



**TECHNICAL AND COMPLIANCE COMMITTEE
NINTH REGULAR SESSION**

26 September – 1 October 2013
Pohnpei, Federated States of Micronesia

MEMBER COMMENTS ON DRAFT CMM 2013-01

WCPFC-TCC9-2013-13_rev 1

18 September 2013

Attached are copies of written comments three Members have submitted on the current draft version of CMM 2013-01:

- 1. United States of America – Discussion paper submitted to WG-TT 2013 (WCPFC-2013-WG-TT/12)**
- 2. European Union – Comments on draft CMM 2013-01 (WCPFC Circular 2013-92)**
- 3. New Zealand – Comments on draft CMM 2013-01 (WCPFC Circular 2013-94)**
- 4. Republic of Korea – Comments on outcomes of WG-TT 2013 (WCPFC Circular 2013-96)**



Working Group on Tropical Tunas
Mita Conference Centre, Tokyo Japan
27-30 August 2013

US Discussion Paper on Tropical Tunas

WCPFC- 2013 – WGTT/12
30 August 2013

Discussion Paper from the United States on Efforts to Develop and Adopt a Conservation and Management Measure for Tropical Tunas (CMM 2013-01)

August 29, 2013

The United States appreciates the efforts by the PNA and Japan to prepare their joint proposal for CMM 2013-01. We view Thursday's discussion on the proposal in the Working Group as productive and do see significant areas of convergence that move us forward. We fully intend to participate constructively in further discussions with a view to adopting a CMM that meets our collective goals.

During the discussions on Wednesday and Thursday (8/28-29), the United States offered a number of comments on areas of the proposal that we believe warrant further consideration or that, in some cases, continue to be problematic. This paper outlines those issues and offers some ideas for a way forward, based on the discussion to date and the comments of various delegations around the table. In some cases, we present here specific proposals on compromise text. In other cases, we offer more general comments and will be working, in cooperation with other delegations, to prepare additional specific proposals in advance of the upcoming TCC.

Among the issues that warrant further consideration are the following:

- The FAD closure period;
- Effort limits for the high seas and non-PNA EEZs;
- Capacity limits for purse seine vessels and longline vessels; and
- Catch limits for longline vessels.

The above list is without prejudice to other issues that may also be subject to further consideration.

FAD Closure Period

The United States believes that good progress has been made on this issue, but some difficult issues remain to be resolved. In particular, we understand that the current position of the Pacific Island States is that any FAD closure beyond three months should be accompanied by a transfer payment. In our view, this issue will be among the most difficult to resolve, including determining the appropriate level of any such compensation and the basis for the calculations to this effect. Moreover, significant questions remain about the funding sources for such a fund. The United States can make no commitment to such a fund. The following comments are without prejudice to the outcome of this particular point.

Notwithstanding the difficulties cited above, the United States is prepared to engage constructively to achieve a consensus outcome on the FAD closure period. This includes, in principle, a four-month FAD closure in 2014, a five-month closure in 2015 and 2016, and a six-month FAD closure in 2017. To achieve this goal, we seek agreement that any FAD closure of four months or longer will be divided in specified periods during the course of the year. That is, a four-month closure would consist of two periods of two months each; a five-month closure would consist of two periods of three months and two months; and a six-month closure would consist of three periods of two months each. This separation is required to mitigate the risk regarding the availability of free-swimming school during any single period during the year. Those CCMs electing alternative measures to any closure beyond three months should be subject to a single three-month closure, presumably in July, August and September.

In our view, the FAD closures should apply to all CCMs on an equal basis. They have been demonstrated to work, while the efficacy of the proposed alternative measures is less clear. We note that at least one CCM that adopted this alternative approach for 2013 has not provided any reporting with respect to its implementation as required under CCM 2012-01. If such alternative measures are to be considered, they will require a great deal more transparency in implementation and monitoring.

Effort limits for the high seas and non-PNA EEZs

As noted in the discussion in the working group, the United States does not support an olympic system for limiting effort on the high seas. Likewise, we do not support the proposal that each CCM limit fishing effort on the high seas by its fleet to 2010 levels. As noted during the discussion in Manila, fishing effort on the high seas is highly variable from year to year. In any given year the effort of some fleets may be higher than average and some fleets effort may be well below average. Thus, to base high seas efforts on any given year creates arbitrary limits that benefit some fleets and hurt others.

The United States has established, through domestic regulations, a limit on fishing effort on the high seas and in our own EEZ based on the levels authorized under CMM 2008-01. We're not aware that any other CCM has established a similar limit for its fleet. We are prepared to continue discussions, with the aim of agreeing on fair and equitable science-based limits for all CCMs' fleets.

Capacity limits for purse seine vessels and longline vessels

The United States has long supported the idea of a freeze in purse seine fishing capacity for the fleets of non-SIDS CCMs. We can agree to include such a freeze in the measure under discussion, along the lines suggested in paragraph 31 of the PNA/Japan proposal.

At the same time, it is important to modify this proposal to include at least two key points contained in the joint proposal previously presented by the United States, Japan and the EU. First, the measure should specify that purse seine vessels transferred from a non-SIDS CCM to a SIDS CCM will not be replaced by the developed CCM, as doing so would add to the overall capacity in the region. Second, the measure should specify that a replacement for any purse seine vessel that is removed from the fleet of a non-SIDS CCM will not have a carrying capacity or total well volume larger than the vessel being replaced.

The United States also supports the development of a regional capacity management plan to ensure that as SIDS CCMs develop their domestic fisheries, the overall capacity does not exceed levels commensurate with allowable fishing opportunities for the tuna stocks. Such a plan should include market-based mechanisms for the voluntary transfer of capacity from developed fishing States to small-island developing States.

The issue of reductions in the fleets of non-SIDS CCMs to accommodate growth in SIDS domestic fleets is one that requires careful consideration as part of any regional capacity management plan. For this reason, the United States cannot support current paragraph 31bis of Japan's proposal, which would commit non-SIDS CCMs to reductions in their fleets without any details as to how such reductions would be addressed and where the reductions would come from. However, we agree that SIDS CCMs should be the ones to determine which fleets will be authorized to fish in waters under their jurisdiction and at what levels. We are open to discussions in this regard as part of deliberate, considered process to address the need for any capacity reductions among non-SIDS fleets.

With respect to capacity limits on non-SIDS longline fleets, the United States supports such an effort in principle. However, the United States' 20-year limited-entry program for the Hawaii longline fleet presents some special circumstances that must be taken into account in this regard.

A specific proposal, reflecting the comments above, is attached to this discussion paper.

Catch limits for longline vessels

The United States cannot accept the proposed reduction specified for the Hawaii-based longline fleet contained in the current proposal. In adopting CMM 2008-01, the Commission recognized the special circumstances of the locally based Hawaii fleet, which has no freezer capacity and delivers only fresh fish to supply a local domestic market. This is completely distinct from the distant water longline fleets of other CCMs, with large scale longline vessels with freezer capacity that fish across the Pacific to supply international markets. This distinction must be recognized in considering how any further reductions in longline catches are to be distributed among the affected fleets. Among other things, the Hawaii-based fleet operates

primarily north of 20 degrees North and outside the tropical area where the vast majority of the fishing mortality occurs. Recognizing that an estimated 88% of bigeye tuna fishing mortality occurs between 20 degrees North and 20 degrees South, and in accordance with the recommendations of SC7, we believe that consideration should be given to spatial management of the longline fisheries.

