



TECHNICAL AND COMPLIANCE COMMITTEE

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Pohnpei, Federated States of Micronesia

NEW ZEALAND – TRANSSHIPMENT EXEMPTION

WCPFC-TCC7-2011-DP/10

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Paper prepared by New Zealand



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Dear Glenn

CMM 2009-06 Transshipment from purse seine fishing vessels – application for exemption from prohibition of at-sea transshipment

New Zealand wishes to apply for an exemption from the prohibition on transshipment at sea by purse seine vessels. Because transshipping from purse seine vessels in the New Zealand EEZ is an existing operation and is unlikely to change in nature, we are also requesting that this exemption from prohibition be granted to cover a 5 year period.

This approach was supported by members at WCPFC7 as the below excerpt from the meeting record shows:

WCPFC7 discussed the application by New Zealand for exemptions for particular purse-seine vessels under para. 26 of CMM 2009-06 (WCPFC-TCC6-2010/DP-02) and the recommendation made by TCC6 in its report (TCC 6 report para. 239) that such an exemption be granted. A CCM offered its interpretation that New Zealand could apply for a multi-year exemption under CMM 2009-06, and encouraged New Zealand to do so in the future.

As you will be aware, paragraph 25(b) of CMM 2009-06 provides for transshipment activities involving New Zealand-flagged domestic purse seiners where the **fishing activity, transshipment and landing of fish all take place within New Zealand fisheries waters** in accordance with New Zealand's existing legal and operational framework for monitoring and control of transshipment activity and the verification of catch.

Paragraph 26 of CMM 2009-06 provides that CCMs seeking to apply for an exemption for a vessel(s) that meets the conditions set out in paragraph 25 shall submit a written request to the Executive Director by 1 July of a given year. That request shall include, at a minimum, certain information provided below:

- a) *Details about vessel(s) as they are required to appear on the WCPFC Record of Fishing Vessels under CMM 2004-01:*



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The following purse seine vessels do not fish outside of New Zealand's EEZ and so are not required to be listed on the WCPFC Record of Fishing Vessels.

Vessel Name	Call Sign
Western Ranger	ZMNN
Waihola	ZMIN
San Tortugas	ZM2248
San Columbia	ZMA2925
Tawera 11	ZM4336
Matariki II	ZM2579

Additional details of these vessels can be provided if necessary.

The following purse seine vessels are already on the WCPFC Record of Fishing Vessels and may also be involved in transshipment at sea when fishing within the New Zealand EEZ.

Vessel Name	Call Sign
San Nanumea	ZMSN
San Nikunau	ZMNK
Ocean Breeze	ZMOB
Captain MJ Souza	ZMAS

New Zealand will notify the WCPFC if there any changes to the vessels listed above during the term of any exemption granted by the Commission.

b) The vessels' history of prior transshipment exemptions:

In the past, New Zealand has had a prior exemption for purse seine transshipment at sea by virtue of being an FFA Member holding an exemption in accordance with Article 29(5) of the Convention. At WCPFC7 in December 2010, the Commission approved a specific exemption for New Zealand under the terms of CMM 2009-06.

c) The main species and product forms that would be transhipped:

The main species to be transhipped is skipjack (*Katsuwonus pelamis*). The product would be in frozen whole (green) form.



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d) *The areas where transhipments would take place, to as much detail as possible:*

Transhipments will take place within New Zealand fisheries waters, subject to prior approval by the New Zealand Ministry of Fisheries. A copy of the New Zealand Transhipment Approval Conditions accompanies this letter

More exact locations are difficult to define as transhipment will be dependent on where the vessels are fishing at the time. The general area transhipment occurs is off the east coast of the North Island of New Zealand.

e) *The period of exemption being requested:*

A five year period from 1 January 2012 to 1 January 2017.

f) *An explanation for the exemption request:*

An important consideration for New Zealand is the economic viability of fishing operations within New Zealand fisheries waters. The New Zealand EEZ is the fourth largest in the world, and some fishing grounds are up to 600 miles from the nearest port. A requirement to only tranship in port would be impracticable for our industry.

Further to this, New Zealand has in place a comprehensive transhipment management and monitoring scheme for vessels operating within our EEZ. This fits within a broader catch reporting regime that tracks fish from capture through to market and incorporates routine monitoring and auditing. This ensures that the intent of Article 29 of the Convention is met.

If clarification or further information is required, please do not hesitate to contact me.

Yours sincerely



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New Zealand Transshipment Scheme

Transshipment by any vessels within the New Zealand Exclusive Economic Zone (EEZ) and New Zealand flagged vessel on the high seas or in other jurisdictions is subject to stringent measures to ensure all fish transhipped is properly accounted for and the operation is conducted in abeyance with applicable rules.

General requirements for vessels seeking to tranship

Before any transshipment can take place the fish must have been caught subject to an appropriate authorisation and in accordance with any conditions of that authorisation.

