



TECHNICAL AND COMPLIANCE COMMITTEE

Tenth Regular Session

25 - 30 September 2014

Pohnpei, Federated States of Micronesia

**CONSERVATION AND MANAGEMENT MEASURE FOR THE
EASTERN HIGH-SEAS POCKET SPECIAL MANAGEMENT AREA**

WCPFC-TCC10-2014-DP04

19 September 2014



TENTH REGULAR SESSION

Cairns, Australia

2-6 December 2013

**CONSERVATION AND MANAGEMENT MEASURE FOR THE
EASTERN HIGH-SEAS POCKET SPECIAL MANAGEMENT AREA**

Conservation and Management Measure ~~2010-02~~ 2014-XX

The Western and Central Pacific Fisheries Commission (WCPFC):

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;

Concerned that IUU fishing activities in the Convention area undermine the effectiveness of the conservation measures adopted by the WCPFC.

Conscious of the need to address, as a matter of priority, the issue of vessels conducting IUU fishing activities from the Eastern High Seas Pocket (the 'E-HSP');

Determined to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to vessels in the E-HSP, without prejudice to further measures adopted in respect of CCMs and non-CCMs under the relevant WCPFC instruments;

Recognising 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 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;

Noting further that Article 30(2)(c) of the Convention requires the Commission to ensure that conservation and management measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States Parties, and territories and possessions;

Adopts, in accordance with Article 10 of the Convention ~~the following Measure shall be implemented from 1 July 2011, with respect to the Eastern High Seas pocket (E-HSP):~~

AREA OF APPLICATION

1. The E-HSP is the area of high seas bounded by the Exclusive Economic Zones of the Cook Islands to the west, French Polynesia to the east and Kiribati to the north. For the purposes of this measure, the precise co-ordinates (geodetic information) shall be that used by the WCPFC vessel monitoring system (VMS). A map showing the E-HSP is attached (attachment A).

~~1.2. The E-HSP shall be closed to fishing⁺~~

REPORTING

Entry and Exit Reports

~~2.3.~~ Flag States shall require their vessels to submit reports, directly, or through such organisations designated by the flag state to the Commission at least 6 hours prior to entry and ~~no more than 6~~ hours prior to exiting the E-HSP. Such reports shall also contain estimated catch (~~in~~ kilograms) on board. This information shall ~~immediately~~ be transmitted by the Commission Secretariat to the adjacent coastal States/Territories, ~~within 12 hours following receipt by the Commission Secretariat,~~ and shall be considered non-public domain data. The report shall be in the following format:

VID/Entry/Exit: Date/Time²; Lat/Long³; YFT/BET/ALB/SKJ/SWO/SHK/OTH/TOTAL(kgs)
/TRANSHIPMENT (Y/N)

Vessel sightings

~~3.4.~~ CCMs shall encourage their flagged vessels operating in the E-HSP to report sightings of any fishing vessel to the Commission Secretariat. Such information should include: date ~~and~~ time (UTC), position (true degrees), bearing, markings, speed (knots), and vessel type. Vessels should ensure this information is transmitted to the Secretariat ~~within 6 hours of a sighting event taking place, as soon as practicable, but not later than 30 days after the trip completion.~~

Catch and effort reporting

~~4.5.~~ CCMs that do not provide operational level data for the E-HSP, to the Commission, shall provide quarterly catch and effort reports (by the end of April, July, October and January for the preceding 3 months) for the E-HSP area to the Commission. These reports shall include:

- a. catch by species (reported in catch in numbers and metric tonnes for target and bycatch species)
- b. effort reported in number of hooks for longline vessels, fishing days for purse seine, and metrics for effort of other gear types as outlined in Annex 1 of the *Scientific Data to be Provided to the Commission*.
- c. Numbers of vessels by gear type
- d. Updated catch and effort estimates for previously submitted quarterly reports

The Secretariat shall post these quarterly reports on the secure site of the WCPFC website.

VMS

~~6.~~ Adjacent coastal States/Territories shall receive continuous near real-time VMS data pursuant to paragraph 22 of the Commission's Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes; and through a standing request under paragraph ~~50~~ of these Rules and Procedures.