Draft Proposal for CMM 2013-01

Capacity Provisions

1. Commission Members and Cooperating Non-Members (CCMs) that are not small-island developing States or participating territories (SIDS) will not increase the number of large-scale purse seine vessels (larger than 24 meters with freezing capacity, hereinafter “LSPSVs”) actively fishing between 20 degrees N and 20 degrees S above current levels, as specified in attachment F.
2. These CCMs shall ensure that the construction of new purse seine vessels, or purchase of purse seine vessels previously flying other flags, will only be authorized or allowed to replace purse seine vessels that have sunk or that have been removed from the fleet and have not reflagged or are not otherwise operating in the WCPFC Convention Area under the jurisdiction of another flag State.
3. The concerned CCMs shall ensure that any new LSPSV constructed or purchased to replace a previous vessel or vessels, shall have a carrying capacity or well volume no larger than the vessel(s) being replaced. In such case, the authorization of the replaced vessel(s) shall be revoked immediately.
4. CCMs that are not SIDS shall not increase the number of longline vessels authorized to operate outside their national waters (“ALLVs”) above the current level as specified in Attachment F.
5. The Commission will work to develop a regional capacity management plan to ensure that as SIDS CCMs develop their domestic fisheries, the overall capacity of the LSPSVs and ALLVs does not exceed levels commensurate with allowable fishing opportunities for the tuna stocks, with a view to achieving sustainable level in light of allowable fishing opportunities by 2020. Such a plan should consider, among other options, market based mechanisms for the voluntary transfer of capacity from developed fishing States to small-island developing States.

Attachment F

Purse Seine

China
European Union
Japan
Korea
Philippines
Chinese Taipei
United States 40

Longline

China
European Union
Japan
Korea
Philippines
Chinese Taipei
United States 164

**TO ALL COMMISSION MEMBERS, COOPERATING NON-MEMBERS AND
PARTICIPATING TERRITORIES**

**Circular No.: 2013/92
Date: 16 September 2013
No. pages: 25**

**Letter from European Union – Comments on Draft Conservation and Management
Measure 2013-01**

Dear All,

Pleased find attached a letter to the Chair from the European Union and their comments on the Tropical Tuna measure discussed in Tokyo. The documents are circulated as requested for your information and consideration

Thanks,





EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES
INTERNATIONAL AFFAIRS AND MARKETS
INTERNATIONAL AFFAIRS, LAW OF THE SEA AND REGIONAL FISHERIES
ORGANISATIONS

Brussels, **13 SEP. 2013**
MARE.B1/AM/ae/Ares(2013)3045378

Dr Charles Karnella
Chairman
Western and Central Pacific
Fisheries Commission
P.O. Box 2356, Kolonia,
Pohnpei 96941
Federated States of Micronesia

Subject: Circular 2013/85 – Outcome of the Tokyo Tropical Tuna Workshop

Dear Charles,

Following your circular 2013/85 I would like to submit the EU's main observations on the draft Tropical Tuna CMM from the PNA, Philippines and Japan which was submitted to us at the end of the Tokyo workshop.

For ease of reading, I have included the comments directly into the text of the proposal which has been circulated. They are highlighted and capital letters. It should be noted that those comments do not prejudge the final position of the EU.

As you rightly stress in your letter, many issues still remain to be solved before an agreement can be found; the current draft is in my opinion overly complex and will present many implementation and monitoring challenges. The EU is committed to agreeing to a meaningful measure which is based on sound scientific evidence and which will ensure sustainability of WCPFC tropical tuna stocks.

I would kindly ask you to circulate this letter and its annex for information to all WCPFC Members and Cooperating Non Members.

Thanks in advance for your cooperation.

Yours sincerely,

Angela Martini
Head of EU Delegation

Enclosure: 1

Cc: Prof. Glenn Hurry, WCPFC Executive Director

DRAFT FROM THE PNA, Philippine and Japan

**CONSERVATION AND MANAGEMENT MEASURE FOR
BIGEYE, YELLOWFIN AND SKIPJACK TUNA IN THE
WESTERN AND CENTRAL PACIFIC OCEAN**

Conservation and Management Measure 2013-01

Content

Preamble..... 1

I. Objectives and general rules 2

Objectives..... 2

General..... 2

Skipjack..... 3

Bigeye 3

Yellowfin 3

General Rules..... 3

Attribution of Charter Arrangements 3

Non-Parties..... 3

Small Island Developing States 3

Transfer of effort..... 4

Area of Application..... 4

II. Measures for 2014-2017 4

Purse seine fishery in tropical area (20N – 20S)..... 4

FADs management..... 4

Effort management 7

Monitoring and control..... 8

FAD Management Plan 9

Capacity Management..... 9

Longline fishery 10

Catch limits..... 10

Monthly catch report 10

Effort limits..... 10

III. Review of measure 9

IV. Final Clause.....9

Attachment A-1: Annual total sets (or total days fished)..... 12

Attachment A-2: Estimated FAD sets.....11

Attachment B: Guideline for alternative reduction of FAD sets 14

Attachment C: WCPFC Convention Area 15

Attachment D: Measure for Philippines..... 16

Attachment E: Guidelines For Preparation Of FAD Management Plans 18

Attachment F: Current level of LSPSVs and ALLVs.....18

Attachment G: Bigeye Longline Catch Limits by Flag..... 19

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Preamble

The Western and Central Pacific Fisheries Commission (WCPFC):

Recalling that since 1999, in the Multilateral High Level Conferences, the Preparatory Conferences, and in the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Commission), a number of resolutions and Conservation and Management Measures (CMMs) were developed to mitigate the overfishing of bigeye and yellowfin tuna and to limit the growth of fishing capacity in the Western and Central Pacific Ocean and that these measures have been unsuccessful in either restricting the apparent growth of fishing capacity or in reducing the fishing mortality of bigeye or juvenile yellowfin tuna;

Recalling that the objective of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention) is to ensure through effective management, the long-term conservation and sustainable use of the highly migratory fish stocks of the Western and Central Pacific Ocean in accordance with the 1982 Convention and the Agreement;

Recalling further the final statement of the Chairman of the Multilateral High Level Conferences in 2000 that: “It is important to clarify, however, that the Convention applies to the waters of the Pacific Ocean. In particular, the western side of the Convention Area is not intended to include waters of South-East Asia which are not part of the Pacific Ocean, nor is it intended to include waters of the South China Sea as this would involve States which are not participants in the Conference” (Report of the Seventh and Final Session, 30th August- 5 September 2000, p.29);

Recognizing that the Scientific Committee has determined that the bigeye stock is subject to overfishing, and that yellowfin stocks are currently being fished at capacity, reductions in fishing mortality are required in order to reduce the risks that these stocks will become overfished;

Recognizing further the interactions that occur between the fisheries for bigeye, yellowfin and skipjack tuna;

Noting that Article 30(1) of the Convention requires the Commission to give full recognition to the special requirements of developing States that are Parties to the Convention, in particular small island developing States and Territories and possessions, in relation to the conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries on such stocks, including the provision

of financial, scientific and technological assistance;

Noting further that Article 30(2) of the Convention requires the Commission to take into account the special requirements of developing States, in particular small island developing States and Territories. This includes ensuring that conservation and management measures adopted by it do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States, Parties and Territories;

Taking note of Article 8(1) of the Convention requiring compatibility of conservation and management measures established for the high seas and those adopted for areas under national jurisdiction;

Recalling Article 8(4) of the Convention which requires the Commission to pay special attention to the high seas in the Convention Area that are surrounded by exclusive economic zones (EEZs);

Noting the Parties to the Nauru Agreement (PNA) have adopted and implemented “A Third Arrangement Implementing The Nauru Agreement Setting Forth Additional Terms And Conditions Of Access To The Fisheries Zones Of The Parties”

Noting further that the Members of the Pacific Islands Forum Fisheries Agency have indicated their intention to adopt a system of zone-based longline limits to replace the current system of flag-based bigeye catch limits within their EEZs, and a system of zone-based FAD set limits to replace the FAD closure and flag-based FAD set limits in their EEZs;

Adopts, in accordance with Article 10 of the Convention, the following Conservation and Management Measure with respect to bigeye, yellowfin and skipjack tuna.

