISHING A PROGRAMME FOR TRANSHIPMENT BY LARGE-SCALE LONGLINE FISHING VESSELS

TAKING ACCOUNT of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the conservation and management measures already adopted by ICCAT;

EXPRESSING GRAVE CONCERN that organized tuna laundering operations have been conducted and a significant amount of catches by IUU fishing vessels have been transhipped under the names of duly licensed fishing vessels;

IN VIEW THEREFORE OF THE NEED to ensure the monitoring of the transshipment activities by large-scale longline vessels in the Convention area, including the control of their landings;

TAKING ACCOUNT of the need to collect catch data of such large scale long-line tuna to improve the scientific assessments of those stocks;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

INTRODUCTION

- 1 The Commission establish a program of transshipment which applies initially to large-scale tuna longline fishing vessels (hereafter referred to as the “LSTLVs”) and to carrier vessels authorized to receive transshipment from these vessels. The Commission shall at its 2008 annual meeting, review and, as appropriate, revise this Recommendation.
- 2 The flag Contracting Party, Cooperating non-Contracting Party, Entity or Fishing Entity (hereafter referred to as CPCs) of LSTLVs shall determine whether or not to authorize their LSTLVs which fish for tuna and tuna-like species to transship at sea. However, the flag CPC may authorize the at-sea transshipment by its flag LSTLVs on the condition that such transshipment is conducted in accordance with the procedures defined in Sections A, B and D below.
- 3 Transshipments by LSTLVs in waters under the jurisdiction of CPCs are subject to prior authorization from the coastal State concerned.

A. RECORD OF VESSELS AUTHORISED TO RECEIVE TRANSHIPMENT IN THE ICCAT AREA

- 4 The Commission shall establish and maintain an ICCAT Record of Carrier

Vessels authorized to receive tuna and tuna-like species in the Convention area from LSTLVs. For the purposes of this Recommendation, carrier vessels not entered on the record are deemed not to be authorized to receive tuna and tuna-like species in transshipment operations.

- 5 Each CPC shall submit, electronically where possible, to the ICCAT Executive Secretary by 1 July 2006 the list of the carrier vessels that are authorized to receive transshipments from its LSTLVs in the Convention area. This list shall include the following information:
 - The flag of the vessel
 - Name of vessel, register number
 - Previous name (if any)
 - Previous flag (if any)
 - Previous details of deletion from other registries (if any)
 - International radio call sign
 - Type of vessels, length, gross registered tonnage (GRT) and carrying capacity
 - Name and address of owner(s) and operator(s)
 - Time period authorized for transshipping
- 6 Each CPC shall promptly notify the ICCAT Executive Secretary, after the establishment of the initial ICCAT record, of any addition to, any deletion from and/or any modification of the ICCAT record, at any time such changes occur.
- 7 The ICCAT Executive Secretary shall maintain the ICCAT record and take measures to ensure publicity of the record and through electronic means, including placing it on the ICCAT website, in a manner consistent with confidentiality requirements notified by CPCs for their vessels.
- 8 Carrier vessels authorized for at-sea transshipment shall be required to install and operate a VMS in accordance with the 2003 *Recommendation by ICCAT Concerning Minimum Standards for the Establishment of a Vessel Monitoring System in the ICCAT Convention Area* [Rec. 03-14].

B. AT-SEA TRANSHIPMENT

CPCs shall take the necessary measures to ensure that LSTLVs flying their flag comply with the following:

- 9 Transshipment operations at sea may only be undertaken in accordance with the procedures detailed below.

Flag State authorization

- 10 LSTLVs are not authorized to transship at sea, unless they have obtained prior authorization from their flag State.

Notification obligations

11 *Fishing vessel:*

To receive the prior authorization mentioned in paragraph 10 above, the master and/or owner of the LSTLV must notify the following information to its flag State authorities at least 24 hours in advance of the intended transshipment:

- the name of the LSTLV and its number in the ICCAT record of fishing vessels,
- the name of the carrier vessel and its number in the ICCAT record of carrier vessels authorized to receive transshipments in the ICCAT area, and the product to be transshipped,
- the tonnage by product to be transshipped,
- the date and location of transshipment,
- the geographic location of the tuna catches

The LSTLV concerned shall complete and transmit to its flag State, not later than 15 days after the transshipment, the ICCAT transshipment declaration, along with its number in the ICCAT record of fishing vessels, in accordance with the format set out in **Annex 1**.

12 *Receiving carrier vessel:*

The master of the receiving carrier vessel shall complete and transmit the ICCAT transshipment declaration to the ICCAT Secretariat and the flag CPC of the LSTLV, along with its number in the ICCAT record of carrier vessels authorized to receive transshipment in the ICCAT area, within 24 hours of the completion of the transshipment.

- 13 The master of the receiving carrier vessel shall, 48 hours before landing, transmit an ICCAT transshipment declaration, along with its number in the ICCAT record of vessels authorized to receive transshipment in the ICCAT area, to the competent authorities of the State where the landing takes place.

