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**EU PROPOSAL FOR A CMM FOR THE CONSERVATION AND MANAGEMENT OF
TROPICAL TUNAS (BIGEYE, YELLOWFIN AND SKIPJACK)
IN THE WCPFC CONVENTION AREA**

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EU PROPOSAL FOR

A CMM FOR THE CONSERVATION AND MANAGEMENT OF TROPICAL TUNAS (BIGEYE, YELLOWFIN AND SKIPJACK) IN THE WCPFC CONVENTION AREA

The West Central Pacific Fisheries Commission (WCPFC),

MINDFUL of the legitimate rights and aspirations of small island developing States and of territories and possessions, and of their special requirements as recognised in Article 30 of the WCPFC Convention;

TAKING INTO ACCOUNT the best available scientific information on the status of the bigeye, yellowfin and skipjack stocks, in particular the WCPFC 7th Scientific Committee (SC7) conclusions that the West Central Pacific Ocean (WCPO) bigeye tuna stock may be overfished and that recent high catch rate levels for skipjack tuna in the equatorial region could result in range contractions of the stock in the future;

NOTING the advice of the WCPFC 5th, 6th and 7th SC that additional measures should be adopted, beyond CMM 2008-01 to ensure that fishing mortality of the WCPO bigeye tuna stock is reduced to F_{msy} and that no increase of WCPO yellowfin tuna fishing mortality should be allowed, in particular in the western equatorial region;

NOTING FURTHER the recommendations of SC7 that the Commission should consider developing limits on fishing for skipjack to prevent further declines in biomass and the catches increase to levels above MSY;

RECALLING the provisions of Article 6 of the WCPF Convention with regard to the importance of applying the precautionary approach for the management of highly migratory stocks in the WCPO and the conclusions of SC7 that estimates of bigeye tuna fishing mortality in 2009 and 2010 are particularly uncertain;

COMMITTED to the long term conservation and sustainable exploitation of fisheries in the WCPO;

RECOGNISING that the potential economic benefit from the resource can be negatively impacted by excessive fishing effort;

ADOPTS, in accordance with the provisions of Article 5 and 10 of the Convention, the following conservation and management measure to be applicable to the entire Convention area as defined in Article 3 of the said Convention:

OBJECTIVES

1. The objectives of this Measure are to:

- 1.1 Ensure through the implementation of conservation and management measures for the Convention area that skipjack, bigeye and yellowfin tuna, referred to thereafter as tropical tuna, stocks are 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.

- 1.2 Achieve, through the implementation of a package of measures, commencing in 2012, a reduction of bigeye fishing mortality to Fmsy levels by 2021. This corresponds to a minimum of 28% reduction in bigeye tuna fishing mortality from the annual average during the period 2001-2004 or of 39% reduction of the 2004 level in fishing mortality, as advised by SC7;
- 1.3 Ensure that there is no increase in fishing mortality for yellowfin tuna beyond the annual average during the period 2001-2004 or during the year 2004 as concluded by SC7 ;
- 1.4 To ensure the sustainable development of the skipjack fishery, so that there be no further increase in catches of skipjack tuna beyond the levels of 2010, following the advice of SC7.
- 1.5 Freeze purse seine fishing capacity in terms of number of active fishing vessels to 2010 levels.
- 1.6 Adopt a package of measures that shall be reviewed and adjusted as necessary by the Commission taking account of the scientific advice available at the time as well as the implementation of the measures. In addition, this review shall include any adjustments required by Commission decisions regarding management objectives and reference points.

GENERAL RULES OF APPLICATION

2. Unless otherwise stated, this CMM shall apply throughout the WCPFC Convention area. It shall be without prejudice to fishing rights of CCMs in the area of overlap between WCPFC and IATTC for those CCMs that are also members of the IATTC and until such time that a management scheme for the overlap area is agreed by both organisations.
3. Unless otherwise stated, nothing in this measure shall prejudice the legitimate rights and obligations of those small island developing States (SIDS) Members and participating territories in the Convention Area seeking to develop their own domestic fisheries. No exemptions or derogations will be allowed under this measure, unless they unequivocally contribute to their legitimate development needs and aspirations.
4. In giving effect to CMM 2009-11, the Commission shall advise non-Parties to the Convention wishing to acquire Co-operating Non-member (CNM) status that there is a high probability that overfishing is currently taking place in respect of bigeye tuna in the Convention Area. 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. The limits for the high seas in the IATTC/WCPFC overlap area for relevant CNMs shall be without prejudice to their fishing rights in the IATTC until a joint management scheme is agreed by both organisations for that area.

