



TECHNICAL AND COMPLIANCE COMMITTEE

Third Regular Session

27 September to 2 October 2007
Pohnpei, Federated States of Micronesia

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-16
1 October 2007

FFA contribution to the proposal by Japan

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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 are conducted, and a significant amount of catches by IUU tuna longline fishing vessels are transhipped under the names of duly licensed fishing vessels;

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Expressing grave concern also that IUU fishing in the waters of Pacific Island States and territories is supported by transhipment in waters beyond national jurisdiction;

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In view therefore of the need to ensure the monitoring of the transhipment 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 transhipment operations at sea, all transhipment operations of highly migratory fish stocks covered by the Convention by large-scale tuna longline fishing vessels¹ (LSTLFVs) must

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¹ For the purposes of this measure, “large-scale tuna longline fishing vessels” are defined as all longline vessels on the WCPFC Record of Fishing Vessels.

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.
3. This measure does not apply to vessels engaged in the transshipment of fresh fish² at sea. CCMs shall report all transshipments of fresh fish to the Commission in its Annual Report to the Commission.
4. This measure does not apply to vessels authorized by CCMs when the fishing activity, transshipment and landing of highly migratory fish stocks covered by the Convention all take place within the same national waters. CCMs shall apply all necessary measures to verify catches of fish stocks covered by the Convention and report, as required, to the Commission.
5. Nothing in this measure shall prejudice the national laws of CCMs when transshipment occurs in national waters.

SECTION 2. PROGRAM TO MONITOR TRANSHIPMENTS AT SEA

6. The Commission hereby establishes a program to monitor transshipments at sea, which applies to LSTLFVs and to carrier vessels on the WCPFC Record of Vessels (or other exemptions as approved by the Commission) and thereby authorised to receive transshipments from LSTLFVs at sea.
7. Each CCM shall determine whether or not to authorize its LSTLFVs to tranship at sea. All transshipments must be conducted in accordance with the procedures defined in Sections 3 and 4, and annex 2 of this measure.

SECTION 3. CONDITIONS RELATING TO AT-SEA TRANSHIPMENT

8. Transshipments by LSTLFVs in high seas waters shall be prohibited. CCMs shall not authorize transshipment by LSTLFVs in areas beyond national jurisdiction.
9. 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 (and as described in Annex 1):

Flag State Authorization

10. LSTLFVs are not authorized to tranship at sea unless they have obtained prior authorization from their Flag State or in the case of chartered vessels, from the chartering state.

Notification obligations

Fishing vessel:

11. To receive the prior authorization mentioned in paragraph 10 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 WCPFC Record of Fishing Vessels,
 - b) the name of the carrier vessel and its number in the WCPFC Record of Fishing Vessels, and the product to be transhipped,
 - c) the tonnage by product to be transhipped,
 - d) the date and location of transshipment,

² For the purposes of this measure, “fresh fish” means highly migratory fish that are live, whole or dressed/gutted, but not further processed or frozen.

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<#>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 ... [1]

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e) the geographic location of the catches.

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

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Receiving carrier vessel:

13. The master of the receiving carrier vessel shall complete and transmit the WCPFC transshipment declaration to the Executive Director and the flag State of the LSTLFV, within 24 hours of the completion of the transshipment.

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14. The master of the receiving carrier vessel shall, 48 hours before landing, transmit a WCPFC transshipment declaration to the competent authorities of the State where the landing takes place.

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Observer Program

15. Each CCM shall ensure that, not later than [1 January 2009], all carrier vessels authorized to tranship at sea have on board a WCPFC observer, in accordance with the WCPFC Regional Observer Program. The WCPFC observer shall monitor compliance with this measure, and notably that the transhipped quantities are consistent with the catch reported in the WCPFC transshipment declaration and the operational catch and effort data covering the catch to be transhipped.

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16. Each CCM shall ensure observer coverage of 20% by hooks by LSTFVs on the WCPFC Record of Fishing Vessels.

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17. Vessels shall be prohibited from commencing or continuing at-sea transshipping in the Convention Area without a WCPFC observer on board the carrier vessel, except in cases of force majeure duly notified to the Executive Director. Force majeure are instances beyond the control of man.

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Mandatory VMS

18. Vessels undertaking transshipment inside waters subject to the jurisdiction of a CCM must report to the Coastal State via a WCPFC VMS.

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SECTION 4. REPORTING CONDITIONS RELATING TO IN-PORT TRANSHIPMENT

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19. Transshipment operations in port may only be undertaken subject to the reporting procedures detailed below.

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Notification obligations

20. The master of the fishing vessel shall comply with any obligations as set by the Port State CCM.

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21. The master of the LSTFV shall, at the time of the transshipment, fully complete the transshipment declaration form.

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a) 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 and associated schedules of catch and effort, along with the vessel's number in the WCPFC Record of Fishing Vessels, in accordance with the format set out in Annex 2.

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22. Receiving vessel

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a) The master of the receiving vessel shall comply with any notification obligations as set by the CCM.