14 ***Regional Observer Program***

Each CPC shall ensure that all carrier vessels transshipping at sea have on board an ICCAT observer, not later than 1 January 2007, in accordance with the ICCAT regional observer program in **Annex 2**. The ICCAT observer shall observe the respect of this Recommendation, and notably that the transshipped quantities are consistent with the reported catch in the ICCAT transshipment declaration.

- 15 Vessels shall be prohibited from commencing or continuing transshipping in the ICCAT area without an ICCAT regional observer on board, except in cases of 'force majeure' duly notified to the ICCAT Secretariat.

C. IN-PORT TRANSHIPMENTS

- 16 CPCs shall take the necessary measures to ensure that LSTLVs flying their flag comply with the obligations set out in **Annex 3**.

D. GENERAL PROVISIONS

- 17 To ensure the effectiveness of the ICCAT conservation and management measures pertaining to species covered by Statistical Document Programs:
 - a) In validating the Statistical Document, Flag CPCs of LSTLVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLV.
 - b) The Flag CPC of LSTLVs shall validate the Statistical Documents for the transshipped fish, after confirming that the transshipment was conducted in accordance with this Recommendation. This confirmation shall be based on the information obtained through the ICCAT Observer Program.
 - c) CPCs shall require that the species covered by the Statistical Document Programs caught by LSTLVs in the Convention area, when imported into the territory of a Contracting Party, be accompanied by statistical documents validated for the vessels on the ICCAT record and a copy of the ICCAT transshipments declaration.
- 18 The CPCs shall report annually before 15 September to the Executive Secretary:
 - The quantities by species transshipped during the previous year.
 - The list of the LSTLVs registered in the ICCAT record of fishing vessels

which have transshipped during the previous year.

- A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from their LSTLVs.
- 19 All tuna and tuna-like species landed or imported into the CPCs either unprocessed or after having been processed on board and which are transshipped, shall be accompanied by the ICCAT transshipment declaration until the first sale has taken place.
 - 20 Each year, the Executive Secretary of ICCAT shall present a report on the implementation of this Recommendation to the annual meeting of the Commission which shall review compliance with this Recommendation.

**ANNEX 1
ICCAT TRANSHIPMENT DECLARATION**

Name of vessel and radio Call sign if any: Flag State authorization number	External identification: ICCAT record number:	In case of transshipment Name and/or call sign, external identification and flag of receiving carrier vessel:
--	--	--

	Day	Month	Hour	Year	2_ 0_ _ _	Agent's name:	Master's name of LSTV:	Master's name of Carrier:
Departure	_ _	_ _	_ _	from	_ _ _ _	Signature:	Signature:	Signature:
Return	_ _	_ _	_ _	to	_ _ _ _			
Transshipment	_ _	_ _	_ _		_ _ _ _			

Indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit: |_|_| kilograms LOCATION OF TRANSHIPMENT

Species	Port	Sea	Type of Product										
			Whole	Gutted	Head off	Filleted							

If transshipment effected at sea, ICCAT Observer Name and Signature:

ANNEX 2

ICCAT REGIONAL OBSERVER PROGRAMME

- 1 Each CPC shall require carrier vessels included in the ICCAT record of vessels authorized to receive transshipments in the ICCAT area and which transship at sea, to carry an ICCAT observer during each transshipment operation in the Convention area.
- 2 The Secretariat of the Commission shall appoint the observers and shall place them on board the carrier vessels authorized to receive transshipments in the ICCAT area from LSTLVs flying the flag of Contracting Parties and of non-Contracting Cooperating Parties, Entities or Fishing Entities that implement the ICCAT observer program.

Designation of the observers

- 3 The designated observers shall have the following qualifications to accomplish their tasks:
 - sufficient experience to identify species and fishing gear;
 - satisfactory knowledge of the ICCAT conservation and management measures;
 - the ability to observe and record accurately;
 - a satisfactory knowledge of the language of the flag of the vessel observed.

Obligations of the observer

- 4 Observers shall:
 - a) have completed the technical training required by the guidelines established by ICCAT;
 - b) be nationals of one of the CPCs and, to the extent possible, not of the flag State of the receiving carrier vessel;
 - c) be capable of performing the duties set forth in point 5 below;
 - d) be included in the list of observers maintained by the Secretariat of the Commission;
 - e) not be a crew member of an LSTLV or an employee of an LSTLV company.
- 5 The observer tasks shall be in particular to:

- a) monitor the carrier vessel's compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:
 - i) record and report upon the transshipment activities carried out;
 - ii) verify the position of the vessel when engaged in transshipping;
 - iii) observe and estimate products transshipped;
 - iv) verify and record the name of the LSTLV concerned and its ICCAT number;
 - v) verify the data contained in the transshipment declaration;
 - vi) certify the data contained in the transshipment declaration;
 - vii) countersign the transshipment declaration;
 - b) issue a daily report of the carrier vessel's transshipping activities;
 - c) establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information.
 - d) submit to the Secretariat the aforementioned general report within 20 days from the end of the period of observation.
 - e) exercise any other functions as defined by the Commission.
- 6 Observers shall treat as confidential all information with respect to the fishing operations of the LSTLVs and of the LSTLVs owners and accept this requirement in writing as a condition of appointment as an observer;
 - 7 Observers shall comply with requirements established in the laws and regulations of the flag State which exercises jurisdiction over the vessel to which the observer is assigned.
 - 8 Observers shall respect the hierarchy and general rules of behavior which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel personnel set forth in paragraph 9 of this program.

