



SIXTH REGULAR SESSION
 Papeete, Tahiti, French Polynesia
 7-11 December 2009

**SOME ISSUES ARISING FROM THE
 WCPFC5 AND FAC2 SUMMARY REPORTS**

WCPFC6-2009/IP-01¹
7th November 2009

Prepared by the Secretariat

Para. #	Issue
17	WCPFC5 approved Indonesia's application for CNM status for 2009
25	WCPFC5 approved Belize's application for CNM status for 2009.....
26	The Chairman noted Belize had written to Contracting Parties requesting an invitation to accede to the Convention and asked the Executive Director to progress this matter inter-sessionally
31	With regard to El Salvador's history of fishing on the high seas in the Convention Area in 2001-2004, 29 days of fishing had been recorded.
32	WCPFC5 approved El Salvador's application for CNM status for 2009.
35	It was noted that Kiribati committed to including a requirement for Ecuador to refrain from fishing on the high seas as a condition on these licenses at WCPFC4.
39	Kiribati asserted that issues with implementation of the VMS are being handled by FFA and that reports from Kiribati observers on board two of the Ecuadorean vessels will be provided to the Commission
41	<p>WCPFC5 agreed to approve Ecuador's CNM status for a one-year period beginning 15 February 2009 subject to the following conditions (WCPFC5-2008/IP15):</p> <ul style="list-style-type: none"> a. Ecuador is granted cooperating non-member status for 2009 contingent upon satisfactory resolution of the U.S. concerns over the provision of necessary information relating to alleged violations in its EEZ. If Ecuador does not provide all requested information to the satisfaction of the United States by 15 February 2009, its cooperating non-member status will be null and void. If the United States' concerns have been addressed by 15 February 2009, it will certify its satisfaction with the information provided to the WCPFC Secretariat. b. The exemption granted to Kiribati at WCPFC4 allowing it to license fishing vessels from non-CCMs will expire on 15 February 2009. c. If Ecuador's cooperating non-member status becomes null and void, Kiribati, Tuvalu and Nauru will be given an exemption for 2009 from CMM 2004-01 to allow seven Ecuadorean vessels to fish in waters of their national jurisdiction. It shall be a term and condition of the licenses for those vessels

¹ Originally circulated to CCMs as part of Circular 2009/02 on 6th February 2009.

	<p>to fish in Kiribati, Tuvalu and Nauru waters that those vessels are not authorized to fish on the high seas of the Convention Area. In addition, this exemption is granted with the understanding that no other Ecuadorian-flagged vessels will fish on the high seas of the Convention Area. Such activities will be considered as undermining the intent and effectiveness of WCPFC conservation and management measures.</p> <p>d. Should Ecuador's cooperating non-member status become effective, the following provisions would apply.</p> <ol style="list-style-type: none"> i. Ecuador commits that it will submit to high seas boardings and inspections in accordance with the Commission's High Seas Boarding and Inspection procedures. ii. Noting that at the time of making the decision, the Commission had not received sufficient data to be able to confirm the applicable purse seine days limit for Ecuador on the high seas for 2009, consequently Ecuador will be limited to zero days during 2009. The Commission noted that as soon as Ecuador provides to WCPFC all relevant catch and effort data that would enable the WCPFC Secretariat to calculate and verify an applicable days limit pursuant to the new CMM for yellowfin and bigeye this limit will be appropriately adjusted. If this is not able to be verified to the satisfaction of all parties Ecuador shall not fish on the high seas of the Convention Area in 2009. iii. Ecuador is willing and able to ensure full compliance by all its vessels with the conservation and management measures of the WCPFC and to respond to any alleged unauthorized activities by vessels flying its flag that have been brought to its attention. iv. Ecuador commits to provide all fishery data required by the Commission in a timely manner. v. Ecuador commits to comply with appropriate bilateral agreements and national laws and regulations of coastal states. vi. Ecuador commits to have observers onboard Ecuadorian flagged vessels during all trips in the WCPO high seas and EEZs.
42	..all documents submitted to the Commission must be prepared in English, or accompanied by an English translation
46	..... WCPFC5 agreed to grant CNM status to Senegal for 2009.
51	..... WCPFC5 agreed to grant CNM status to Mexico for 2009
63	<p>WCPFC5 agreed that the Independent Review of the Commission's Transitional Science Structure and Function:</p> <ol style="list-style-type: none"> a. Be finalised by the consultant following the receipt of any additional comments from CCMs by 1 March 2009; b. Be considered at the 2009 sessions of the SC, NC, Ad Hoc Task Group [Data] and the ISC; c. Be further considered at WCPFC6 taking into account the advice and recommendations of the ISC, SC, NC and Ad Hoc Task Group [Data].
64	<p>..., WCPFC5 requested:</p> <ol style="list-style-type: none"> a. CCMs to actively work toward removal of domestic barriers to data submission; b. The Secretariat work with ISC, SPC-OFP and relevant CCMs to develop a strategy for the incorporation of ISC data to the Commission's data holdings; and