Fishing vessels and carrier vessels operating in the New Zealand EEZ must be registered under New Zealand Fisheries legislation. For fishing vessels, they must also fish to a valid fishing permit.

New Zealand flagged fishing vessels and carriers wishing to operate (catch or transport fish) on the high seas must, in addition to vessel registration under the Fisheries Act, also obtain a New Zealand High Seas Fishing Permit. This permit carries with it a number of conditions relating to notifications, VMS, transshipment and restrictions.

In other jurisdictions, New Zealand fishing vessels and carriers must comply with the requirements of the Coastal State in terms of licensing, conditions and local laws. Failure to do so is an offence under New Zealand Fisheries law.

Prior approval must be granted for transshipment

The operator, notified user, or master of a fishing vessel or carrier must obtain prior approval for transshipment from the Ministry of Fisheries and comply with any conditions that the Chief Executive sees fit to impose.

For New Zealand vessels seeking to tranship in other jurisdictions they must comply with the Port or Coastal States requirements. It is an offence under New Zealand Fisheries law if the vessel fails to comply with such requirements.

Standard conditions applying to transshipments

Specific conditions applying to approvals for transshipment can vary depending on the particular circumstances of the proposed transshipment. The intent of the conditions being imposed is to ensure verification of all species and quantities of fish that are transhipped.

The standard conditions applied to both fishing vessels and carriers conducting transshipments are the requirements to report to the VMS; carriage of observers; the completion and submission of documentation; and notification requirements.

An example of approval conditions for transshipment within the New Zealand EEZ are attached as an example.

New Zealand Transhipment Approval Conditions

This approval is subject to the following conditions:

1. All transhipments pursuant to this approval must take place within New Zealand fisheries waters.
2. All fish transhipped pursuant to this approval must be landed to a Licensed Fish Receiver.
3. A copy of this approval must be placed on board the vessel and made available for inspection by a fishery officer.
4. This approval may be varied or revoked at any time.
5. This approval expires on [insert date] unless earlier varied or revoked.

Notice of transhipments

6. Written notice of the intention to tranship under this approval is to be provided prior to the commencement of the transhipment to the New Zealand Fisheries Communication Centre.

The written notice must include the following details:

- i. Name of holder of approval
 - ii. Catcher vessel name and international radio call sign
 - iii. Carrier vessel name and international radio call sign
 - iv. Date and time of commencement of transhipment (in New Zealand Standard Time)
 - v. Position where transhipment is to take place
 - vi. Species to be transhipped.
7. Should any of the details in condition 6 change, the holder of this approval is to send written notice immediately to the New Zealand Fisheries Communication Centre.
 8. Written notice of the completion of the transhipment is to be provided to the New Zealand Fisheries Communication Centre.

The written notice must include the following details:

- i. Name of holder of approval,
 - ii. Catcher vessel name and international radio call sign,
 - iii. Carrier vessel name and international radio call sign,
 - iv. Date and time of completion of transhipment (in New Zealand Standard Time),
 - v. Position where transhipment was completed,
 - vi. Species, state and an estimate of the quantity in kilograms of fish transhipped.
9. A copy of all communications between the vessel and the Ministry of Fisheries must be retained on board the vessel for the duration of the validity of this approval.

Automatic Location Communicators

10. When operating under this approval, an Automatic Location Communicator (ALC) is to be carried and operated by the catcher vessel and carrier vessel in accordance with the Fisheries (Satellite Vessel Monitoring) Regulations 1993 and Circulars issued by the Chief Executive under those regulations. Note that any reference to the 'vessel operator' in these regulations should be read as a reference to the holder of this approval.
11. The approval holder must meet all costs arising from ensuring compliance with the requirements of the Fisheries (Satellite Vessel Monitoring) Regulations 1993.

Observers

12. When operating under this approval, a Ministry of Fisheries Observer is to be carried on board the carrier vessel for the purpose of monitoring transshipments.
13. Prior to a transshipment commencing, the following items from the catcher vessel shall be made available to Ministry of Fisheries Observers on the carrier vessel.
 - i. The vessel's Certificate of Registration
 - ii. The Catch Effort Logbook or the Trawl Catch Effort and Processing Return
 - iii. The Catch Landing Log or the Catch Landing Return
 - iv. The Navigational Logbook
 - v. A Cargo Plan of fish on board
 - vi. Documents (passport/Certificate of Competency) that confirm the Master's identity.
14. The Cargo Plan must be signed by the Master of the Catcher vessel and shall include:
 - i. The total weight of catch on board
 - ii. The total weight of each species by Processed State
 - iii. The carton markings used for each species by Processed State
 - iv. Number of cartons of each species by Processed State
15. The approval holder must meet all costs arising from carriage of an observer.

Note:

- i. This approval only applies to fish taken in New Zealand fisheries waters in accordance with a current fishing permit.
- ii. This approval does not alter any other rights or responsibilities under Fisheries legislation.