Obligations of the flag States of carrier vessels

- 9 The responsibilities regarding observers of the flag States of the carrier vessels and their captains shall include the following, notably:
- a) Observers shall be allowed access to the vessel personnel and to the gear and equipment;
 - b) Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in paragraph 5:
 - i) satellite navigation equipment;
 - ii) radar display viewing screens when in use;
 - iii) electronic means of communication;
 - c) Observers shall be provided accommodations, including lodging, food and adequate sanitary facilities, equal to those of officers;
 - d) Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties; and
 - e) The flag States shall ensure that captains, crew and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an observer in the performance of his/her duties.

The Secretariat, in a manner consistent with any applicable confidentiality requirements, is requested to provide to the flag State of the carrier vessel under whose jurisdiction the vessel transshipped and to the Flag CPC of the LSTLV, copies of all raw data, summaries, and reports pertaining to the trip. The Secretariat shall submit the observer reports to the Compliance Committee and to the SCRS.

Observer fees

- a) The costs of implementing this program shall be financed by the flag CPCs of LSTLVs wishing to engage in transshipment operations. The fee shall be calculated on the basis of the total costs of the program. This fee shall be paid into a special account of the ICCAT Secretariat and the ICCAT Secretariat shall manage the account for implementing the program;
- b) No observer shall be assigned to a vessel for which the fees, as required under subparagraph a), have not been paid.

ANNEX 3

IN-PORT TRANSHIPMENT BY LSTLVs

- 1 Transshipment operations in port may only be undertaken in accordance with paragraph 3 of the Introduction and the procedures detailed below:

Notification obligations

2 Fishing vessel:

- 2.1 Prior to transshipping, the captain of the LSTLV must notify the following information to the Port State authorities, at least 48 hours in advance:

- the name of the LSTLV and its number in the ICCAT record of fishing vessels,
- the name of the carrier vessel, its number in the ICCAT record of carrier vessels, and the product to be transshipped,
- the tonnage by product to be transshipped,
- the date and location of transshipment,
- the geographic location of the tuna catches

- 2.2 The captain of a LSTLV shall, at the time of the transshipment, inform its Flag State of the following;

- The products and quantities involved
- the date and place of the transshipment
- the name, registration number and flag of the receiving carrier vessel and its number in the ICCAT record of vessels authorized to receive transshipment in the ICCAT area
- the geographic location of the tuna catches.

The captain of the LSTLV concerned shall complete and transmit to its flag State the ICCAT transshipment declaration, along with its number in the ICCAT record of fishing vessels, in accordance with the format set out in **Annex 1** not later than 15 days after the transshipment.

Receiving vessel:

- 3 Not later than 24 hours before the beginning and at the end of the transshipment, the master of the receiving carrier vessel shall inform the Port State authorities of the

quantities of catches of tuna and tuna-like species transshipped to his vessel, and complete and transmit the ICCAT transshipment declaration, along with its number in the ICCAT record of carrier vessels to the competent authorities within 24 hours.

Landing State:

- 4 The master of the receiving carrier vessel shall, 48 hours before landing, complete and transmit an ICCAT transshipment declaration, along with its number in the ICCAT record of carrier vessels to the competent authorities of the landing State where the landing takes place.
- 5 The port State and the landing State referred to in the above paragraphs shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag CPC of the LSTLV to ensure that landings are consistent with the reported catches amount of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.
- 6 Each flag CPC of the LSTLV shall include in its annual report each year to ICCAT the details on the transshipments by its vessels.

PACIFIC ISLANDS FORUM FISHERIES AGENCY

**THE HARMONISED MINIMUM TERMS AND CONDITIONS FOR FOREIGN
FISHING VESSEL ACCESS**

As amended by FFC59 (6 –10 June 2005)

1. Definitions

These definitions shall, unless otherwise specified, apply to these Harmonised Minimum Terms and Conditions and to the Pacific Islands Forum Fisheries Agency (FFA) Vessel Register, and are recommended to FFA members for implementation in national legislation.

- (a) “Automatic Location Communicator”(ALC) means a Forum Fisheries Agency (FFA) approved device placed on a fishing vessel that transmits either in conjunction with another device or devices or independently information concerning the position, fishing and such other activities of the vessel as may be required.
- (b) “by-catch” means all living and non-living organisms incidentally caught while fishing for target species, including any by-products and discards forming part of the catch not retained on board the vessel during such fishing operation;
- (c) “Vessel Monitoring System” or “VMS” means the systems employed by FFA members and coordinated by the FFA to monitor the position and activities of foreign fishing vessels for the purpose of effective management of fisheries.
- (d) “fish aggregating device” means any man-made or partly man-made device, whether anchored or not, intended for the purpose of aggregating fish, and includes any natural floating object on which a device has been placed to facilitate its location.
- (e) "fishing" means:
 - (i) searching for, catching, taking or harvesting fish;
 - (ii) attempting to search for, catch, take or harvest fish;
 - (iii) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
 - (iv) placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons;
 - (v) any operations at sea directly in support of or in preparation for any activity described in sub-paragraphs (i) to (iv);
 - (vi) use of any other vehicle, air or sea borne, for any activity described in sub-paragraphs (i) to (v) except for emergencies involving the health and safety of the crew or the safety of a vessel.
- (f) "foreign fishing vessel" or "vessel" means any tuna fishing or tuna fishing support vessel which operates in the exclusive economic or fisheries zone of an FFA

member and is not part of the domestic fleet of the FFA member in whose zone the operation occurs.