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b) 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 highly migratory fish stocks transhipped to the carrier

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vessel, and complete and transmit to the competent authorities of the vessel's flag CCM the WCPFC transshipment declaration.

23. Landing or Port State

a) 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.

24. The Port State and the landing State referred to in the above paragraphs shall take 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.

25. Each flag State shall report each year to the Commission the details of the transshipments by its vessels and this information shall be made available to all CCMs.

SECTION 5. GENERAL PROVISIONS

26. To ensure the effectiveness of the WCPFC conservation and management measures CCMs shall require vessels to comply with any catch reporting programs as adopted by the Commission.

27. Each CCM shall report annually in Part B of its annual report to the Executive Director:

- a) The quantities by species transhipped during the previous year.
- b) The names of its vessels on the WCPFC 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 its LSTLFVs.

28. All transhipped highly migratory fish stocks landed in or imported into, a port of a CCM, either unprocessed or after having been processed on board, shall be accompanied by the WCPFC transshipment declaration until the first sale has taken place.

29. 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.

30. These provisions will be applicable from [1 July 2008]. At its 2010 Annual Meeting, the Commission shall review and, as appropriate, revise this measure.

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In validating the Statistical Document, Flag CCMs of LSTLFVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLFV.¶
The Flag CCM of the LSTLFV shall validate the Statistical Documents for the transhipped fish, after confirming that the transhipmer ... [3]

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ANNEX 1¶ ... [6]

ANNEX 2

WCPFC TRANSHIPMENT DECLARATION (to be combined with elements of the SPC/FFA Regional Unloading Forms)

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:

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WCPFC OBSERVER PROGRAM

<#>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 transhipment operation in the Convention Area.

<#>The Executive Director shall appoint the observers, and shall place them on board the carrier vessels authorized to receive transhipments 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

<#>The designated observers shall have the following qualifications:
<#>sufficient experience to identify species and fishing gear;
<#>satisfactory knowledge of WCPFC 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

<#>Observers shall:
<#>have completed the technical training required by the guidelines established by WCPFC;
<#>be nationals of one of the CCMs and, to the extent possible, not of the flag CCM of the receiving carrier vessel;
<#>be capable of performing the duties set forth in point 5 below;
<#>be included in the list of observers maintained by the Director;

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

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.

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:

The flag of the vessel;

Name of vessel, register number;

Previous name (if any);

Previous flag (if any);

Details of previous 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

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.

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.

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.

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In validating the Statistical Document, Flag CCMs of LSTLFVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLFV.

The Flag CCM 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 WCPFC Observer Program.

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.]

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ANNEX 1

CONDITIONS RELATING TO IN-PORT TRANSHIPMENT BY LSTFVS_[KS1]

General

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

Notification obligations

Fishing vessel At least 48 hours prior to transhipping, the captain of the vessel must notify the following information to the Port State authorities:

- the name of the vessel and its number in the WCPFC Record of Fishing Vessels,
- the name of the carrier vessel, and the product to be transhipped,
- the tonnage, by product, to be transhipped,
- the date and location of transshipment,
- the major fishing grounds of the tuna and tuna-like species catches.

The captain of a LSTFV shall, at the time of the transshipment, inform the vessel's 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,
- the geographic location of the tuna and tuna-like species catches.

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

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

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.

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.
Each flag CCM with LSTFVs shall report each year to the WCPFC the details of the transshipments by its vessels.

ANNEX 3

WCPFC OBSERVER PROGRAM

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 transhipment operation in the Convention Area.

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

The designated observers shall have the following qualifications:

- sufficient experience to identify species and fishing gear;
- satisfactory knowledge of WCPFC 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

Observers shall:

- have completed the technical training required by the guidelines established by WCPFC;
- be nationals of one of the CCMs and, to the extent possible, not of the flag CCM of the receiving carrier vessel;
- be capable of performing the duties set forth in point 5 below;
- be included in the list of observers maintained by the Director;
- not be a crew member of an LSTLFV or an employee of an LSTLFV company.

The observer tasks shall be in particular to:

- monitor the carrier vessel's compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:
 - record and report upon the transhipment activities carried out;
 - verify the position of the vessel when engaged in transshipping;
 - observe and estimate products transhipped;
 - verify and record the name of the LSTLFV concerned and its registration number;
 - verify the data contained in the transhipment declaration;
 - certify the data contained in the transhipment declaration;
 - countersign the transhipment declaration;
- issue a daily report of the carrier vessel's transshipping activities;
- establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information
- submit to the Executive Director the aforementioned general report within 20 days from the end of the period of observation.

exercise any other functions as defined by the Commission.

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;

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.

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

The responsibilities regarding observers of the flag States of the carrier vessels and their captains shall include the following, notably:

Observers shall be allowed access to the vessel personnel and to the gear and equipment;

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:

satellite navigation equipment;

radar display viewing screens when in use;

electronic means of communication.

Observers shall be provided accommodations, including lodging, food and adequate sanitary facilities, equal to those of officers;

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

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

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;

No observer shall be assigned to a vessel for which the fees, as required under subparagraph a), have not been paid.