	c. The Secretariat prepare for consideration of the 2009 session of the ISC, NC and Commission, a proposal that would support the periodic peer review of ISC and SC stock assessments.
69	The Commission agreed that SC5 should convene a seminar under the Methods-WG on technical issues associated with reference points.
70	The Commission agreed that WCPFC6 should consider the possibility of holding a dedicated workshop on management objectives in 2010.
74	The Commission agreed that consideration of allocation issues should be merged with the Commission's consideration of management objectives and reference points. Therefore, discussions of allocation issues at WCPFC6 will be guided by the outcomes of work on reference points and management objectives by SC5 and TCC6.
76	WCPFC5 adopted the recommendations of SC4 regarding bigeye, skipjack, south Pacific albacore, south Pacific swordfish, Pacific bluefin and north Pacific striped marlin.
78	WCPFC5 adopted the recommendations of SC4 regarding bycatch mitigation and data and information, noting that several of these recommendations will be addressed in CMMs under discussion at WCPFC5.
81	Therefore in accordance with WCPFC5 agreements under [Section 4.3 above] the technical workshop on reference points (g, above) will be replaced with a seminar on the same topic at SC5 and a possible workshop on management objectives in 2010.
82	Papua New Guinea drew attention to its contribution of \$100,000 US to the scientific work of the WCPFC, stating that this funding should not be used to fund work on reference points, rather it should be allocated to tuna tagging and to support SIDS participation in technical workshops.
86	WCPFC5 adopted the report of SC4 and thanked outgoing Chairman Moon for his dedicated efforts to progress the work of the Scientific Committee over the past three years.
95	Given Korea's reservation, the Chair of the NC suggested that Commission members may wish to implement the recommendation on a voluntary basis and report their efforts in this regard to NC5. The recommendation can be reconsidered by NC5 and potentially developed into a draft CMM to be considered at WCPFC6. In 2009, the Chair of the NC will meet with representatives of Mexico to begin a dialogue on cooperative Pacific bluefin tuna management.
99	WCPFC5 agreed that CCMs should be requested not to increase the level of fishing mortality on Pacific bluefin in 2009 on a voluntary basis and tasked the NC to work toward developing a draft CMM for Pacific bluefin for consideration at WCPFC6.
101	The NC plans to consider the need for management action in 2009 and anticipates a new stock assessment from the ISC in 2010.
102	The work programme for Pacific bluefin tuna is referred to in Section 5.2 above.
103	A stock assessment for North Pacific swordfish is expected in 2009.
107	WCPFC adopted the NC4 Summary Report
108	The following recommendations from the TCC4 report were adopted by the Commission: a. to s inclusive.
110	Regarding the extension of the exemption for non-CCM carrier and bunker vessels for another year (para. 108 n), FFA members stated that in some cases such vessels are vital for continued operation of the fishery and that a more considered solution to this ongoing problem should be made a priority work item for TCC5.