I. Objectives and general rules

Objectives

The objectives of this Measure are to ensure that:

General

1. compatible measures for the high seas and exclusive economic zones (EEZs) are implemented so that bigeye, yellowfin and skipjack tuna stocks are, at a minimum, maintained at levels capable of producing their maximum sustainable yield as qualified by relevant environmental and economic factors including the special requirements of developing States in the Convention Area as expressed by Article 5 of the Convention. The Commission will amend, or replace the objectives with target reference points after

their adoption.

Skipjack

2. the Fishing Mortality Rate (F) for skipjack will be maintained at a level no greater than Fmsy, i.e. $F/F_{msy} \leq 1$.

Bigeye

3. the fishing mortality rate for bigeye tuna will be reduced to a level no greater than Fmsy, i.e. $F/F_{msy} \leq 1$. This objective shall be achieved through step by step approach through 2017 in accordance with this Measure.

Yellowfin

4. the fishing mortality rate is not greater than Fmsy, i.e. $F/F_{msy} \leq 1$.

General Rules

Attribution of Charter Arrangements

5. For the purposes of paragraph [20](#) and [33](#), attribution of catch and effort shall be to the flag State, except that catches and effort of vessels notified as chartered under CMM 2011-05 shall be attributed to the chartering Member, or Participating Territory. Attribution for the purpose of this Measure is without prejudice to attribution for the purposes of establishing rights and allocation.

Non-Parties

6. In giving effect to CMM 2009-11 or its replacement the Commission shall advise non-Parties to the Convention wishing to acquire Co-operating Non Member (CNM) status as follows: (a) that for bigeye tuna the current fishing mortality rate is above that associated with MSY and the Scientific Committee recommends a reduction in F for bigeye tuna; (b) yellowfin tuna is not being overfished but current F is close to Fmsy and the Scientific Committee recommends no increase in F for yellowfin tuna; (c) that skipjack tuna is not being overfished and that the Scientific Committee recommended that the Commission consider adopting limits on fishing for skipjack tuna and noted that additional purse seine effort on skipjack tuna will yield only modest long term gains in catches. Therefore, where necessary, the limits that apply to CNMs, particularly on the high seas, will be determined by the Commission in accordance with CMM 2009-11 or its revision.

Small Island Developing States

7. Unless otherwise stated, nothing in this Measure shall prejudice the rights and obligations of those small island developing State Members and Participating Territories in the Convention Area seeking to develop their domestic fisheries. This paragraph shall not be applied to paragraphs [11](#), [12](#), [13](#), [15](#), [16](#), [17](#), [18](#), [19](#), [20](#), [24](#), [25](#), [26](#), [27](#) and [28](#).

Transfer of effort

8. CCMs shall ensure that the effectiveness of these measures for the purse seine fishery are not undermined by a transfer of effort in days fished into areas within the Convention Area south of 20S. In order not to undermine the effectiveness of these measures, CCMs shall not transfer fishing effort in days fished in the purse seine fishery to areas within the Convention Area north of 20N.

Area of Application

9. This Measure applies to all areas of high seas and all EEZs in the Convention Area except where otherwise stated in the Measure.

II. Measures for 2014-2017

Purse seine fishery in tropical area (20N – 20S)

FADs management¹²

THE EU HAS STRONG RESERVATIONS ON FOOTNOTE 1 WHICH EXCLUDES PRE-EXISTING FAD MANAGEMENT PLANS. THIS EXCLUSION RISKS TO UNDERMINE THE ACHIEVEMENT OF THE OBJECTIVES OF THE MEASURE S PROPOSED AND THE CREDIBILITY OF MEASURES AIMED IN ARTICLE 1 AS LONG AS THERE IS NO PROPOER INFORMATION AND ASSESSMENT OF THOSE DOMESTIC FAD MANAGEMENT PLANS.

IT IS ALSO UNCLER WHAT WOULD BE THE REFERENCE YEAR FOR THIS FOOTNOTE TO APPLY. IN THE EU OPINION WE SHOULD BE REFERRING TO CMM 2008-01 WHICH ALSO APPLIED TO EEZs.

FINALLY THE TERM “OWN WATERS” SHOULD BE CLARIFIED ON THE BASIS OF TERMINOLOGY USED IN UNCLOS.

[10. The measures in paragraphs 11 to 13 shall be subject to the funding arrangement in paragraph 14.]

(Common measures for 2014-2017)

11. A three (3) months (July, August and September) prohibition of setting on FADs shall be in place for all purse seine vessels fishing in EEZs and high seas (see paragraphs 3 -7 of CMM 2009-02 for the rules for the FAD closure).

¹ This measure shall not replace pre-existing domestic FAD management plans in force in own waters.

² Throughout this section, further consideration is needed on the timing of the FAD closure, including having two separate periods of closure.

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(Measures for 2014)

12. In addition to paragraph 11, for additional reduction of FAD sets, flag CCMs shall implement one of the following two options³:

- (i) prohibition of setting on FADs in October, or
- (ii) as an alternative measure, flag CCMs shall limit annual FAD sets to 31.5% of the average number of total sets (or total days fished) between 2010-2012 for CCMs, or to 36.5% for SIDS CCMs (Attachment A-1) or 8/9 of the three years average FAD sets (2010-2012) of the SIDS CCMs (Attachment A-2)

PARAGRAPH 12 (ii) DOES NOT CONTAIN A SINGLE MEASURE, BUT THREE DIFFERENT OPTIONS AND SHOULD BE PRESENTED AS SUCH.

THE EU HAS STRONG RESERVATIONS ON THIS SUBPARAGRAPH FOR A NUMBER OF REASONS:

- IT IS STILL NOT PROVEN THAT ALL THE 3 DIFFERENT OPTIONS PROPOSED WILL HAVE THE DESIRABLE IMPACT. SPC HAS PRESENTED SOME ESTIMATES BUT WITH MANY CAVEATS. THE EU CONSIDERS THAT FURTHER CONSIDERATION SHOULD BE GIVEN TO THESE MEASURES.

- WHILE SPC HAS RUN SOME MODELS, THESE WERE BASED ON THE ASSUMPTION THAT ALL CMMs WOULD OPT FOR THAT OPTION WHILE IN REALITY THE FINAL RESULT IS THAT CMMs WILL CHOSE DIFFERENT OPTIONS ACCORDING TO THEIR INTERESTS. IT IS THEREFORE IMPOSSIBLE AT THIS STAGE TO ASSESS THE IMPACT OF THE MEASURE TAKING INTO ACCOUNT ALL INDIVIDUAL CHOICES.

- THE OPTIONS ARE EXCESSIVELY COMPLICATED AND MONITORING THE COMPLIANCE OF THE MEASURE IS GOING TO BE EXTREMELY DIFFICULT. WE ARE EXPECTING A REPORT OF THE SECRETARIAT ON THE CHALLENGES MONITORING OF THESE MEASURES COULD REPRESENT.