- (g) "licence form" means the common regional licence form contained in Annex 1 which shall be used for all foreign fishing vessels.
- (h) "licensing member" or "FFA member" means a party to the South Pacific Forum Fisheries Agency Convention, 1979.
- (i) "operator" means any person who is in charge of, directs or controls a vessel, including the owner, charterer and master;
- (j) "transshipment" the removal of any or all of the fish on board a licensed foreign fishing vessel either ashore or onto another vessel,
- (k) "zone" means the exclusive economic zone or fisheries zone of an FFA member of the Pacific Islands Forum Fisheries Agency.

2. Common Regional Licence Form

Foreign fishing vessels shall not fish in the zone of any FFA member unless licensed to fish in the form contained in Annex 1 and such licence or a duly certified copy, facsimile or telex confirmation thereof shall be carried on board at all times.

3. Good Standing on the FFA Vessel Register

No foreign fishing vessel shall be issued with a fishing licence unless that vessel and its operator have good standing on the FFA Vessel Register.

4. Control and Monitoring of Transshipment

- (a) A fishing trip shall be deemed to have ended at such time as any or all of the fish on board the vessel are removed from the vessel, either ashore or onto another vessel except for the transfer of catch by a licensed group seiner to its licensed carrier vessel.
- (b) The operator of a foreign fishing vessel shall:
 - (i) not tranship at sea under any circumstances except for the transfer of catch by a licensed group seiner to its licensed carrier vessel which is in good standing on the FFA Vessel Register;
 - (ii) provide 72 hours notice to a licensing member of a request to transship any or all of the fish on board and shall provide the name of the vessel, its international radio call sign, its position, the catch on board by species, the time and port where such transshipment is requested to occur, and an undertaking to pay all fees required under the laws of the licensing member;
 - (iii) only transship at the time, port, and approved designated areas authorised for transshipment by the licensing country;
 - (iv) submit full reports on transshipping on the prescribed forms;
 - (v) allow and assist any person identified as an officer of the licensing member full access to and use of facilities and equipment which the officer may determine is

necessary to carry out his or her duties; have full access to the bridge, fish on board and areas which may be used to hold, process, weigh and store fish; remove samples; have full access to the vessel's records, including its log and documentation for the purpose of inspection and photocopying; and gather any other information required to fully monitor the activity;

- (vi) shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with any such officer in the performance of his or her duties; and
- (vii) shall pay all fees required under the laws of the licensing member.

**Comments received from CCMs on a draft CMM on Transshipment Monitoring
circulated on 3 August 2007 in WCPFC Circular No.2007/18**

KOREA

From: Chiguk Ahn [mailto:chiguka62@yahoo.com]
Sent: Thursday, August 30, 2007 2:10 AM
To: official@wcpfc.int; Andrew Wright
Cc: ; Du Hae An; Park Hyun-Jin; Son Jae-Hak; Park Jeongseok; Chi-Gon Kim; Kwang Se Lee;
Byung-Goo Min; Dae Yeon Moon; Sung Woo Park; Kyu Jin Seok; Hyun Ae Shin; °Ā±Å±; ĀĀ¾±,
Subject: VMS and Transshipment

Dear Mr. Andrew Wright,

On behalf of the Korean Commissioner to the WCPFC, Jae Hak Son, I would like to make my preliminary comments on your drafts of VMS and Transshipment as follows:

Transshipment

- The transshipment system at sea in the WCPFC should be consistent with those of other tuna RFMOs. In this regard, Korea could not agree with the para. 12 and 25 which require observers to be on board fishing vessels at the time of transshipment.

Thank you very much.

Regards,

Mr. Chiguk Ahn
Deputy Director
International Cooperation Division
International Cooperation Bureau
Ministry of Maritime Affairs and Fisheries
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UNITED STATES OF AMERICA

August 24, 2007

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

Re: Circular 2007-18: Comments on draft CMM on transshipment verification and draft TCC3 paper on the Commission VMS

Dear Mr. Wright,

Provided herein are comments from the United States on the draft CMM on transshipment verification and the draft TCC3 paper on the Commission VMS provided with Circular 2007-18.