117	In discussion of para. 7.3.6 (of the SSPs), one CCM considered that this text would be more appropriately placed in the Rules and Procedures for Protection, Access to and Dissemination of Data. It was agreed that this text would be considered for inclusion in the Rules and Procedures for Protection, Access to and Dissemination of Data but unless and until incorporated therein, the text should remain in the VMS SSP.
118	WCPFC5 adopted the VMS SSP produced by TCC4 with agreed amendments to paras. 5.3 and 7.3.6. WCPFC recommended that CCMs work to resolve issues relating to bracketed text in paras. 5.4 and 5.5 of the VMS SSP prior to TCC5.
124	WCPFC5 accepted the estimates of the VMS cost structure and adopted the WCPFC-FFA Vessel Monitoring System Service Level Agreement.
126	The EC provided a report on progress with developing a WCPFC Catch Documentation Scheme for bigeye tuna. After raising the issue for discussion at WCPFC4, the EC attempted to progress a draft CMM intersessionally, and discussed the issue at TCC4. The EC committed to continuing their work on this issue in 2009, including the possibility of convening an intersessional workshop, perhaps in conjunction with the IWG-ROP and/or the Ad Hoc Task Group [Data].
127	CCMs were urged to adhere to the deadlines for Part 1 and Part 2 reports as receipt of these reports during or after the SC or TCC meetings hinders compilation of the submissions by the Secretariat and effectively prevents review of the reports by other CCMs. CCMs were invited to note the summary of outstanding submissions in WCPFC5-2008/IP06, Table 3 and submit any outstanding Part 1 and Part 2 information to the Secretariat.
129	The Chairman suggested that the Executive Director provide a reminder to all CCMs regarding the new functionality of the website.
131	WCPFC5 agreed to accept the Secretariat's report on CCMs' Annual Report, Part 1 and 2 submissions and adopted the enhanced guidelines for Part 2 submissions contained in WCPFC5-2008/IP-07, Appendix B. CCMs should use these guidelines for all future submissions of Part 2 reports.
134	FSM and SPC will work to resolve these issues.
136	WCPFC5 noted two papers (WCPFC5-2008/18 and WCPFC5-2008/IP06 (Rev.1)) evaluating the compliance of CCMs with the Commission's CMMs.
138	....the following items were identified as priorities for the coming year (2009): <ul style="list-style-type: none"> d. Finalising and implementing the regional observer programme; e. Developing a measure on transshipment; f. Revising procedures for granting CNM status; g. Improving / elaborating IUU listing procedures; h. Developing a measure regarding control of nationals; i. Determining a more lasting solution to the issue of non-CCM flagged carriers and bunkers; j. Developing Port State measures pursuant to the outcome of the FAO consultations; k. Developing a Catch Documentation Scheme; l. Developing a Vessel Day Scheme for the high seas; m. Defining guidelines for chartering arrangements; n. Finalizing the Rules and Procedures for the Protection, Access to and Dissemination of Data; and o. Developing a process of monitoring compliance by CCMs.
139	WCPFC5 adopted the TCC4 Summary Report.
141	WCPFC5 agreed by consensus not to list the Jing Chuen No. 68 on the WCPFC IUU

	Vessel List.
144	WCPFC5 agreed by consensus not to list the Chu Huai No. 638 on the WCPFC IUU Vessel List.
147	WCPFC5 agreed by consensus to remove the Athena F from the WCPFC IUU Vessel List.
149	WCPFC5 did not achieve consensus on removal of the Daniela F from the WCPFC IUU Vessel List, therefore this vessel shall remain on the list.
153	WCPFC5 did not achieve consensus on removal of the Jinn Feng Tsair No 1 from the WCPFC IUU Vessel List, therefore is vessel shall remain on the list.
154	The WCPFC IUU Vessel List adopted at WCPFC5 is: <ul style="list-style-type: none"> a. Jinn Feng Tsair No. 1, and b. Daniela F
161	WCPFC5 agreed that further development of guidelines for how settlements should be conducted and assessed under CMM 2007-03 should be a priority work item and referred the matter to TCC5. It was noted that work led by New Zealand on control of nationals may inform this process
166	WCPFC4 tasked the Executive Director to commence a process to support the adoption of measures similar to the Vessel Day Scheme (VDS) to limit purse seine effort on the high seas, consistent with paragraph 9 of CMM 2005-01, and in waters under the national jurisdiction of non-PNA members of the Commission, consistent with paragraph 10(ii) of CMM-2005-01.
168	The Commission agreed to refer the issue of a high seas VDS to SC5 and TCC5 for further discussion.
169	The Commission encouraged CCMs to provide comments on the recommendations contained in WCPFC5-2008/13 to the Secretariat prior to SC5.
170	The Commission agreed to designate the issue of a high VDS as a high priority issue for consideration at WCPFC6.
177	WCPFC5 adopted a conservation and management measure for bigeye and yellowfin tuna in the WCPO by consensus
178	New Zealand and other FFA members requested that the meeting record clearly specify that SIDS are exempt from the effort limits imposed by CMM 2005-01 and there is no requirement on SIDS to submit development plans.
179	The Republic of the Marshall Islands asked the meeting record reflect that Attachment F to the adopted CCM is provisional data and will be revised through cooperative efforts between the Executive Director and CCMs.
180	The US wanted the record to note that the effort limits referenced by the adopted CMM 2008-01 are found in Attachment F of CMM 2008-01 in the column labelled as "Av. 2001-04 or 2004*"
181	The Republic of the Marshall Islands requested that the following footnotes be added to Attachment B of CMM 2008-01: <ul style="list-style-type: none"> a. "the column labelled as CMM 2005-01 does not take into account Para. 6 and footnote 1 of CMM 2005-01." b. "the column labelled as CMM 2006-01 does not take into account Para. 6 and footnote 1 of CMM 2005-01."
182	Japan asked that the meeting record reflect that fact that, pursuant to Para. 14 of the adopted measure, Japan has been identified by the Commission as having the capacity to implement a 10% reduction in purse seine catches through Member-specific catch limits as an alternative to a high seas FAD closure. The Chair noted that, in order for this to happen, it was now incumbent upon Japan to submit the full details of their intended measures,