IT SHOULD BE STRESSED THAT THE EU IS NOT AGAINST REDUCING THE NUMBER OF FAD SETS. ACTUALLY THIS COULD HAVE A VERY SIGNIFICANT POSITIVE IMPACT, IT JUST WANTS TO ENSURE THAT THE

³ Purse seine vessels [~~flagged to a developing coastal state member~~] smaller than 50 m LOA (13+36=49 vessels currently on the WCPFC Record of Fishing Vessels) are exempted from this reduction requirement described in paragraph 11 to 13. When a SIDS CCM chooses limitation of annual FAD sets stipulated in paragraph 12 and 13, purse seine vessels newly introduced after January 1 2014 are managed outside of the FAD set limit for that CCM for 3 years since introduction of the vessel. Those purse seine vessels exempted or managed outside the FAD set limit shall be notified to the Secretariat by 31 March 2013 or within 15 days of vessels introduced after this date

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MEASURES ADOPTED ARE EFFICIENT AND BASED ON SCIENTIFIC EVIDENCE AND THAT MEASURES ADOPTED WILL BE IMPLEMENTED

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THE COMMENTS MADE UNDER THIS SUB-PARAGRAPH ARE ALSO APPLICABLE TO PARAGRAPHS 13 (ii) AND 15 (ii)

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(Measures for 2015 and 2016)

13. In addition to paragraph 11 for additional reduction of FAD sets, flag CCMs shall implement:

- (i) prohibition of setting on FADs in [(October and November)]; or
- (ii) as an alternative measure, flag CCMs shall limit annual FAD sets to 27.5% of the average number of total sets (or total days fished) between 2011-2013 in 2015 and 2012-2014 in 2016 for the CCMs, or to 32.5% for SIDS CCMs or 7/9 of the three years average FAD sets (2010-2012) of the SIDS CCM.

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[14. Paragraphs 11, 12 and 13 shall have effect if the WCPFC has the amount of \$15m per additional month of FAD closure in a Fund, for transfer payments to SIDS affected by the FAD closure, by 30 April each year. This amount shall be transferred to SIDS in proportion to the average number of FAD sets in the additional month(s) in each EEZ in the period 2010 to 2012.]

IT IS UNCLEAR THE RATIONALE BEHIND THIS PAYMENT, HOW THE AMOUNT HAS BEEN CALCULATED AND WHO SHALL BE FINANCING THIS THIS NEEDS TO BE CLARIFIED BEFORE ANY POSITION CAN BE TAKEN IN THE EU.

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(Measures for 2017)

15. In addition to 5 month FAD-closure, from 1 January 2017, it shall be prohibited to set on FADs in the high seas (provision to be made for the disadvantage of Kiribati as a small island developing coastal state with a discontinuous EEZ^{4,5}). Or, as an alternative measure, flag CCMs shall limit annual FAD sets to [23%] of the average number of total sets (or total days fished) between 2013-2015 for the CCM, or to [28%] for a SIDS CCM or 6/9 of the three years average FAD sets (2010-2012) of the SIDS CCM.46-0

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THE EU IS OPPOSED TO A TOTAL CLOSURE OF THE HIGH SEAS. THERE IS CLEAR SCIENTIFIC EVIDENCE THAT THE VAST MAJORITY OF BET FISHING OCCURS IN THE EEZs AND NOT IN THE HIGH SEAS. THEREFORE THE ADDED VALUE OF THE CLOSURE OF THE HS IS QUESTIONABLE AND WOULD ONLY RESULT IN A TRANSFER OF EFFORT TO THE EEZs.

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⁴ High seas FAD closure does not apply to Philippine flag vessel fishing in HSP-1.

⁵ Acceptance by Japan assuming it has an equivalent impact of additional 3.4 month FAD closure.

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16. CCMs shall notify which option they will implement for each year to the Secretariat by 31 December of the year before. Detailed operation of the FAD set limit option shall be conducted in accordance with the guideline attached as Attachment B.

Effort management [(Japan's proposal) Flag CCMs shall take necessary measures to ensure that the total level of purse seine fishing effort in days fished by their vessels in EEZs and High seas does not exceed 2010 levels.]

THE EU CAN IS SYMPATHETIC TO THIS MEASURE, BUT HOPES FOR AN EQUITABLE SOLUTION IN TERMS OF THE REFERENCE YEAR TO BE USED, WHICH IS CURRENTLY NOT THE CASE WITH 2010.

EEZ

17. Coastal States within the Convention Area that are Parties to the Nauru Agreement (PNA) shall restrict the level of purse seine effort in their EEZs to 2010 levels through the PNA Vessel Days Scheme.

THE EU HAS NO PARTICULAR COMMENTS ON THIS PROVISION BUT HOPES FOR A TRANSPARENT APPLICATION OF THE VDS SCHEME THAT ALSO RESPECTS SCIENTIFIC ADVICE

18. Other coastal States with effort in their EEZs exceeding 1,000 days annually over the period 2006-2010 shall limit effort in their EEZs to 2001-4 average or 2010 levels.

19. Other coastal States [within the Convention Area] other than those referred to in paragraph 12 and paragraph 13 shall establish effort limits, or equivalent catch limits for purse seine fisheries within their EEZs that reflect the geographical distributions of skipjack, yellowfin, and bigeye tunas, and are consistent with the objectives for those species. Limits established pursuant to this provision shall be provided to the Commission by the relevant coastal States no later than 16 November 2013.

High Seas

[20. Effort in the high seas shall be limited to 2,190^{6,7} days. The Executive Director shall notify CCMs when the level of effort in the high seas is estimated to have reached 1,752 days (80%) and at that time, shall notify CCMs that purse seine fishing on the high seas shall close at a date when the 2,190 limit is projected to be reached, based on the best available information⁸. CCMs shall ensure that their vessels do not fish in the high seas after the date notified by the Executive Director.]

THE EU IS NOT IN FAVOUR OF AN OLYMPIC FISHERIES APPROACH, AND WOULD RATHER WORK ON THE REDUCTION OF EFFORT IN THE HIGH SEAS

⁶ Ref. Table 1 WCPFC9-2012-IP-09 Rev3

⁷ The measures that the Philippines will take is in Attachment D

⁸ This high seas effort limit arrangement will be replaced with an allocated effort limit when an allocation is agreed.

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ON THE BASIS OF THE JAPANESE PROPOSAL WITH ADJUSTMENTS.

WE COULD AGREE IN PRINCIPLE THAT ONCE A MAXIMUM NUMBER OF FISHING DAYS IS ESTABLISHED THE EXECUTIVE DIRECTOR SHOULD NOTIFY CMMs. HOWEVER, THIS SAME MEASURE SHOULD BE APPLIED TO EEZs, SO THAT COASTAL STATES ARE ALSO NOTIFIED WHEN THEY ARE ABOUT TO REACH THE MAXIMUM AMOUNT OF ALLOWED FISHING DAYS

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Yellowfin tuna

21. CCMs are encouraged to take measures not to increase their catch of yellowfin tuna.

THIS MEASURE SHALL BE REVIEWED IN THE LIGHT OF THE STOCK ASSESSMENT TO BE PRODUCED IN 2014.