Draft CMM on transshipment verification

We believe the draft measure provides a good basis for discussion and for a measure to be adopted by the Commission. Specific comments follow:

1. Definitions: It might be useful to include in the measure definitions of “transshipment” (as in the Convention) and the “WCPFC Regional Observer Programme” (see comment below regarding observers).
2. Paras 1 and 2: These two paragraphs do not actually establish “general obligations,” as indicated in their heading; one is an objective and the other deals with the area of application of the measure.
3. Paras 3 and 4: Switch the order of these two paragraphs for better flow.
4. Para 7: First, we suggest deleting the proviso that the existing (exempted) operations will be specified in the measure. Given the proposed process for granting exemptions, such operations will necessarily change over time. Second, with regard to the granting of exemptions and the stipulation of conditions to such exemptions: We believe that rather than the Commission simply considering applications on a case-by-case basis, there should be established guidelines and processes for dealing with them – ideally in this conservation and management measure. For example, consideration should be given to establishing minimum qualifications for being granted an exemption (including, at a minimum, a threshold definition of “existing operation”) and minimum conditions attached to exemptions (e.g., a requirement for 100% observer coverage for exempted vessels, regardless of their frequency of at-sea transshipment; and a maximum duration per exemption). We recommend that the TCC explore this issue in detail.

5. Para 9: For clarity, we suggest rewording this paragraph to read: “CCMs shall require fishing vessels flying their flag to obtain prior authorization from the appropriate flag State authority before transshipping at sea in the Convention Area.”

6. Paras 12, 25, 26 (transshipment at sea and observers): The requirement of paragraph 25 for any vessel engaged in transshipping to carry an observer would appear to apply to fishing vessels transshipping at port. Given that the section on “verification of transshipment at port” is aimed at monitoring at-port transshipments without necessarily relying on information provided by vessel observers, this requirement might be excessive. Related to that, the requirement under paragraph 12 for fishing vessels that transship at sea to carry an observer from the Commission ROP is a reasonable one on its face, but it could be problematic in several respects. First (and this applies to requiring observers on vessels conducting at-port transshipments, as well), assuming that observer coverage levels and requirements under the ROP will vary by fleet (e.g., by gear type), some vessels will have a greater likelihood of having an observer on board on any given trip than others. Complying with the requirement of paragraph 12 (and 25) would consequently be more problematic for some vessels than others – in other words, the requirement could result in a discriminatory effect. Second and related to that point, the idea of requiring observers on board in certain circumstances (e.g., if transshipping at sea and/or at port) is at odds with the concept of having deploying observers under the ROP according to a predetermined sampling strategy (e.g., randomized). There would have to be some mechanism in the ROP that effectively guarantees that an observer would be deployed on a particular trip upon request by a vessel (and to accommodate that mechanism with respect to the statistical design of the program). Third, vessels in some fleets that rely on transshipping (whether it be at sea or at port) might be too small to accommodate observers. Given these problems, it would be useful to explore the idea of placing a greater reliance on the requirement of paragraph 26 (that carrier vessels must have ROP observers on board) relative to those of paragraphs 12 and 25. One possible solution would be to allow exemptions to the requirements of paragraph 12 (and 25) in certain circumstances. We recommend that the TCC explore this challenging issue in detail. Finally, we assume that references to the “WCPFC Regional Observer Programme” will, by definition of that program, include sub-regional and national programs that are endorsed by or “incorporated into” the ROP, but in order to be assured that that is the case, perhaps a footnote could be added to that effect, or the ROP could be described/defined at the outset of the measure.

7. Paras 13 and 15: Paragraph 13 includes the case identified in paragraph 15, thus paragraph 15 is not needed and could be deleted: Paragraph 13 requires that a receiving carrier vessel complete a transshipment document and submit it to the Secretariat, the flag State of the fishing vessel, and the flag State of the carrier vessel. Paragraph 15 asks the carrier vessel to submit the transshipment document to the flag State if the port State is not a Commission member. The status of the port State is irrelevant, as paragraph 13 covers all cases for submission of the transshipment document.

8. Para 18. We suggest redrafting this paragraph to read: “CCMs shall submit a list of such designated ports or areas to the Secretariat annually, by 1 January. Any changes to the list submitted by a CCM in the course of the year will be communicated to the Secretariat in a timely manner. The Secretariat will make the current list of WCPFC designated ports and areas publicly available.”

9. Paras 19: The term “master”, as used in paragraph 20 and the Convention, should be used rather than “captain.”

10. Para 23: It should be noted that not all transshipments are “landed.” Some may stay in customs bond. This situation should be accommodated in the measure.

11. Para 24: Greater elaboration of the “details of the transshipments in port or designated area by their vessels” should be provided (if not here in the measure, then in the template for Part 1 of the Annual Report, with a reference to that template in this paragraph).

