



TECHNICAL AND COMPLIANCE COMMITTEE

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**DRAFT CONSERVATION AND MANAGEMENT MEASURE ON ESTABLISHING A
PROGRAM FOR TRANSHIPMENTS BY LARGE-SCALE TUNA LONGLINE FISHING
VESSELS**

(without prejudice to future considerations)

WCPFC-TCC3-2007/DP-13

29 September 2007

Proposal by Japan

The Western and Central Pacific Fisheries Commission (WCPFC):

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 WCPFC;

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 tuna longline vessels in the Convention Area, including the control of their landings;

Adopts, in accordance with the Article 10 of the WCPFC Convention that:

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 by large-scale tuna longline fishing vessels¹ (“LSTLFVs”) in the Convention Area must take place in port.
2. Each Member, Cooperating Non-Member and participating Territory (collectively “CCMs”) shall take the necessary measures to ensure that LSTLFVs flying its flag comply with the obligations set out in Annex 1 when transshipping in port.

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

3. This resolution does not apply to vessels engaged in the transshipment of fresh fish² at sea.

SECTION 2. PROGRAM TO MONITOR TRANSHIPMENTS AT SEA

4. The Commission hereby establishes a program to monitor transshipments at sea, which applies to LSTLFVs and to carrier vessels authorized to receive transshipments from LSTLFVs at sea.
5. Each CCM 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-AT SEA 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 (WCPFC Record of Carrier Vessels). For the purposes of this measure, 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 CCM shall submit to the Executive 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 CCM shall promptly notify the Executive Director, after the establishment of the initial WCPFC Record, of any addition to, deletion from and/or modification of the WCPFC Record, at the time such changes occur.
9. The Executive Director shall maintain the WCPFC Record and take measures to ensure publicity of the Record and through electronic means, including placing it on the WCPFC website, in a manner consistent with confidentiality requirements notified by CCMs for their vessels.
10. Carrier vessels authorized for at-sea transshipment shall be required to install and operate a VMS in accordance with the standards, specification and procedures to be determined by the Commission.

SECTION 4. AT-SEA TRANSHIPMENT

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

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.

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 transhipment:
 - 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 WCPFC Record of Carrier Vessels, and the product to be transhipped,
 - c. the tonnage by product to be transhipped,
 - d. the date and location of transhipment,
 - 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 transhipment, the WCPFC transhipment declaration, along with its number in the WCPFC 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 WCPFC transhipment declaration to the Executive Director and the flag CCM of the LSTLFV, along with its number in the WCPFC Record of Carrier Vessels, within 24 hours of the completion of the transhipment.
15. The master of the receiving carrier vessel shall, 48 hours before landing, transmit an WCPFC transhipment declaration, along with its number in the WCPFC Record of Carrier Vessels, to the competent authorities of the State where the landing takes place.

Observer Program

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

SECTION 5. GENERAL PROVISIONS

18. [To ensure the effectiveness of the WCPFC conservation and management measures pertaining to species covered by Statistical Document Programs:
 - a. In validating the Statistical Document, Flag CCMs of LSTLFVs shall ensure that transhipments are consistent with the reported catch amount by each LSTLFV.
 - b. The Flag CCM of the LSTLFV shall validate the Statistical Documents for the transhipped fish, after confirming that the transhipment was conducted in accordance with this Resolution. This confirmation shall be based on the information obtained through the WCPFC Observer

Program.

- c. CCMs 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 CCM, be accompanied by validated statistical documents and a copy of the WCPFC transshipment declaration.]
19. Each CCM shall report annually before 30 June to the Executive Director:
 - a. The quantities by species transhipped during the previous year.
 - b. The names of its vessels on the WCPFC 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 transshipment from its LSTLFVs.
 20. All tuna and tuna-like species landed in or imported into, the territory of a CCM, either unprocessed or after having been processed on board and which are transhipped, shall be accompanied by the WCPFC transshipment declaration until the first sale has taken place.
 21. Each year, the Executive Director shall present a report on the implementation of this measure to the annual meeting of the Technical and Compliance Committee, which shall review compliance with this measure.
 22. These provisions will be applicable from [1 July 2008]. At its 2010 Annual Meeting, the Commission shall review and, as appropriate, revise this measure.

ANNEX 1

CONDITIONS RELATING TO IN-PORT TRANSHIPMENT BY LSTFVS

General

1. Transshipment 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 transshipping, 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 WCPFC 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 LSTFV shall, at the time of the transshipment, inform the vessel's 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 LSTFV shall complete and transmit to the vessel's flag State not more than 15 days after the transshipment, the WCPFC transshipment declaration, along with the vessel's number in the WCPFC Record of Fishing Vessels, 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 CCM the WCPFC transshipment declaration.

Landing State

4. The master of the receiving carrier vessel shall, 48 hours before landing, complete an WCPFC 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 CCM 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 CCM with LSTFVs shall report each year to the WCPFC the details of the transshipments

by its vessels.

ANNEX 2
WCPFC 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:
WCPFC Record Number, if available:	WCPFC Record Number, if available:

	Day	Month	Hour	Year	20					Agent's name:	Master's name of LSTLV:	Master's name of Carrier:
Departure				from								
Return				to						Signature:	Signature:	Signature:
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	Headed	Filletted					

If transshipment effected at sea, WCPFC Observer Signature:

ANNEX 3

WCPFC OBSERVER PROGRAM

1. Each CCM shall require carrier vessels included in the WCPFC Record of Carrier Vessels which tranship at sea, to carry an WCPFC observer during each transshipment operation in the Convention Area.
2. The Executive 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 CCMs that implement the WCPFC observer program established by this measure.

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 WCPFC 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 WCPFC;
 - b. be nationals of one of the CCMs and, to the extent possible, not of the flag CCM 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 Executive 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 Executive 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 CCM of the LSTLFV, copies of all raw data, summaries, and reports pertaining to the trip.

The Executive Director shall submit the observer reports to the Technical and Compliance Committee and to the Scientific Committee.

Observer fees

- a. The costs of implementing this program shall be financed by the flag CCMs of LSTLFVs wishing to engage in transshipment operations. Each CCM 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 Commission and the Executive 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.