	2001-2004 operational catch and effort data and their port monitoring programme to the Commission by 31 January 2009 as required by Para. 15 of the adopted measure.
183	Chinese Taipei indicated that the number of purse seiners in its fleet is 34 rather than 33 as shown in Schedule 7, Attachment C of Attachment R of CMM 2008-01.
190	Acknowledging that a CMM on transshipment had been one of the top priorities for this meeting, WCPFC5 requested the Marshall Islands to continue to lead development of a draft CMM, based on the progress achieved at WCPFC5 (WCPFC5-2008/DP02(Rev. 3), Attachment T) with the objective of discussing a new draft as a priority issue at TCC5.
191	As noted in para. 108 (n) of this report, WCPFC5 extended the exemption for non-CCM carrier and bunker vessels for another year, however, it was agreed that it would be critical to adopt a transshipment measure at WCPFC6, as it would be unacceptable to further extend the exemption currently in place.
199	WCPFC5 adopted WCPFC5-2008/DP03 (Rev 2) as a CMM governing the process of considering CNM applications from 2009 onward
201	WCPFC5 agreed that incorporating a flowchart illustrating the process into the new measure on CNM applications would be useful and referred the matter to TCC5 for action.
207	Following up on an offer made at TCC4, New Zealand undertook to complete a legal analysis of issues associated with compliance with measures and make this available to any inter-sessional working group convened to further consider the matter of compliance monitoring by mid-February
209	WCPFC5 agreed that further discussions of the terms of reference for a CCMM working group would occur through electronic means with a view toward holding more focused discussions on the topic at TCC5.
216	WCPFC5 adopted the Resolution on Aspirations of Small Island Developing States and Territories
223	WCPFC5 adopted the text of WCPFC5-2008/DP08 (Rev 2) as a CMM for Sea Turtles, noting that a definition of “minimal” observed interaction rates of sea turtles (para. 7b) is to be determined by SC5
226	Therefore, if changes are required to a mitigation plan presented by Australia to WCPFC6, Australia requested a grace period of 6 months to address practical issues involved in implementation before achieving full compliance.
229	The Commission encouraged NC5 to begin establishing a cooperative framework with the North Pacific Anadromous Fisheries Commission (NPAFC) and initiate, as soon as possible, a process to exchange information on North Pacific large-scale driftnet fishing activities between NPAFC and WCPFC members.
230	WCPFC5 adopted WCPFC5-2008/IP07 (Rev. 1) as a new CMM restricting the possession of large scale driftnets and prohibiting their use on the high seas of the Convention Area
239	[[The Commission agreed that in order to reconcile significant changes in catch of swordfish south of 20°S by swordfish vessels reported to the Commission, all operational level catch and effort data, including by-catch data, for swordfish vessels flagged to the relevant CCM shall be subject to a catch verification review funded by the CCM to whom the data relates, and carried out in 2009. The verification review will be undertaken by SPC-OFP in cooperation with the flag State’s relevant authority and in accordance with national legislation regarding confidentiality. The results of the verification