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Catch retention

22. To create a disincentive to the capture of small fish and to encourage the development of technologies and fishing strategies designed to avoid the capture of small tunas and other fish, 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 to retain on board and then land or transship at port all bigeye, skipjack, yellowfin tuna. (See CMM 2009-02 paragraphs 8-13 for the Commission's rules for catch retention.) The only exceptions to this paragraph shall be:

- a) when, in the final set of a trip, there is insufficient well space to accommodate all fish caught in that set, noting that excess fish taken in the last set may be transferred to and retained on board another purse seine vessel provided this is not prohibited under applicable national law; or
- b) when the fish are unfit for human consumption for reasons other than size; or
- c) when serious malfunction of equipment occurs.

23. Nothing in paragraphs 11, 12, 13 and 22 shall affect the sovereign rights of coastal States to determine how these management measures will be applied in their waters, or to apply additional or more stringent measures.

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Monitoring and control

24. Notwithstanding the VMS SSP, a purse seine vessel shall not operate under manual reporting during the FADs closure periods, but the vessel will not be directed to return to port until the Secretariat has exhausted all reasonable steps to re-establish normal automatic reception of VMS positions in accordance with the VMS SSPs. The flag State shall be notified when VMS data is not received by the Secretariat at the interval specified in CMM 2011-02 and paragraph 28.

25. CCMs shall ensure that purse seine vessels entitled to fly their flags and fishing within the area bounded by 20° N and 20°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 an observer from the Commission's Regional Observer Program (ROP) (CMM 2007-01).

26. Each CCM shall ensure that all purse seine vessels fishing solely within its national jurisdiction within the area bounded by 20° N and 20°S carry an observer. These CCMs are encouraged to provide the data gathered by the observers for use in the various analyses conducted by the Commission, including stock assessments, in such a manner that protects the ownership and confidentiality of the data.

27. ROP reports for trips taken during FADs closure period shall be given priority for data input and analysis by the Secretariat and the Commission's Science Provider.

28. VMS polling frequency shall be increased to every 30 minutes during the FAD closure period. The increased costs associated with the implementation of this paragraph will be borne by the Commission.

FAD Management Plan

29. By 1 July 2014, 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, if they have not done so. These Plans shall include strategies to limit the capture of small bigeye and yellowfin tuna associated with fishing on FADs, including implementation of the FAD closure pursuant to paragraphs 11, 12, 13 [and 15] above. The Plans shall at a minimum meet the Suggested Guidelines for Preparation for FAD Management Plans for each CCM (Attachment E).

30. 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 2014, including:

- a. Marking and identification of FADs;
- b. Electronic monitoring of FADs;
- c. Registration and reporting of position information from FAD-associated buoys; and
- d. Limits to the number of FADs deployed or number of FAD sets made.

Capacity Management

31. CCMs that are not SIDS shall:

- I. not increase the number of purse seine vessels larger than 24m with freezing capacity actively fishing between 20N and 20S (hereinafter "LSPSVs"⁹) above the current level as specified in Attachment F;

⁹ [Large Scale Purse Seine Vessels](#)

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II. not increase the number of longline vessels [authorized to operate outside their national waters]¹⁰ (hereinafter “ALLVs¹¹”) above the current level as specified in Attachment F.

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[31bis. When new LSPSVs or ALLVs are introduced by SIDS CCMs, non-SIDS CCMs shall jointly reduce the equivalent number of LSPSVs or ALLVs with their flag the following year. Such reduction by non-SIDS CCMs shall be shared on a pro-rata basis of the number of LSPSVs and ALLVS flagged to each non-SIDS CCMs.]¹²

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PARAGRAPH 31BIS SHOULD BE FURTHER DEVELOPED AND THE EU IS WILLING TO WORK WITH FMI TO FIND AN ACCEPTABLE SOLUTION.

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32. The Commission will work to develop a regional capacity management plan to ensure that as SIDS CCMs develop their domestic fisheries, the overall capacity of the LSPSVs and ALLVs does not exceed levels commensurate with allowable fishing opportunities for the tuna stocks, with a view to achieving sustainable level in light of allowable fishing opportunities by 2020.

Longline fishery

Catch limits

33. The catch limits in 2014 and thereafter for bigeye tuna shall be as specified in Attachment G (catch limits are to be 40% reduction from 2001-2004 level or 45% reduction from 2004 level¹³ by 2017). Any overage of the catch limit shall be deducted from catch limit of next year for the CCM.

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Monthly catch report

34. CCMs listed in Attachment G shall report monthly the amount of bigeye catch by their flagged vessels to the Secretariat by the end of the following month. When 90% of the catch limit for a CCM is exceeded, the Secretariat shall notify that to all CCMs.

Effort limits

35. There shall be no fishing in the high seas by longline vessels that do not unload their catch in SIDS ports or in ports of their flag or chartering state for the FAD closure periods set out in paragraphs 11 to 15.]

THE EU DOES NOT CONSIDER THAT PARAGRAPH 35 SHOULD APPLY TO LL VESSELS WHO DO NOT TARGET TUNA AS IT IS UNCLEAR HOW THIS MEASURE WOULD HAVE A POSITIVE EFFECT ON BET OVERFISHING BUT

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¹⁰ Further consideration is required to determine an appropriate way to identify the vessels that will be covered actively fishing etc.

¹¹ Authorized LongLine Vessels

¹² RMI is leading further development of this concept. TCC will consider additional proposals.

¹³ Only applies to China and USA

WOULD CREATE A DISPROPORTIONATE BURDEN ON SOME FLEET.

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[35bis. The Eastern High Seas pocket surrounded by the EEZs of Kiribati, Cook Islands and French Polynesia) shall be closed to fishing.]

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Yellowfin tuna

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36. CCMs are encouraged to take measures not to increase their catch of yellowfin tuna.

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Other Commercial fisheries

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37. CCMs shall take necessary measures to ensure that the total effort and capacity of their respective other commercial tuna fisheries for bigeye, yellowfin and skipjack tuna but excluding those fisheries taking less than 2,000 tonnes of bigeye, yellowfin, and skipjack, shall not exceed the average level for the period 2001-2004 or 2004.

38. CCMs shall provide the Commission with estimates of fishing effort for these other fisheries or proposals for the provision of effort data for these fisheries for 2013 and future years.

III. Review of measures

39. These measures shall be reviewed and amended, if necessary, in 2015 to achieve the Objectives.

THE EU CONSIDERS THAT IT COULD BE APPROPRIATE TO REVIEW THIS MEASURE ALREADY IN 2014 IN LIGHT OF THE UPCOMING STOCKS ASSESSMENT.

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IN ADDITION, THE EU CONSIDERS THAT ONCE ALL CMMs HAVE TRANSMITTED THE PREFERRED OPTIONS UNDER PARAGRAPH 12 (IF IT IS ADOPTED), IN 2014 SPC RUNS MODELS TO DETERMINE THE IMPACT OF THE COMBINATION OF THE DIFFERENT MEASURES CHOSEN.

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IV. Final Clause

40. This measure replaces CMM 2012-01 and the measures for 2017 shall continue to apply unless Commission decides otherwise.

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THE EU WOULD RATHER PREFER A REVISION CLAUSE.