5. The Commission will not delay the adoption of precautionary measures while research to reduce the fishing mortality on juvenile tropical tunas is being undertaken by CCMs.

PURSE SEINE FISHERY

6. To ensure implementation of the precautionary principle and a fair sharing of the burden, this CMM will apply only to purse seine vessels larger than 24 meters length equipped with freezing storage that fish for tropical tunas in the Convention area,

A) Effort limitation

7. All purse seine vessels covered by paragraph 6 of this measure shall stop fishing in the WCPFC area of competence for 3 months in every calendar year starting in 2012. Each year, a CCM flag state shall choose between one of the two periods as follows:

- a) From 00:00 hours on 1 July to 24:00 hours on 30 September
- b) From 00:00 hours on 18 November to 24:00 hours on 17 February

8. By 15 June of each year, each CCM shall notify the Executive Director of the closure period that their vessels intend to observe. This information will be made available on the WCPFC webpage.

9. Every purse seine vessel as described in paragraph 6, regardless of the flag under which it operates, of whether it changes flag during the year or is subject to charter, lease or similar arrangement, must observe one of the closure periods in a given year.

10. CCMs which are also Members or Cooperating Non Member of the Inter American Tropical Tuna Commission, and which have purse seine vessels operating West and East 150° longitude, shall select the same start date for the closure period in the WCPFC and in the IATTC area

11. Each CCM shall no later than 45 days before the date of entry into force of the closure:

- a) Take the legal and administrative measures necessary to implement the closure;
- b) Inform all interested parties in its national tuna industries of the closure;
- c) Inform the WCPFC Executive Director that these steps have been taken;
- d) Ensure that at the time the closure period begins, and for the entire duration of that period, all the purse seine vessels fishing tropical tunas that fly its flag, are in port. Provided they do not fish in the Convention area, purse seine vessels may remain at sea or leave port with due authorisation by the flag State if they carry an observer from the ROP and if they retrieve and store the net and any FADs on board. In addition, vessels leaving port during the closure shall not be in a manual VMS reporting status.

B) *FAD Management Plans*

12. By 1 July 2012, CCMs shall submit to the Commission Management Plans for the use of FADs by their purse seine vessels as defined in paragraph 6. These Plans shall include strategies to limit the capture of juvenile bigeye and yellowfin tunas associated with fishing on FADs. The Plans shall at a minimum meet the Guidelines for Preparation for FAD Management Plans for each CCM (Attachment 1).
13. After 1 July 2012 vessels flagged to CCMs that have not submitted to the Commission a FAD Management Plan shall not be permitted to use FADs until such time that they comply with paragraph 12.

In cases where the applicable period of a FAD Management Plan has expired, vessels flagged to that CCM shall not be permitted to fish from the date of expiry until an up-to-date Plan has been submitted or an extension of the applicable period of the Plan has been notified.

The Commission Secretariat shall maintain a live list of CCMs' FAD Management Plans, including its date of submission and applicable period.

14. CCMs shall report on the implementation of their FAD Management Plan in their Annual Report, including on measures to strengthen implementation where necessary.
15. The Commission Secretariat will prepare a report on FAD management options in addition to the ones listed in Appendix 1 for consideration by the Scientific Committee, the Technical and Compliance Committee and the Commission in 2012 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.

C) *Juvenile Tuna Catch Mitigation Research*

16. The Commission will work with CCMs, other RFMOs and industry to develop and implement a 3 year program to explore methods to reduce catches of juvenile bigeye and yellowfin tunas caught in association with FADs.
17. CCMs, working independently or collaboratively with industry, and reporting through the Scientific Committee and the Technical and Compliance Committee at each regular session, shall endeavour to explore and put in place mitigation measures for juvenile bigeye and yellowfin tunas taken around FADs and present the results annually to the Commission.