~~7.~~ Before entry in to the E-HSP, vessels shall communicate with the WCPFC Secretariat to ensure their MTU/ALCs are functioning and are being monitored on the WCPFC VMS. ~~Once the Secretariat confirms monitoring on the WCPFC VMS to the vessel and the flag State, the vessel may proceed with entry in to the E-HSP. The Secretariat shall provide contact details for this purpose on the WCPFC website.~~

² Of anticipated point of entry or exit, reported in UTC

³ Of anticipated point of entry or exit, reported in true degrees

~~5.8.~~ Flag States shall monitor their vessels operating in the E-HSP, using at minimum the WCPFC VMS, to ensure compliance with this measure.

VESSEL LIST

~~6.9.~~ The Commission Secretariat shall maintain a 'live list' of all fishing vessels present in the E-HSP, based on near-real time VMS information. This list will be made available to Commission Members through the WCPFC website.

TRANSHIPMENT

~~10.~~ All transshipment activities are prohibited in the E-HSP.
~~Any transshipment activities undertaken in the E-HSP shall be in accordance with applicable CMMs. Vessels intending to tranship (either unloading or receiving) in the E-HSP shall indicate this to the Commission, in the reporting format as described in paragraph 2 of this measure.~~

OBSERVERS

~~11.~~ All vessels undertaking fishing activities in the E-HSP shall carry observers in accordance with CMM2007-01.

BOARDING AND INSPECTION ACTIVITIES

~~12.~~ During high seas boarding and inspection activities, where the catch on board a fishing vessel is being inspected, maximum permitted margin of error for the estimation of catches shall be 20%. This percentage shall be calculated on the basis of the quantities recorded in the vessels logbook.

COMPLIANCE

~~13.~~ The Secretariat shall use all available data sources, including but not limited to VMS, communications with flag States and observer programmes, to monitor compliance with this measure. A list of vessels in non-compliance with the obligations of this measure shall be placed on a list for Vessels of Interest (VOI) and shall be maintained by the Executive Director, and placed on the secure section of the Commissions website.

~~7.14.~~ When vessels are identified as being in non-compliance with CMMs in the E-HSP through MCS activities, including but not limited to high seas boarding and inspections, CCMs shall notify flag States and the Executive Director of this non-compliance including provision of relevant information. Flag States shall acknowledge and respond to the notifying CCM and Executive Director, within 14 days of receipt of notification.

~~8.15.~~ The following penalties shall be imposed by the flag States upon receipt of notification made in accordance with paragraph 14:

- a. When a vessel is found to be in non-compliance with the reporting requirements in accordance with this measure, the flag State shall impose a 3 month ban for entry in to the E-HSP.
- b. the flag State shall impose a 1 year ban for entry in to the E-HSP when a vessel is found to have undertaken:
 - i. transshipment activities in the E-HSP; or
 - ii. other serious breaches,
- c. Vessels found in non-compliance with other CMMs in the E-HSP shall incur a 6 month ban for entry in to the E-HSP.

~~9.16.~~ The TCC, at its Tenth Regular Session, shall identify and recommend what *other serious* breaches shall be included in relation to paragraph 15.b.ii of this measure.

~~10.17.~~ Penalties listed in paragraph 15 shall be implemented by flag States within 30 days of receiving notifications of non-compliance. Flag States shall advise both notifying CCMs and the Executive Director the date relevant penalties commence.

~~11.18.~~ In addition to paragraphs 14 and 15, CCMs may seek to IUU list vessels found to be non-compliant with this measure ~~shall be dealt with~~ in accordance with CMM 2010-06 (or its replacement), and any other applicable measures adopted by the Commission, as appropriate.

IMPLEMENTATION AND REVIEW OF MEASURE

19. The Secretariat shall investigate and develop electronic means to facilitate efficient data capture and management mechanisms, including direct database population, data validation and verification using all available data sources such as the RFV, VMS and observer data. The Commission shall provide the Secretariat the necessary resources to fulfil this requirement.

20. The Secretariat shall prepare a report on the implementation and compliance of this measure to TCC each year.

~~12.21.~~ The measures described above shall be reviewed every two years, in conjunction with the relevant advice from the Technical and Compliance Committee (TCC). This review shall consider, inter alia, whether the measure is having the intended effect and the extent to which all CCMs and fishing sectors are contributing to achieving the Commission's conservation objectives.

~~13. The Commission shall consider, at its 8th Regular Session, the expansion of the Special Management Area to the high seas within 100 miles from the EEZ boundaries of coastal States.~~

~~14.22.~~ This measure shall replace CMM2010-02, and shall remain in force place until such time as the Commission adopts an alternative measure for the E-HSP.

ATTACHMENT A: Eastern High Seas Pocket