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Attachment A-1: Annual total sets (or total days fished) by flag CMM

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CCM	2010	2011	2012	Average (2010-2012)
CHINA				
ECUADOR				
EL SALVADOR				
EUROPEAN UNION				
FEDERATED STATES OF MICRONESIA				
INDONESIA				
JAPAN				
KIRIBATI				
REPUBLIC OF KOREA				
MARSHALL ISLANDS				
NEW ZEALAND				
PAPUA NEW GUINEA				
PHOLIPPINES(distant-water)				
PHOLIPPINES(domestic)				
SOLOMON ISLANDS				
CHINESE TAIPEI				
TUVALU				
UNITED STATES OF AMERICA				
VANUATU				
Total				

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Attachment A-2: Estimated FAD sets undertaken in the tropical purse seine fishery of the WCPFC Convention Area, by flag, 2001-2011 (grey shaded columns are in reference to the paragraph 12. (ii) and 13. (ii) options) (to be updated)

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CCM	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011 (a)	(i)*8/12	2011 (b)	(ii)*
CHINA	17	139	226	544	936	933	900	1,199	1,559	692	2,090	840	560	-
ECUADOR							98	443	124	181	425	254	169	-
EL SALVADOR	9	29	1				54	152	162	136	185	91	61	-
EUROPEAN UNION	65	40	59	82	48	139	259	425	336	384	488	211	141	-
FEDERATED STATES OF MICRONESIA	326	395	502	794	499	282	341	481	736	433	877	515	682	-
INDONESIA	?	?	?	?	?	?	?	?	?	?	?	?	-	-
JAPAN	2,319	2,022	2,267	3,161	2,378	2,617	2,437	2,603	2,409	829	1,320	2,215	1,477	-
KIRIBATI	70	61	63	96	103	66	61	69	234	222	560	146	339	-
REPUBLIC OF KOREA	655	1,332	764	2,620	898	2,327	1,870	1,951	2,178	1,101	2,126	1,620	1,080	-
MARSHALL ISLANDS	422	580	878	1,066	936	783	898	469	633	638	1,471	798	914	-
NEW ZEALAND	141	469	440	578	197	498	443	445	391	193	166	360	240	-
PAPUA NEW GUINEA	2,126	2,575	2,759	4,281	4,508	3,659	2,985	3,409	3,865	2,596	3,347	3,283	3,269	-
PHILIPPINES (distant-water)	989	1,040	1,265	1,242	1,192	1,023	691	964	1,090	801	946	1,022	681	-
PHILIPPINES (domestic)	?	?	?	?	?	?	?	?	?	?	?	?	-	-
SOLOMON ISLANDS	285	261	356	430	459	554	483	391	540	353	760	443	551	-
CHINESE TAIPEI	1,641	2,670	1,930	3,300	2,742	3,080	2,788	2,254	2,750	1,842	2,952	2,541	1,694	-
TUVALU										29	40	55	41	-
UNITED STATES OF AMERICA	2,049	1,782	1,587	2,086	1,335	1,553	1,401	2,774	3,783	2,398	3,407	2,196	1,464	-
VANUATU	37	145	181	742	764	487	623	228	385	192	326	374	301	-
Total	11,152	13,541	13,278	21,022	16,995	18,003	16,331	18,257	21,205	13,032	21,500	16,756	7,567	5
Notes														
1. Covers Drifting FAD, Log and Anchored FAD sets														
2. Includes archipelagic and high seas														
3. Complete information from Indonesia and Philippines are not available														

Attachment B: Guideline for alternative reduction of FAD sets
for paragraph [12. \(ii\)](#) and [13. \(ii\)](#)

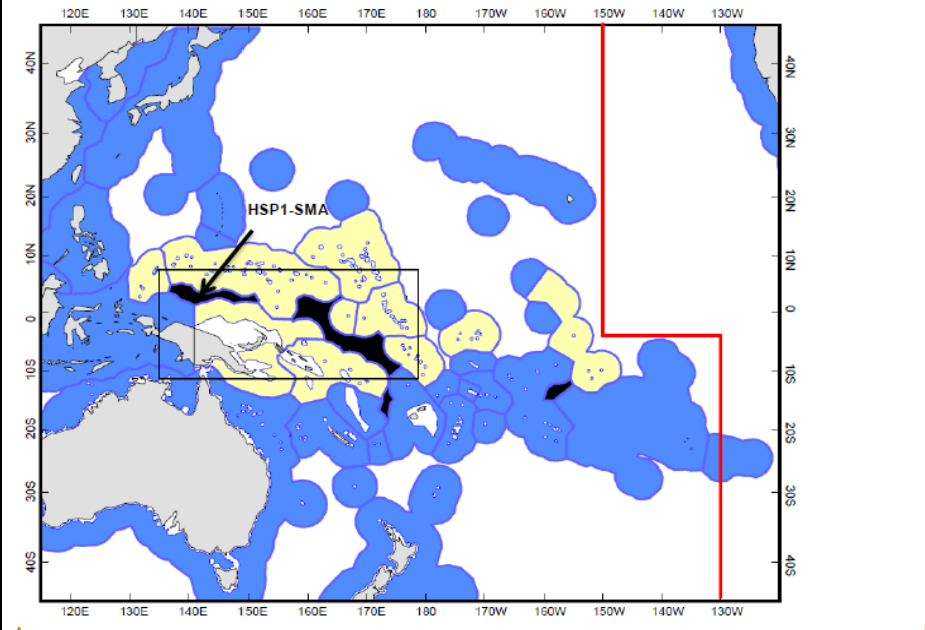
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In order to observe the FAD set limit, the flag CCM which choose the option to limit the FAD sets number shall ensure to take at least the following measures, except for the period of original FAD closure (July-September);

- (1) The captain of a purse seine vessel shall weekly report (i) the number of FAD sets, (ii) the number of total sets, and (iii) estimated bigeye catch in the previous week to the flag CCM and the observer on board.
- (2) The flag CCM shall provide information set forth in (1) every two weeks by set by its vessels to the Secretariat.
- (3) After the number of FAD set conducted reaches 80% of the set limit, the CCM shall report the information (2) above weekly to the Secretariat.
- (4) After the number of FAD set conducted reaches 90% of the set limit, the captain shall report the information daily to the flag CCM authority.
- (5) When the number of FAD set conducted reaches the limit, the CCM shall promptly take necessary measures to ensure that no further set on FADs shall be made by its purse seine vessels during that calendar year and report the measures taken to the Secretariat.

Attachment C: WCPFC Convention Area

- showing HSP-1 SMA where the arrangements in Attachment D apply



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This map displays indicative maritime boundaries only. It is presented without prejudice to any past, current or future claims by any State. It is not intended for use to support any past, current or future claims by any State or territory in the western and central Pacific or east Asian region. Individual States are responsible for maintaining the coordinates for their maritime claims. It is the responsibility of flag States to ensure their vessels are informed of the coordinates of maritime limits within the Convention Area. Coastal States are invited to register the coordinates for their negotiated and agreed maritime areas with the Commission Secretariat.

Attachment D: Measure for Philippines

1. This Attachment of CMM 2013-01 shall apply to Philippine traditional fresh/ice chilled fishing vessels operating as a group.

AREA OF APPLICATION

2. This measure shall apply only to High Seas Pocket no. 1 (HSP-1), which is the area of high seas bounded by the Exclusive Economic Zones (EEZs) of the Federated States of Micronesia to the north and east, Republic of Palau to the west, Indonesia and Papua New Guinea to the south. For the purposes of this measure, the exact coordinates for the area shall be those used by the WCPFC vessel monitoring system (VMS). A map showing the HSP-1 Special Management Area (in Attachment C).

REPORTING

3. Philippines shall require its concerned vessels to submit reports to the Commission at least 24 hours prior to entry and no more than 6 hours prior to exiting the HSP-1 SMA. This information may, in turn, be transmitted to the adjacent coastal States/Territories.