D) *Catch Retention*

18. In order to create a disincentive to the capture of juveniles and to encourage the development of technologies and fishing strategies designed to avoid the capture of juvenile tropical tunas, CCMs shall require their purse seine vessels fishing in the

Convention area to retain on board and then land or transship at port all tropical tunas. Implementation should be ensured in accordance with relevant provisions on catch retention of CMM 2009-02 or its revisions.

The provisions of this paragraph shall not prevent the PNA from implementing the catch retention requirement in their EEZs in accordance with the Third Implementing Agreement.

The only exceptions 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.

E) Capacity Management

- 19. CCMs shall take necessary measures to ensure that the number of their flagged active fishing purse seine vessels covered by paragraph 6 does not increase from 2010 level. The Executive Director shall prepare the list of all vessels having been reported by CCMs as active in the Convention area in 2010 and make it publicly available.
- 20. Paragraphs 19 shall be without prejudice to the rights and aspirations of CCMs Developing Coastal States, in particular SIDS who pursue the objective of responsible development of their fleets. They will submit to the Commission a fleet development plan for information and record at WCPFC 9. This Plan shall define, *inter alia*, the type, size and origin of the vessels and the programming of their introduction into the fishery (precise calendar for the following 10 years) and the expected effects in terms of catches and effort. All future fishing effort shall be in accordance with such development Plans. TCC shall verify and report to the Commission for its consideration the implementation by CCMs of their fleet development plans.

F) Monitoring for scientific and compliance control purposes

- 21. 100% observer coverage and reporting on activities of purse seine vessels shall be implemented in accordance with CMM 2007-01

LONGLINE FISHERY

- 22. This CMM is applicable to all CCM longline vessels fishing for bigeye and yellowfin tuna in the Convention area. It shall not apply to CCMs that caught less than 2,000 tonnes of bigeye in 2004 provided the catch of those CCMs remains under 2,000 tonnes in each year after the adoption of this measure.

23. This CMM is not applicable to longline vessels of CCMs small island developing States and participating territories fishing tropical tunas in the Convention Area when they are undertaking responsible development of their domestic fisheries.
24. The catch of WCPO bigeye tuna in the longline fishery of each CCM shall be limited to 70% of the average annual bigeye catch for the years 2001-2004 or the year 2004. No later than 31 March 2012 CCMs shall notify the Executive Director of the nominated reference period and the maximum annual bigeye catch they will be permitted to fish equivalent to the verified catch for the chosen reference period as it had been declared to the Commission.
25. The catch of WCPO yellowfin tuna in the longline fishery is not to be increased from the average annual yellowfin catch for the years 2001-2004 or the year 2004. No later than 31 March 2012 CCMs shall notify the Executive Director of the nominated reference period and the maximum annual yellowfin catch they will be permitted to fish equivalent to the verified catch for the chosen reference period as it had been declared to the Commission.
26. CCMs are to provide to the Executive Director estimated monthly catches of bigeye tuna, within thirty [30] days of the end of each month. The Executive Director will circulate such estimated monthly catches, aggregated by flag or chartering State, to all participants on a quarterly basis.

SPECIFIC MANAGEMENT OF HIGH SEAS AREAS SURROUNDED BY EEZs (HS POCKETS)

27. As of 1 July 2012, the HS pockets indicated in Attachment 2 shall be open to fishing, subject to a special management regime.

A) Reporting

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

VID/NA/IRCS/XR/COE (Catch On Entry) or COX (Catch On Exit): Date/Time; LA/LO/YFT/BET/ALB/SKJ/SWO/SHK/OTH/TOT(kgs)

TRANSHIPMENT

VID/NA/IRCS/XR/:

Date/Time; LA/LO/TTorTF/PD/PT/YFT/BET/ALB/SKJ/SWO/SHK/OTH/TOT(kgs)

29. CCMs shall encourage their flagged vessels operating in the HSP to report sightings of any fishing vessel to the Commission Secretariat. Such information should include: date, time, position, bearing, markings, speed, and vessel type. Vessels should ensure

Comment [d1]: Name of Vessel.