CONSERVATION AND MANAGEMENT MEASURE ON TRANSHIPMENT VERIFICATION

The Western and Central Pacific Fisheries Commission (Commission);

RECALLING that Article 29(1) of the Convention on the Conservation of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention) requires members of the Commission to encourage their fishing vessels, to the extent practicable, to conduct transshipment in port in order to support efforts to ensure accurate reporting of catches in the Convention Area;

AUSTRALIA

From: Santana, Lara - F & F [mailto:Lara.Santana@daff.gov.au]

Sent: Monday, August 27, 2007 3:45 PM

To: WCPFC; Myself in Pohnpei

Cc: Veitch, Simon - F & F; Kalish, John - F&F; SMITH Kerry; STONE Trysh; NORRIS Wez

Subject: Australian comments on draft WCPFC transshipment measures and VMS Business Plan
[SEC=UNCLASSIFIED]

Attachment 1 DRAFT

General Obligations

1. The objective of this Conservation and Management Measure is to ensure accurate reporting of catches of highly migratory species covered by the Convention.
2. Unless otherwise specified this Measure shall apply to all fishing vessels undertaking transshipment of highly migratory species covered by the Convention within the Convention Area [and to vessels undertaking transshipment outside the Convention Area of highly migratory species covered by the Convention that were taken within the Convention Area.](#)
3. Except under the conditions outlined in paragraphs [12](#) to [17](#) of this Measure, all transshipments shall take place only in designated ports in accordance with applicable national laws of Members, Cooperating non-Members and Participating Territories (CCMs) of the Commission.
4. CCMs shall encourage vessels carrying their flag, to the extent practicable, to conduct transshipment in port.
5. CCMs shall take the necessary measures to ensure that fishing vessels flying their flag only tranship to and/or from vessels that are on the WCPFC Record of Fishing Vessels and are authorised to fish in accordance with the Commission's Conservation and Management Measure-2004-01 (Record of Fishing Vessels and Authorisation to Fish).
6. CCMs shall take the necessary measures to ensure that transshipments or landings within their ports or waters under their national jurisdiction are restricted to vessels that are on the WCPFC Record of Fishing Vessels and are authorised to fish in accordance with the Commission's Conservation and Management Measure 2004-01 (Record of Fishing Vessels and Authorisation to Fish).
7. [Each CCM shall treat a violation of these procedures by any vessel\(s\) flying its flag as a serious violation and shall immediately withdraw such vessel\(s\) from the WCPFC Record of Vessels and remove all authorizations for such vessel\(s\) to fish for, retain on board, tranship or land highly migratory fish stocks in the Convention Area. Each CCM shall refer such vessel\(s\) to its relevant authorities with a view to instituting proceedings without delay in accordance with its laws, and where appropriate, detain the vessel\(s\) concerned.](#)
8. [CCMs shall include in their Annual Report \(Part 1\) each year to the Commission the details of all transshipments, in port or at-sea, by their vessels.](#)
9. [This scheme shall apply from 1 July 2008.](#)

¶1. As a minimum, the master of the fishing vessel intending to tranship in port shall notify the following information to the port State authorities, at least [specify time] in advance of any intended transhipment in port.

- (a) the name of the fishing vessel and its number in the WCPFC Record of Fishing Vessels,
- (b) the tonnage by species to be transhipped,
- (c) the date and location of transhipment; and
- (d) the name of the receiving carrier and its WIN.

¶1. At a minimum, the master of the fishing vessel shall, at the time of the transhipment, inform its flag

- (a) the species and quantities involved,
- (b) the date and place of the transhipment, and
- (c) the name, registration number, the International Radio Call Sign and flag of the receiving carrier vessel and its WIN.

22. The master of the fishing vessel undertaking transhipment shall complete and transmit to its flag State the WCPFC Transhipment Declaration in accordance with the requirements in Annex 1 not later than [specify time] after the transhipment has been completed.

23. Not later than [specify time] after the completion of the transhipment, the master of the receiving carrier vessel shall inform the port State authorities of the quantities of catches of tuna and tuna-like species transhipped to the vessel, and complete and transmit the WCPFC Transhipment Declaration, in accordance with the format set out in Annex 1, to the competent authorities.

24. The port State shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag CCM of the fishing vessel to ensure that landings are consistent with the reported amount of catch of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience, and that degradation of the fish is avoided.

Use of Observers during Transhipment

25. CCMs shall take the necessary measures to ensure that 100 per cent of carrier vessels flying their flags are on the WCPFC Record of Fishing Vessels and have an independent and impartial observer deployed under the WCPFC Regional Observer Programme when transhipping species covered by the Convention within the Convention Area or outside the Convention Area of highly migratory species covered by the Convention that were taken within the Convention Area.

Deleted: ¶
26. CCMs shall take the necessary measures to prohibit vessels flying their flag from commencing transhipments in the Convention Area without an independent and impartial observer deployed under the WCPFC Regional Observer Programme.¶

Deleted: that

Deleted: shall

NEW ZEALAND

From: Kerr, Phillip [mailto:phillip.kerr@fish.govt.nz]

Sent: Friday, August 24, 2007 2:32 PM

To: dreww@mail.fm

Cc: Hooper, Matthew; Marx, David; Hore, Arthur; Hill, Stephanie; Sharp, Eidre; Driscoll, Shaun; JENKS, Andrew (LGL); SIMM, Laurel (LGL); HORNE, Stuart (PAC)

Subject: NZ comments on transshipment verification

Western and Central Pacific Fisheries Commission

Conservation and Management Measure on Transshipment Verification

New Zealand Comments

General Comments

New Zealand welcomes the Secretariat's draft Conservation and Management Measure on Transshipment Verification and views it as a valuable basis on which to shape the final measure to be adopted by the Commission.