	review shall be reported to the Scientific Committee and the Technical and Compliance Committee, and taken into account by the Commission in determining any future catch limits.]]
242	WCPFC5 adopted the new CMM for swordfish, contained in WCPFC5-2008/DP04 (Rev. 1) as amended.
247	WCPFC5 adopted the text of WCPFC5-2008/DP06 (Rev.3) as a conservation and management measure for sharks, replacing CMM 2006-05
252	WCPFC5 adopted the contents of the IWG-ROP2 Summary Report, encouraging CCMs-to continue to discuss outstanding ROP issues, as provided for in CMM 2007-01 (Attachment K, Annex C) inter-sessionally.
253	WCPFC5 extended the mandate of the IWG-ROP for an additional one-year period to continue to progress the priority work items identified [at paragraph 246 above and in the report of the second meeting of the IWG-ROP].
254	WCPFC5 agreed that the Third IWG-ROP meeting will be held at Guam, USA, from 16-20 June 2009 ² .
259	WCPFC5 recommended that the Ad Hoc Task Group [Data], request comments on the latest draft of the Rules and Procedures by mid-February, and work electronically, and potentially meet in conjunction with IWG-ROP3 or SC5, to produce a final draft Rules and Procedures document for discussion at TCC5, with a view that such ROPs be submitted for consideration and adoption at WCPFC6.
271	WCPFC5 adopted the recommendations to enter into a 3-year arrangement with SPC as the Science Services Provider; adopt the MOU with CCAMLR; revisit the MOU with ISC; begin work to establish a formal relationship with NPAFC; and adopt the Data Exchange Agreement with SPC.
272	The Commission identified the following work priorities for 2009: <ul style="list-style-type: none"> a. Further development and implementation of the Regional Observer Programme; b. Implementation of the Commission's vessel monitoring system; c. Complete outstanding work on MCS data (by AHTG [Data]); d. Review of IUU vessel listing procedures; e. Consider means to avoid annual extension of the waiver for non-CCM flag carrier and bunkers; f. Adopt a CMM to monitor and regulate transshipment activities; g. Further work on a high seas VDS; h. Develop a proposal for the control of nationals; i. Further develop the process for monitoring compliance; and j. Develop a charter arrangements scheme for consideration at WCPFC6.
276	WCPFC5 adopted the recommendations of the FAC with regard to the assessment and expenditure of contributions for 2009, and an indicative budget for 2010 and 2011 as contained in WCPFC5-2008/22
277	The 2009 work programme and budget and indicative budgets for 2010 and 2011, as recommended by the Finance and Administration Committee, were adopted by the Commission

² Post script added by the Secretariat: Following WCPFC5 at Busan it was suggested that, because of the impending need for ROP observers for the closure starting 1st August 2009, an IWG-ROP3 meeting should be convened earlier in the year. Taking advantage of the annual consultation between the USA and FFA members, scheduled for Palau in March, it has been suggested that IWG ROP3 meet at Guam, 18-21 March. As proposed at WCPFC5, it is suggested that the AHTG [MCS Data] then convene 23 and 24 March.

278	The Commission agreed by consensus to elect Ambassador Satya Nandan (Fiji) as Chairman for a term of two years.
280	Sylvie LaPointe (Canada) was selected by consensus to serve as Vice-Chair of Commission for a two-year term.
281	Naozumi Miyabe (Japan) was elected by consensus to be the new Chair of the Scientific Committee.
282	Masanori Miyahara (Japan) was re-elected as Chair, and Benjamin Tabios was re-elected as Vice-Chair, of the Northern Committee.
286	WCPFC5 agreed that a WCPFC4 paper prepared by Australia be used as basis for TCC5 to develop recommendations for a structure and budget so that an independent performance review of the Commission can be conducted in 2010.
287	WCPFC5 noted that the second meeting of Tuna RFMOs is scheduled for mid-2009 in Europe, and encouraged the active and constructive participation of CCMs and the Secretariat.
289	Provisional dates for meetings in 2009 were outlined as follows: <ul style="list-style-type: none"> a. IWG-ROP3 scheduled for 16-20 March, in Guam, USA (possibly in conjunction with the Ad Hoc Task Group [Data])³; b. SC5 scheduled for 10-21 August, in Port Vila, Vanuatu; c. NC5 scheduled for 8-10 September, in Tokyo, Japan; d. TCC5 scheduled for 1-6 October, in Pohnpei, FSM; and e. WCPFC6 scheduled for 6-11 December, in Papeete, French Polynesia.
290	WCPFC5, noting its commitment to provide Pohnpei, FSM the option to host the Commission meeting every second year, agreed that Pohnpei, FSM, has first call for the 2010 Commission meeting.

SECOND SESSION OF THE FINANCE AND ADMINISTRATION COMMITTEE

Para. #	Issue
6	<p>Following consideration of the paper WCPFC-2008-FAC2/16 “Development of a strategic plan” which is attached as Appendix B, the Committee noted that as a fundamental principle the Plan should state the Commission’s priorities and it recommends that the structure set out in that paper is adopted as the appropriate format for the Strategic Plan together with the following time line:</p> <ul style="list-style-type: none"> - The WCPFC Secretariat will circulate the revised structure for the draft strategic plan to CCMs by 1 March 2009. - CCMs provide input and comments on the revised structure for the draft strategic plan to the WCPFC Secretariat by 1 May 2009 and these will be circulated to all CCMs. - The WCPFC Secretariat will support the redraft of the strategic plan by a CCM to incorporate these comments and re-circulate to CCMs by 1 July 2009. - If required, final comments on this version will be due from CCMs to