Comment [d2]: International Radio Call Sign.

Comment [d3]: External Registration Number.

Comment [d4]: TT: Tranship To, or TF: Tranship From.

Comment [d5]: Predicted Date

Comment [d6]: Predicted Time

this information is transmitted to the Secretariat as soon as practicable, but not later than 30 days after the trip completion.

B) VMS monitoring

30. a) Adjacent CCMs 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;
- b) Access to such VMS data by the relevant coastal state CCM shall be formally requested and shall be granted by the Commission upon the signature of a VMS template.

C) Vessel list

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

D) Transshipment

32. Vessels intending to tranship (either unloading or receiving) in the HSP shall indicate this to the Commission, in the reporting format as described in paragraph 30 of this measure.

E) HSP Specific compensatory fund

33. In accordance with article 30.4 of the Convention a compensatory fund is established. Only vessels flagged to a CCM that intend to fish in the HSP surrounded by EEZs as indicated in Attachment 2 shall pay a fee to the Commission to fuel the compensatory fund. This fund shall be available to WCPFC small island members and participating territories situated in the vicinity of the indicated HSPs to support their capacity building, in particular for strengthening their monitoring and surveillance capabilities in the HSP and for assisting them in fighting IUU fishing in these areas. The amount of this fee shall be agreed by the Commission and collected by the WCPFC Secretariat. The payment of such fee shall not be due for vessels flagged to SIDS.

OTHER COMMERCIAL TUNA FISHING EFFORT RESTRICTIONS

34. CCMs shall take necessary measures to ensure that the total capacity of their respective commercial tuna fisheries for tropical tunas other than purse seine and longline, excluding artisanal fisheries and those fisheries taking less than 2,000 tonnes, 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 2012 and future years.

DATA PROVISION

35. 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”.
36. The Commission shall take into account the level of compliance by CCMs to the data reporting requirements in paragraph 37 in implementing any additional reductions in fishing mortality that may be required to give effect to the precautionary approach.

REPORTING

37. 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.

PORT CONTROLS

38. Any landings, transshipment and commercial transactions in tuna and tuna products, shall be subject to prior authorisation by the relevant port State. 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.

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.

REVIEW OF MEASURES

39. The measures described above for the purse seine and longline fisheries shall be reviewed in 2014 in conjunction with advice from SC and TCC to measure the impact and compliance with the measure. This review shall consider, inter alia, whether the measures are having the intended effect and the extent to which all CCMs and fishing sectors are contributing to achieving the Commission’s conservation goals. Any review does not imply the cessation of the Measure.

FINAL CLAUSE

40. This measure replaces CMM 2008-01.

ATTACHMENT 1

GUIDELINES FOR PREPARATION OF FAD¹ MANAGEMENT PLANS

To support obligations in respect of FADs in CMM-2008-01, the FAD Management Plan (FADMP) for a CCM purse seine fleet to be submitted to the Commission could include, for example:

- An objective
- Scope:
 - o 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
 - o Institutional responsibilities,
 - o application processes for FAD deployment approval,
 - o Obligations of vessel owners and masters in respect of FAD deployment and use,
 - o FAD replacement policy,
 - o reporting obligations,
 - o observer acceptance obligations,
 - o relationship to Catch Retention Plans,
 - o conflict resolution policy in respect of FADs.
- FAD construction specifications and requirements
 - o FAD design characteristics (a description),
 - o FAD markings and identifiers,
 - o Lighting requirements,
 - o radar reflectors,
 - o visible distance,
 - o radio buoys [requirement for serial numbers],
 - o satellite transceivers [requirement for serial numbers].
- Applicable areas
 - o Details of any closed areas or periods e.g. territorial waters, shipping lanes, proximity to artisanal fisheries, etc.
- Applicable period for the FAD-MP

ATTACHMENT 2: map of the two HSP currently attached to 2008-01 as attachment D

¹ 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.