Transshipment is an important activity for many fishing operations within the Convention Area but it is one that presents unique challenges to verifying catch in comparison to the landing of fish in ports. This is recognised in Article 29 of the Convention and is reflected in the stated objective of this draft Conservation and Management Measure. The need to ensure that the procedures adopted in relation to transshipments support accurate reporting of catches in the Convention Area is paramount and should be the 'test' in the appropriateness of the procedures to be adopted. This should extend to any exemptions provided for under paragraph 7 (Art. 29(5)) where consideration should be given to how the "existing operation" will meet the objective of the measure (and Art. 29 by default). Paragraph 8 does this to some extent by imposing the requirements of paragraphs 9 to 14 on the operation, however, it should be recognised that some existing operations may be subject to differing requirements that will still achieve the stated objective.

Specific Comments

General Obligations

Paragraph 6 of the draft states "*CCMs shall take the necessary measures to ensure that transshipments or landings within their ports or waters under their national jurisdiction are restricted to vessels that are on the WCPFC Record of Fishing...*"

Given that this measure relates specifically to transshipments the inclusion of "landings" seems out of context and would perhaps better reside within the WCPFC Harmonised Port State Measures.

In addition, it is important to note that vessels that do not fish beyond the area of national jurisdiction of their flag state are not required to be placed on the WCPFC Record of Fishing Vessels. Therefore transshipments may well take place within EEZs that involve vessels that are **not** on the WCPFC Record of Fishing Vessels and this circumstance needs to be accommodated. Obviously if fish was being transported out of the EEZ onto the high seas within the Convention Area then the relevant carrier vessel would need to be on the WCPFC Record.

Verification of Transshipment at Sea (Paragraph 9 – 14)

It is noted that the section titled “Verification of Transshipment in Port” makes reference to the possibility the CCM laws and regulations governing transshipment in port may be more stringent than the requirements of this measure. This should also be stated in reference to transshipments at sea where the measure provides minimum standards for verification. CMMs may impose more stringent requirements on their flagged vessels or vessels transshipping at sea within their national jurisdiction and this should be acknowledged.

The requirement under paragraph 12 to carry a WCPFC observer should not apply when the harvesting, transshipment and landing all occur within the national jurisdiction of the coastal state. This also applies to paragraph 25.

Further in relation to paragraph 12, we would question the requirement for the fishing vessel to carry an observer when paragraph 26 already requires the carrier vessels to carrying an independent and impartial observer deployed under the WCPFC Regional Observer Programme.

New Zealand agrees that any transshipment must have prior authorisation from the appropriate authorities with no facility to grant retrospective authorisations in order to support wider the Monitoring, Control and Surveillance (MCS) considerations of the Commission. To this end, thought should be given to ensuring the procedures for at sea transshipment support other relevant WCPFC measures such as those adopted for Boarding and Inspections.

New Zealand is cognisant of the fact that CMMs will need to give consideration to what will constitute an “authorisation” and what further conditions may be attached to such an authorisation. In respect of this, and given the implications of other Commission measures, CMMs will need to consider how to harmonise such matters.

This section of the measure identifies areas where specific timings are needed and gives examples from other RFMO as a footnote. New Zealand would support the adoption of timings that are consistent with the other Tuna RFMOs. However, one that is questionable is the 15 day period allowed for the fishing vessel to transmit the declaration to the flag state. The carrier vessel is only given 24 hours to transmit the same document to the Secretariat and flag state. It would seem sensible to impose the same 24 hour requirement on the fishing vessel. Given that these timings have been adopted by three other RFMOs it would be interesting to know what the rationale was behind such a disparity.

Verification of Transshipment in Port

As mentioned above there are the differing timeframes provided for the fishing vessel (15 days) and carrier (24 hours) to submit the declaration. The submission requirements should be consistent with the fishing vessel also providing the declaration in 24 hours.

Again note that under paragraph 19(a) fishing vessels that do not fish beyond their areas of national jurisdiction are not required to be on the WCPFC Record of Fishing Vessels.

The requirement for CCMs to include transshipments in their Annual Reports to the Commission (paragraph 24) should extend to at sea transshipments.

Annex 1

An additional field could be added requiring the carrier vessel to declare the final destination port where the fish will be landed.



FISHERIES AGENCY

MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES, GOVERNMENT OF JAPAN

1-2-1, Kasumigaseki, Chiyoda-ku, Tokyo 100-8907, Japan

August 24, 2007

Mr. Andrew Wright
Executive Secretary for WCPFC

Dear Mr. Wright,

Followings are Japan's preliminary comments on documents regarding VMS and Transshipment which were circulated on August 3rd.

VMS

Japan feels that the Business Plan prepared by Bruce Shallard and Associates is a kind of information documents for the Secretariat and not suitable for the discussion by CCMs. According to the CMM2006-06 on VMS, the Commission needs to agree on standards, specification and procedures of the VMS system. The Secretariat, therefore, should extract necessary information from this Business Plan and prepare a basis for those elements of the VMS system to be discussed by CCMs rather than just providing the voluminous document for comments from CCMs.