³ Post script added by the Secretariat: Following WCPFC5 at Busan it was suggested that, because of the impending need for ROP observers for the closure starting 1st August 2009, an IWG-ROP3 meeting should be convened earlier in the year. Taking advantage of the annual consultation between the USA and FFA members, scheduled for Palau in March, it has been suggested that IWG-ROP3 meet at Guam, 18-21 March. As proposed at WCPFC5, it is suggested that the AHTG [MCS Data] then convene 23 and 24 March.

	<p>the WCPFC Secretariat by 1 September 2009.</p> <ul style="list-style-type: none"> - If required, the WCPFC Secretariat will further revise the draft strategic plan and circulate it by 1 November for consideration by the FAC3 with a view to recommending a final draft to the Commission for consideration at the WCPFC6 in December 2009.
10	The Committee also recommends that the Secretariat be given a mandate to engage in the next triennial review and to approach CROP accordingly.
11	In order to reflect decisions made at WCPFC4 the Committee recommends the Commission's Staff Regulations be revised by adopting the wording for the revisions set out in WCPFC5-2008-FAC2/10.
12	<p>The Committee recommends:</p> <ul style="list-style-type: none"> - the establishment of a second VMS Operator position at support staff level; - the establishment of a Data Quality Officer post at support staff level; - the establishment of a position of Director Technical Operations at Professional Grade M; and - the recruitment schedule in WCPFC5-2008-FAC2/11, noting that the staffing of the Director Technical Operations position is not anticipated to occur before 2011 and that recruitment is subject to funding approval by the Commission on advice from the Committee.
13	..... recommends that the current Executive Director be offered a further four year contract from 12 September 2009.
14	.....recommends that a process and set of procedures for the selection of an Executive Director should be developed by the Secretariat for consideration by the Commission next year.
20 and 21	The Committee received a request from France that the Commission's contributions formula be amended .....recommends consideration of the matter be deferred until it meets in December 2009.
23	The Committee elected Mr Tapusalai Terry Toomata of Samoa and Mr Liu Xiaobing of China as Co-Chairs of the FAC for terms of two years (2009 and 2010).

2008 CONSERVATION AND MANAGEMENT MEASURES

Measure/paragraph	Issue
Bigeye and yellowfin 2008-01/	
2	The Commission shall consider the implementation of a Charter Arrangements Scheme at its 6th Session in 2009.
11	The purse seine fishery in EEZs in the area bounded by 20°N and 20°S shall be closed to fishing on FADs between 0000 hours on 1 August and 2400 hours on 30 September [<i>sic.</i> 2009].
13	The purse seine fishery on the high seas in the area bounded by 20°N and 20°S shall be closed to fishing on FADs between 0000 hours on 1 August and 2400 hours on 30 September [<i>sic.</i> 2009].
16	Once identified by the Commission as having met the requirements outlined above (<i>sic.</i> para 15), the Members in

	question shall submit the full details of their intended measures and their port monitoring program to the Commission by 31 January 2009 . The Commission will review these submissions and take them into account when assessing the effectiveness of the measures.
19	The purse seine fishery on the high seas in the area bounded by 20°N and 20°S shall be closed to fishing on FADs between 0000 hours on 1 July and 2400 hours on 30 September [<i>sic.</i> 2010 and 2011].
20	Alternative measures may be set to reduce bigeye catch by a further 20% as a result of the review by the Commission of the 2009 alternative measure.
21	The Commission shall consider the development of a high seas vessel day scheme (HS VDS) to be compatible with the PNA VDS to provide a common currency for managing purse seine effort. Based on the advice and recommendations of the SC and TCC, the Commission shall consider such a scheme at its annual session in 2009 with a view to adoption at its annual session in 2010 with a view to ensuring that reductions in fishing effort on the high seas and in adjacent EEZs are compatible
22	The high seas pockets indicated in Attachment D will be closed effective from 1 January 2010 unless the Commission decides otherwise at its 6 th annual meeting in December 2009. At this meeting the Commission will also consider the closure of all high seas pockets in the Convention Area between 20 north and 20 south.
23	By 1 July 2009, CCMs fishing on the high seas shall submit to the Commission Management Plans for the use of FADs by their vessels on the high seas. The Plans shall at a minimum meet the Suggested Guidelines for Preparation for FAD Management Plans for each CCM (Attachment E)
24	The Commission Secretariat will prepare a report on additional FAD management options for consideration by the Scientific Committee, the Technical & Compliance Committee and the Commission in 2009
25	The Commission will work with CCMs, regional tuna commissions and industry to develop and implement a 3 year program to explore methods to reduce catches of juvenile bigeye and yellowfin tuna caught in association with FADs.
26	CCMs, working independently or collaboratively with industry, and reporting through the Scientific Committee and the Technical and Compliance Committee at each regular session, shall explore and evaluate mitigation measures for juvenile bigeye and yellowfin taken around FADs and present the results annually to the Commission.
27	.....CCMs shall require their purse seine vessels fishing in EEZs and on the high seas within the area bounded by 20°N and 20°S from 1 January 2010, subject to the Commission implementing the program in Paragraph 28 for 100 percent coverage on purse seine vessels by the observers from the

