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**THE REVIEW AND ASSESSMENT OF PARAGRAPH 37 OF CMM 2009-06**

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**WCPFC-TCC21-2025-DP12**

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**Submitted by the Republic of the Marshall Islands**

# The review and assessment of paragraph 37 of CMM 2009-06

Prepared by the Marshall Islands Marine Resources Authority

September 2025

## Overview

The Republic of the Marshall Islands (RMI) urges the WCPFC to take decisive action by implementing a **total ban on longline transshipment on the high seas**. This measure is not only a crucial step in combating IUU fishing but also a necessary one for effective fisheries management. The WCPFC should:

- **Eliminate the "impracticability" exemption** and require all transshipments to occur in a designated port.
- **Strengthen monitoring and enforcement** by mandating that all vessels involved in transshipment report to port for verification and inspection.
- **Increase transparency** by requiring detailed reporting of catch and bycatch data for all transshipment events.

The RMI has demonstrated its commitment to transparency and sustainable fisheries management through a data sharing agreement initiating engagement with Global Fishing Watch. We stand ready to collaborate with fellow WCPFC members to implement a new, more transparent and enforceable transshipment regime that protects our shared ocean resources for future generations.

## Challenges

The current regulations allow longline vessels to transship on the high seas if a member country determines it would be "impracticable" to do so in port. However, this has become the norm rather than the exception. The broad and subjective nature of this exemption makes it nearly impossible to effectively monitor and enforce compliance. Transshipment on the high seas allows fishing vessels to remain at sea for extended periods, making it a key enabler of IUU fishing. This practice facilitates the blending of illegally caught fish with legally caught product, allowing it to enter the global supply chain undetected.

## Current Issues

The "impracticability" exemption (in paragraph 37 of CMM 2009-06) allows CCMs to authorize HS transshipment if in-port transshipment is deemed "impracticable," creating a major loophole. TCC20-2024-DP07 clearly demonstrates that the CCMs involved in high seas transshipment do not carry out the expected due diligence as mandated by the measure to determine if in-port transshipment is impracticable for a particular vessel.

## Recommendations

For the reasons above, the RMI proposes the following recommendations for amendments to Section 2 of CMM 2009-06:

- The deletion of the paragraph 34 up to the word “high seas”;
- The deletion of paragraphs 35-38; and
- The deletion of Annexes I and III;

as provided below.

## SECTION 2 – TRANSHIPMENT FROM FISHING VESSELS OTHER THAN PURSE SEINE VESSELS

33. Transshipment from longline, troll and pole and line fishing vessels in national waters shall be managed in accordance with relevant domestic laws and procedures pursuant to paragraph 4.

34. There shall be no transshipment on the high seas. ~~except where a CCM has determined, in accordance with the guidelines described in paragraph 37 below, that it is impracticable for certain vessels that it is responsible for to operate without being able to tranship on the high seas, and has advised the Commission of such.~~

~~35. Where transshipment does occur on the high seas:~~

- ~~a. the CCMs responsible for reporting against both the offloading and receiving vessels shall, as appropriate:~~
  - ~~i. advise the Commission of its procedures for monitoring and verification of the transshipments;~~
  - ~~ii. indicate vessels to which the determinations apply.~~
  - ~~iii. notify the information in Annex III to the Executive Director at least 36 hours prior to each transshipment.~~
  - ~~iv. provide the Executive Director with a WCPFC Transshipment Declaration within 15 days of completion of each transshipment; and~~
  - ~~v. Submit to the Commission a plan detailing what steps it is taking to encourage transshipment to occur in port in the future.~~

~~36. The Commission, through the TCC, shall review the application of the exemptions by relevant CCMs after a period of 3 years and every 2 years thereafter to establish whether monitoring and verification has been effective. After review, the Commission may prohibit transshipment on the high seas by any vessel or vessels in relation to which~~

~~monitoring and verification of transshipment on the high seas is proven to have been ineffective, or establish or vary any conditions for transshipping on the high seas.~~