Much detailed level of technical information is also contained in the Business Plan which will be necessary for the implementation of the VMS system, but they may not need to be discussed by the CCMs. Rather, such technical information should be utilized when the Secretariat prepares the technical details of the VMS system for the approval by CCMs after the standards, specifications and procedures of the VMS systems are agreed by the Committee.

With regard to the specifics of the VMS system, Japan stresses that it has introduced this August a domestic VMS system which satisfies the requirements of CMM2006-06. Japan will not accept a system which makes the newly introduced VMS unqualified.

The biggest problem with the circulated Business Plan is that it is prepared with an

assumption to introduce a VMS system which is far more demanding than what has been agreed in CMM2006-06. Therefore, Japan cannot support to use this document as a basis for the discussion on the details of VMS system. For example, the minimum standards of ALC are already agreed as the Annex 1 of CMM2006-06 but the part of VMS Standards in page 15 is written as if the functions such as data transmission, two-way communication and polling had been agreed in the Commission. In addition, it was not agreed that VMS type approvals should be the same as that of FFA. What was agreed in the WCPFC3 was to establish a centralized VMS system which enables near real-time position reporting. Therefore, what is needed now is to construct a system sufficient to implement the CMM2006-06, not a full-spec state-of-art VMS system with unlimited financial requirement as in the Business Plan. Therefore, we repeat that the Secretariat should prepare its own draft VMS system to implement the CMM2006-06 taking full account of cost-effectiveness.

Lastly, some of important elements for Japan regarding VMS system are as follows. We appreciate if the Secretariat could take them into account when preparing its draft VMS system.

- As to type approval, all the ALCs which satisfy the minimum standards for ALC (Annex 1 of CMM2006-06) must be approved.
- Data exchange with other RFMOs (p26-) was not agreed. The system should not be constructed based on what has not been agreed.
- Solution requirement (p28-) is written with an assumption that most of the VMS related work is contracted outside, but the management and operation of VMS system should primarily done by the Secretariat.
- As mentioned above, the part of technical requirements (p42-) is written to support full-spec functions which had not been agreed by the Commission, therefore the part should be reconsidered from scratch. Support of VDS (p63), data exchange (p63), e-Forms (p67) and software updates (p68) were not agreed, either.

The costs related to VMS should be borne by the Commission since the system is implemented in order to achieve the objective to the Commission. In this regard,

Chapter 6, Appendix I and II are totally redundant. This company is not supposed to tell its opinions about the cost recovery policy.

In order to have a better result in similar case of contracting in the future, the Secretariat should prepare a TOR as clear as possible. In addition, we would request the Secretariat to prepare concise documents based on the contracted documents, which is often very long, so as to allow an effective discussion among CCMs.

Transshipment

We understand that the Secretariat has prepared the draft CMM on transshipment based on the conservation measures of other tuna RFMOs. The harmonization of transshipment control is one of the agreements in the Kobe Course of Actions adopted in January 2007 and Japan believes that the WCPFC transshipment control should be compatible with that of other tuna RFMOs. In this regard, Japan noticed several important differences between the draft WCPFC transshipment and that of other tuna RFMOs as follows;

- The draft CMM requires that all the carrier vessels to be on the WCPFC Record of Fishing Vessels, which inevitably means that they all must be flagged to a CCM of the WCPFC. However, other tuna RFMOs allow its members to register carrier vessels regardless of their flag, to which fishing vessels with the flag of a member are authorized to transship their catch*. Japan believes that WCPFC transshipment control should be similar to that of other RFMOs, by establishing a WCPFC carrier vessel registry in addition to the WCPFC Record of Fishing Vessels.
- Other tuna RFMOs do not require observers to be on board on *fishing* vessels when transshipping*. As long as the carrier vessel receiving fish from fishing

* comparison with other RFMOs

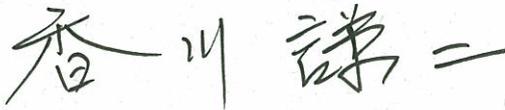
	ICCAT	IATTC	IOTC
Non-Member's carrier vessel?	Possible	Possible	Possible
Observers on <i>fishing</i> vessel?	No	No	No
Observers for <i>at-port</i> transshipment?	No	No	No

vessels is monitored properly, it is not necessary to place observers on board fishing vessels. Paragraphs 12 and 25 which require observers to be on board on *fishing* vessels at the time of transshipment should be deleted.

- With regard to observers on carrier vessels, other tuna RFMOs require them only for carrier vessels which are involved in *at-sea* transshipment*. However, the paragraph 26 of the proposed CMM requires all carrier vessels to have observers on board. Japan suggests that the observer requirements should be limited to those carrier vessels which are engaged in *at-sea* transshipment like other tuna RFMOs. In case that transshipment is carried out at designated ports, port states should be responsible to monitor transshipment.
- Since the nature and required activities for transshipment observer are significantly different from those of the WCPFC ROP observer, transshipment observers should be different from the WCPFC ROP observer.

Please circulate this message to all CCMs.

Sincerely yours,

Handwritten signature in Japanese characters: 香川 謙二 (Kagawa Kenji).

Kenji Kagawa
Counsellor
Fisheries Agency of Japan