	Regional Observer Program, to retain on board and then land or transship at port all bigeye, skipjack and yellowfin tuna.
28	Purse seine vessels fishing within the area bounded by 20 ⁰ N and 20 ⁰ S exclusively on the high seas, on the high seas and in waters under the jurisdiction of one or more coastal States, or vessels fishing in waters under the jurisdiction of two or more coastal States, shall carry effective 1 January 2010, an observer from the Commission's Regional Observer Programme.
29	In 2009 vessels fishing in the area described above will carry observers compliant with licensing arrangements and on the high seas will have a minimum of 20% observer coverage drawn from the Regional Observer Program. The level of coverage achieved will be monitored and reported through TCC. The Secretariat, in conjunction with the Inter-American Tropical Tuna Commission (IATTC), will develop a cross-endorsement arrangement in order to allow vessels operating within IATTC and Commission areas on the same fishing trip to use the same observer.
30	Skipjack fisheries development plan.....
33	.....Each member or cooperating non-Member that caught an average of more than 2,000 tonnes of bigeye shall be subject to the following catch limits for bigeye tuna for the years 2009 to 2011 inclusive: 2009: 10% reduction of the catch specified in Attachment F; 2010: 20% reduction of the catch specified in Attachment F; 2011: 30% reduction of the catch specified in Attachment F.
35	....Further to paragraph 34, the reductions specified in paragraph 33 for 2010 and 2011 shall not apply to fleets of members with a total longline bigeye tuna catch limit as stipulated in Attachment F of less than 5,000 tonnes and landing exclusively fresh fish, provided that the details of such fleets and their operational characteristics are registered with the Commission by 31 December 2008.....
36	The catch limit for China for 2009 and 2010 will remain at 2004 levels pending agreement being reached to develop an arrangement for the attribution of Chinese catch taken as part of domestic fisheries in the EEZs of Pacific Island Countries.
38	Beginning in 2009, CCMs shall take necessary measures to ensure that the total capacity of their respective other commercial tuna fisheries for bigeye and yellowfin tuna, including purse seining that occurs north of 20°N-or south of 20°S, but excluding artisanal fisheries and those fisheries taking less than 2,000 tonnes of bigeye and yellowfin, shall not exceed the average level for the period 2001-2004 or 2004. CCMs shall provide the SC with estimates of fishing effort for these other fisheries or proposals for the provision of effort data for these fisheries for 2009 and future years.
39	CCMs shall provide within the agreed timeframes each year, catch and effort data and size composition data for all fleets in the format required by the rules and requirements adopted by WCPFC as "Scientific Data to be Provided to the Commission".

41	Each CCM shall prohibit landings, transshipment and commercial transactions in tuna and tuna products that are positively identified as originating from fishing activities that contravene any element of the Commission's CMMs.
42	Monitoring shall be conducted at landing and transshipping ports to assess the amount of catch by species. The outcomes shall be reported annually to the Commission.
43	.....the Commission Secretariat shall present a report on measuring and monitoring fishing capacity in the Western and Central Pacific Ocean for consideration at the fifth regular session of the Technical and Compliance Committee.
44	All CCMs will report to each regular session of the Technical and Compliance Committee, through their Annual Report Part 2, on the implementation of this Measure for their fishing vessels operating on the high seas and/or in waters under national jurisdiction. The Technical and Compliance Committee will prepare a template for reporting this requirement for the consideration of the Commission.
45	.....The measures described above for the purse seine and longline fisheries shall be reviewed annually...
46	Measure replaces CMM 2005-01 and CMM 2006-01.
Attachment B footnotes	Pacific Island States and territories will work with the Executive Director and SPC-OFP to clarify the catch and effort that relates to fishing activities of foreign flagged vessels operating as an integral part of the domestic fleet and so should be considered vessels of the host State or Territory, particularly during the period 2001-2004
Cooperating Non-member process 2008-02/	
1	A non-member of the Commission, with an interest in the fishery, or whose vessels fish or intend to fish in the Convention Area, may request the Commission for the status of Cooperating non-member (CNM). Any such request and supporting information shall be in English and shall be received by the Executive Director at least 60 days in advance of the annual meeting of the Technical and Compliance Committee meeting at which the request will be considered. The Executive Director shall notify all members of the Commission of any such request and circulate the full application to all members.
Sea turtles 2008-03/	
2	Beginning in 2009, CCMs shall report to the Commission in Part 2 of their annual reports the progress of implementation of the FAO Guidelines and this measure, including information collected on interactions with sea turtles in fisheries managed