~~37. The Executive Director shall prepare draft guidelines for the determination of circumstances where it is impracticable for certain vessels to tranship in port or in waters under national jurisdiction. The Technical and Compliance Committee shall consider these guidelines, amend as necessary, and recommend them to the Commission for adoption in 2012. In the meantime, CCMs shall use the following guidelines when determining the practicability of high seas transshipments~~

~~a. The prohibition of transshipment in the high seas would cause a significant economic hardship, which would be assessed in terms of the cost that would be incurred to transship or land fish at feasible and allowable locations other than on the high seas, as compared to total operating costs, net revenues, or some other meaningful measure of costs and/or revenues; and~~

~~b. The vessel would have to make significant and substantial changes to its historical mode of operation as a result of the prohibition of transshipment in the high seas;~~

~~38. When adopting the Guidelines referred to in paragraph 37, the Commission shall consider whether to prohibit transshipment in areas of high seas in the Convention Area entirely surrounded by the exclusive economic zones of members of the Commission and Participating Territories. This consideration will include a review of the catch and effort reported for fishing vessels in these areas, the information from Transshipment Declarations in these areas and the role of the areas in supporting IUU activities.~~

## **ANNEX I**

### **INFORMATION TO BE INCLUDED IN WCPFC TRANSHIPMENT DECLARATION**

- ~~1. A unique document identifier~~
- ~~2. the name of the fishing vessel and its WIN;~~
- ~~3. the name of the carrier vessel and its WIN~~
- ~~4. the fishing gear used to take the fish~~
- ~~5. the quantity of product<sup>4</sup> (including species and its processed state<sup>5</sup>) to be transhipped~~
- ~~6. the state of fish (fresh or frozen)~~
- ~~7. the quantity of by product<sup>6</sup> to be transhipped;~~
- ~~8. the geographic location<sup>7</sup> of the highly migratory fish stock catches~~
- ~~9. the date and location<sup>8</sup> of the transshipment~~
- ~~10. If applicable, the name and signature of the WCPFC observer~~

~~11. The quantity of product already on board the receiving vessel and the geographic origin<sup>9</sup> of that product.~~

## **ANNEX II**

### **TRANSHIPMENT INFORMATION TO BE REPORTED ANNUALLY BY CCMs**

Each CCM shall include in Part 1 of its Annual Report to the Commission:

(1) the total quantities, by weight, of highly migratory fish stocks covered by this measure that were transhipped by fishing vessels the CCM is responsible for reporting against, with those quantities broken down by:

- a. offloaded and received;
- b. transhipped in port, transhipped at sea in areas of national jurisdiction, and transhipped beyond areas of national jurisdiction;
- c. transhipped inside the Convention Area and transhipped outside the Convention Area;
- d. caught inside the Convention Area and caught outside the Convention Area;
- e. species;
- f. product form; and
- g. fishing gear used

(2) the number of transshipments involving highly migratory fish stocks covered by this measure by fishing vessels that is responsible for reporting against, broken down by:

- a. offloaded and received;
- b. transhipped in port, transhipped at sea in areas of national jurisdiction, and transhipped beyond areas of national jurisdiction;
- c. transhipped inside the Convention Area and transhipped outside the Convention Area;
- d. caught inside the Convention Area and caught outside the Convention Area; and
- e. fishing gear.

## **ANNEX III**

### **INFORMATION TO BE INCLUDED IN NOTICES TO THE EXECUTIVE DIRECTOR**

- ~~1. the name and WCPFC Identification Number (WIN) of the offloading vessel,~~
- ~~2. the name and WIN of the receiving vessel,~~
- ~~3. the product (including species and its processed state) to be transhipped,~~
- ~~4. the tonnage by product to be transhipped,~~
- ~~5. the date and estimated or proposed location<sup>11</sup> of transhipment (latitude and longitude to a tenth of a degree with a margin of error of 24 nautical miles), and~~
- ~~6. the geographic location of the highly migratory fish stock catches<sup>12</sup>~~