The report shall be in the following format:

VID/Entry or Exit: Date/Time; Lat/Long

4. Philippines shall ensure that its flagged vessels operating in the HSP-1 SMA report sightings of any fishing vessel to the Commission Secretariat. Such information shall include: vessel type, date, time, position, markings, heading and speed.

OBSERVER

5. The fishing vessels covered by this measure shall employ a WCPFC Regional Observer on board during the whole duration while they operate in HSP-1 SMA in accordance with the provisions of CMM 2007-01.

6. Regional Observers from other CCMs shall be given preference/priority. For this purpose, the Philippines and the Commission Secretariat shall inform the CCMs and the Adjacent Coastal State of the deployment needs and requirements at 60 days prior expected departure. The Secretariat and the CCM that has available qualified regional observer shall inform the Philippines of the readiness and availability of the Regional Observer at least 30 days prior to the deployment date. If none is available, the Philippines is authorized to deploy regional observers from the Philippines.

VESSEL LIST

7. The Commission shall maintain an updated list of all fishing vessels operating in HSP1 SMA based on the foregoing vessel's entry and exit reports submitted to the Commission. The list will be made available to Commission Members through the WCPFC website.

MONITORING OF PORT LANDINGS

8. The Philippines shall ensure that all port landings of its vessels covered by this decision are monitored and accounted for to make certain that reliable catch data by species are collected for processing and analysis.

COMPLIANCE

9. All vessels conducting their fishing activities pursuant to this Attachment to CMM 2012-01 shall comply with all other relevant CMMs. Vessels found to be non-compliant with this decision shall be dealt with in accordance with CMM 2010-06 (replaces CMM 2007-03), and any other applicable measure adopted by the Commission.

EFFORT LIMIT

10. The total effort of these vessels shall not exceed 4,659¹⁴ days. The Philippines shall limit its fleet to 36 fishing vessels (described by the Philippines as catcher fishing vessels) in the HSP-1 SMA.

¹⁴ Reference Table 2(b), WCPFC9-2012-IP09_rev3

Attachment E: Preparation of FAD¹⁵ Management Plans

To support obligations in respect of FADs in CMM-2013-01, the FAD Management Plan (FADMP) for a CCM purse seine fleet to be submitted to the Commission shall include:

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- An objective
- Scope:
 - Description of its application with respect to:
 - Vessel-types and support and tender vessels,
 - FAD types [anchored (AFAD) AND drifting (DFAD)],
 - maximum FAD numbers permitted to be deployed [per purse seine or ring net vessel per FAD type],
 - reporting procedures for AFAD and DFAD deployment,
 - catch reporting from FAD sets (consistent with the Commission's Standards for the Provision of Operational Catch and Effort Data),
 - minimum distance between AFADs,
 - incidental by-catch reduction and utilization policy,
 - consideration of interaction with other gear types,
 - statement or policy on "FAD ownership".
 - Institutional arrangements for management of the FAD Management Plans
 - Institutional responsibilities,
 - Application processes for FAD deployment approval,
 - Obligations of vessel owners and masters in respect of FAD deployment and use,
 - FAD replacement policy,
 - Reporting obligations,
 - Observer acceptance obligations,
 - Relationship to Catch Retention Plans,
 - Conflict resolution policy in respect of FADs.
 - FAD construction specifications and requirements
 - FAD design characteristics (a description),
 - FAD markings and identifiers,
 - Lighting requirements,
 - radar reflectors,
 - visible distance,
 - radio buoys [requirement for serial numbers],
 - satellite transceivers [requirement for serial numbers].
 - Applicable areas

¹⁵ Fish aggregating devices (FAD) are drifting or anchored floating or submerged objects deployed by vessels for the purpose of aggregating target tuna species for purse seine or ring-net fishing operations

- Details of any closed areas or periods e.g. territorial waters, shipping lanes, proximity to artisanal fisheries, etc.

- Applicable period for the FAD-MP
- Means for monitoring and reviewing implementation of the FAD-MP.
- Means for reporting to the Commission

Attachment F:

CCM	Number of LSPSVs	Number of ALLVs
CHINA		
ECUADOR		
EL SALVADOR		
EUROPEAN UNION		
FEDERATED STATES OF MICRONESIA		
INDONESIA		
JAPAN		
KIRIBATI		
REPUBLIC OF KOREA		
MARSHALL ISLANDS		
NEW ZEALAND		
PAPUA NEW GUINEA		
PHOLIPPINES(distant-water)		
PHOLIPPINES(domestic)		
SOLOMON ISLANDS		
CHINESE TAIPEI		
TUVALU		
UNITED STATES OF AMERICA		
VANUATU		

Attachment G: Bigeye Longline Catch Limits by Flag

CCMs	Catch					40% reduction from Av. 2001-04	45% reduction from2004	Catch Limits			
	2001	2002	2003	2004	Av. 2001-04			2014	2015	2016	2017 and thereafter
AUSTRALIA	1,307	1,002	1,024	892	1,056						2,000
BELIZE	1,322	812	782	297	803						803
CHINA	2,227	2,312	8,965	11,748	6,313		6,461				6,461
EUROPEAN COMMUNITY	0	0	0	42	11						2,000
INDONESIA	942	1,470	2,168	2,192	1,693						5,048
JAPAN	27,466	29,574	26,110	29,248	28,100	16,860					16,860
NEW ZEALAND	481	201	204	177	266						2,000
REPUBLIC OF KOREA	22,172	28,533	17,151	17,941	21,449	12,869					12,869
CHINESE TAIPEI	12,435	16,645	14,429	20,992	16,125	9,675					9,675
USA	2,418	4,396	3,618	4,181	3,653		2,300				2,300

**TO ALL COMMISSION MEMBERS, COOPERATING NON-MEMBERS AND
PARTICIPATING TERRITORIES**

**Circular No.: 2013/94
Date: 17 September 2013
No. pages: 4**

**Letter from New Zealand: Comments on Draft Conservation and Management
Measure 2013-01**

Dear All,

Please find attached comments from New Zealand on draft Conservation and Management Measure 2013-01 as discussed in the Tokyo workshop. New Zealand's comments are circulated as requested.

Thanks,



Professor Glenn Hurry
Executive Director

NEW ZEALAND COMMENTS ON DRAFT CMM 2013-01

- As an initial comment, New Zealand considers that further action to reduce fishing effort on bigeye should be taken in 2014 rather than simply rolling over the existing FAD closure period and alternative for a further year as proposed in the draft CMM. Further cuts to longline catch limits should also occur in 2014. The longer that overfishing continues the greater the likelihood that bigeye will become over fished and further remedial action will be required.

Move to establish FAD set limits in addition to FAD closure period

- New Zealand supports in principle the move to establish FAD set limits as an alternative to extended FAD closures because limiting overall FAD sets provides greater flexibility to fleets and removes the ability of fleets to increase FAD use outside the three month FAD closure period. Care will be required to ensure that the alternative FAD measure is of similar effect to an extended closure and that flag States assume the responsibility to implement systems to monitor compliance of their fleets if they opt for this alternative.
- We also support the move to a fixed ratio of FAD sets to total sets that is the same for all fleets as this is fairer than working off historical baselines of the number of FAD sets by fleet which rewards those fleets with high historical use of FADs.
- It is unclear how the alternative of “total days fished” (e.g. para 12) is designed to work. Is this thought to be equivalent to “total sets” or would the whole metric for the ratio need to be recalculated? Further work is required on this before it is included in the measure as an alternative option.
- The paragraphs that describe the alternatives to the additional month/s of FAD closure (12(ii), 13(ii), 15) should be reformatted to ensure the different alternative options are very clear.
- If the FAD set limit ratio is to be applied to a historical baseline of average annual sets over a short number of years (e.g. 2010-2012) then the measure needs to address the implication of this for small fleets (e.g. five vessels or less) where circumstances of one or two vessels during a given year can have a dramatic influence on the overall baseline figure for the fleet. We suggest that small fleets be able to use their highest annual number during the period rather than the average number as long as the number of vessels in the fleet has not changed (note: this was the approach taken in para 10, footnote 2 of CMM 2008-01 for exactly this reason).
- New Zealand would also support a move away from using historical baselines of total sets to simply requiring flag States to limit their FAD sets to a fixed ratio of their total sets during the course of a year. For this to be effective there would need to be more regular monitoring of sets across a fleet as well as strict adherence to overall effort limits across the whole fishery – EEZs and high seas.