	under the Convention.
6	.....with WCPFC guidelines that are to be developed and provided to all CCMs by the Secretariat.....
7	Starting on 1 January 2010, CCMs with longline vessels that fish for swordfish in a shallow-set manner ⁴ shall:.....
9	The SC and TCC will annually review the information reported by CCMs pursuant to this measure. Where necessary an updated suite of mitigation measures, specifications for mitigation measures, or recommendations for their application will be developed by these committees and provided to the Commission for its consideration and review.
10	This measure authorizes the Secretariat to obligate resources available to the Special Requirements Fund to be used to assist developing State Members and Territories in implementing the FAO Guidelines to Reduce Sea Turtle Mortality. These funds can be used to train and encourage fishers to adopt appropriate methods and technologies to reduce interactions with sea turtles and to mitigate their adverse effects.
13	The Secretariat, in coordination with interested CCMs, shall develop guidelines for the handling of sea turtles and distribute them to CCMs no later than June 30, 2009.
Driftnets 2008-04/	
1	The use of large-scale driftnets ⁵ on the high seas within the Convention Area shall be prohibited and such nets shall be considered prohibited fishing gear, the use of which shall constitute a serious violation in accordance with Article 25 of the Convention.
5	CCMs shall include in Part 2 of their Annual Reports a summary of monitoring, control, and surveillance actions related to large-scale driftnet fishing on the high seas in the Convention Area.
South Pacific swordfish 2008-05/	
3	No later than 30 April 2009 CCMs shall nominate the maximum total catch of swordfish that it shall continue to be permitted to fish in the area south of 20°S in 2009. This amount shall be no more than their maximum verified catch declared to the Commission for any one year in the period 2000-2006.

⁴ “Shallow-set” fisheries are generally to be considered those in which the majority of hooks fish at a depth shallower than 100 meters; however, pursuant to paragraph 7(c) CCMs are to establish and enforce their own operational definitions.

⁵ “Large-scale driftnets” are defined as gillnets or other nets or a combination of nets that are more than 2.5 kilometers in length whose purpose is to enmesh, entrap, or entangle fish by drifting on the surface of, or in, the water column.

5	<p>.....all operational level catch and effort data for swordfish vessels flagged to the relevant CCM shall be subject to an independent catch verification review funded by the CCM to whom the data relates, and carried out in 2009. The verification review will be undertaken by SPC-OFP in cooperation with the flag state's relevant authority results .....shall be reported to the Scientific Committee and the Technical and Compliance Committee, and taken into account by the Commission in determining any future catch limits.</p>
9	<p>CCMs shall report to the Commission the total number of vessels that fished for swordfish and the total catch of swordfish for the following:</p> <ul style="list-style-type: none"> a. vessels flying their flag anywhere in the Convention Area south of 20°S; b. vessels operating in their EEZ south of 20°S under charter, lease or other similar mechanism; and c. any other vessels fishing within their waters south of 20°S. <p>This information shall be provided in Part 1 of each CCM's annual report. Initially, this information will be provided in the template provided at Annex 2 for the period 2000-2008 and then updated annually.</p>
11	<p>The Executive Director shall compile and disseminate the information provided to the Commission by CCMs in accordance with paragraphs 6 and 7 above to the Technical and Compliance Committee each year. The Technical and Compliance Committee shall monitor and review compliance with this measure and make recommendations to the Commission as may be necessary.</p>
12	<p>The Commission will review this measure at its 6th Regular Session in 2009, on the basis of advice from the Scientific Committee on the implications for a swordfish stock assessment following investigation of data uncertainties</p>
13	<p>This measure replaces CMM 2006-03.</p>