Transfer payments to SIDS

- New Zealand supports the concept of transfer payments where analysis demonstrates that particular SIDS are suffering a disproportionate burden of conservation action. We need to ensure the balance of conservation burden in the measure is as fair as possible in the first instance, and that measures are consistent with Article 30, para 2(c) of the Convention.

FAD management footnote 1 (before para 10)

- There is a need to clarify the intention and implication of this footnote as it could be interpreted as exempting any coastal state from the FAD closure and FAD set limits as long as they have a “pre-existing domestic FAD management plan in force in own waters” with no specification as to the contents of those FAD management plans.

Effort management (Japan proposal after para 16)

- New Zealand understands the intention of this proposal but it risks cutting across the sovereign rights of PNA members and others under the VDS etc. It is more important to ensure that the VDS restricts effort to 2010 levels within PNA EEZs and that appropriate limits are set for other EEZs and for the high seas.

EEZ limits for purse seine skipjack

- Note that this is a requirement of CMM 2012-01 with a deadline of 16 November 2013 so arguably this is redundant for the new measure. However, there is a need to clarify whether this obligation applies to CCMs with EEZs outside of 20N – 20S as it is ambiguous in CMM 2012-01.

High seas limits for purse seine

- New Zealand supports the establishment of clear effort limits for the high seas purse seine fishery as a priority for inclusion in the new CMM.
- These limits should be managed either as an Olympic fishery as put forward by PNA or as flag based limits based on some agreed historical baseline that takes into account the closure of the western high seas pockets and that provides an exemption for SIDS vessels to fish on the high seas.

Yellowfin tuna

- New Zealand supports more explicit limitation of fishing for yellowfin in the area 20N–20S and improved reporting of yellowfin catches by both purse seine and longline vessels such as monthly reporting to the Secretariat of yellowfin catches by longline vessels. We suggest amending Para 21 which encourages CCMs to take steps not to increase their catch of yellowfin tuna to “CCMs **shall** take measures not to increase their catch of yellowfin tuna”.

Capacity management

- New Zealand supports the concepts for capacity management put forward in the draft measure and sees this as a priority issue for 2013 with respect to both purse seine and longline vessels.
- The limit on longline capacity needs to apply to all longline vessels in the Convention Area, not just those targeting bigeye tuna as there is a real risk of new vessels being introduced into the southern albacore fishery and/or switching to target yellowfin.
- With respect to limits on longline vessels, New Zealand has a number of domestic longline vessels that have the capacity to venture beyond the EEZ boundary to fish in the high seas (see New Zealand Part 1 Report). While all of these vessels are entitled to apply for a New Zealand High Seas Fishing Permit, they do not all have such permits at present and most are therefore not currently on the WCPFC Record of Vessels. While New Zealand can commit to not increase the overall number of our longline vessels we would want to preserve the opportunity for New Zealand longline vessels to apply for a High Seas Fishing Permit and fish on the high seas in the future.

Longline fishery

- New Zealand supports the proposed further reductions to bigeye catch limits in the draft measure. These are a critical component for ensuring the appropriate balance of conservation burden across the different fishing methods and fleets that impact on the bigeye fishery and should apply equally to all large scale longline fleets. We strongly support the inclusion of the penalty provision for any overcatch.

Eastern high seas pocket

- New Zealand supports the proposal to close the eastern high seas pocket to all fishing due to the massive amount of effort and unregulated transshipment activity that is occurring in this pocket in contravention of the WCPFC transshipment CMM.

**TO ALL COMMISSION MEMBERS, COOPERATING NON-MEMBERS AND
PARTICIPATING TERRITORIES**

**Circular No.: 2013/96
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**Comments from Korea on the Outcome of the Tropical Tuna Working Group
Workshop**

Dear All,

Please find attached a paper from Korea with comments on the outcome of the Working Group on Tropical Tunas in Tokyo. Korea's comments are circulated as requested.

Thanks,



Professor Glenn Hurry
Executive Director

Korea's Comments on the Tropical Tuna Working Group Meeting

First, I appreciate Japan, the PNA and Philippine for their proposal and I found the Working Group meeting very fruitful. Please refer to the following comments as some of the elements to be factored into when establishing a multiyear conservation and management measure for tropical tuna. Korea is ready to cooperate with other CCMs to the extent possible to come up with concrete measures at the upcoming TCC and the Regular Session of the Commission.

General Comments

Even though various views were presented in the meeting held in Tokyo, we found that we tried to solve the problem in a reasonable way. All the CCMs sought the target based on the scientific recommendation that the period of FAD closure 6 months is suitable. However we have several obstacles to reaching an agreement.

A new measure should be applied to all CCMs equitably; easy to be implemented and designed to achieve the conservation and management goals effectively. However, the joint proposal contains various exemptions and other variants that will make it difficult for the Commission to ensure fair and effective implementation and monitoring.

As mentioned at the Working Group meeting, if all exemptions in the existing CMM are carried over to a new CMM, it will lead to a situation where the Commission needs to discuss additional reductions in five years. Therefore, a new measure should be applied to all types of fisheries and gears, be it large-scale longliners targeting larger species, purse seiners fishing for smaller species or longliners fishing for small albacores.

Specific Comments

1) Purse seiners

2. Paragraph 10: We do recognize that a new CMM should not put disproportionate burden on SIDSs, but the basis, substance and subject of the compensation should be reasonable and understandable to all CCMs.

2. Paragraph 12-16: We would like to question whether FAD set limits are commensurate with FAD closure. Considering that the effectiveness of a measure cannot be guaranteed unless such measure is strictly implemented, we remain concerned that FAD set limits are not easy to monitor to ensure its implementation. Also, extensively broad definitions of FAD can be a cause of disputes between observers and vessel masters in interpreting what constitutes FAD sets.

The current proposal has more variants than the existing CMM and thus it may not be suitable to be a Commission measure. As such, we prefer FAD closure to FAD set limits.

3. Paragraph 15: We believe that more scientific reviews are needed to be done to see if an all-year-round closure is appropriate or not, considering the bigeye catches from the eastern high seas.

2) Longliners

1. Paragraph 33: Taking into account the exemptions included in the CMM and the level of impact of small-scale longliners' bigeye catches and discards on the stock, it is difficult for Korea to accept further reductions.
2. Paragraph 35: It is difficult for us to give positive consideration to this paragraph since it doesn't have sufficient scientific grounds.

3) Fishing Capacity

Fishing capacity of both purse seiners and longliners should be controlled by freezing the number of both types of gears at the current level. For assisting SIDSs in fulfilling their fisheries development aspirations, vessel number transfers from non-SIDSs to SIDSs should be allowed.