



**COMMISSION  
EIGHTH REGULAR SESSION**  
Tumon, Guam, USA  
26-30 March 2012

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**Circular: 2011/37 PERTAINING TO INTERSESSIONAL DECISIONS**

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**WCPFC8- 2011/44  
20 December 2011**

**Paper prepared by the Chairman WCPFC**



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

**Circular: 2011/37**  
**Date: 20 December 2011**  
**No. pages: 3**

**Dear All**

**Subject: Responses to Circular 2011-35**

Thank you for your responses to Circular 2011/35. I can now confirm the following decisions:

1. Decisions 1,3,4,5 and 6 as written below are agreed.
2. The original first paragraph of text in Decision 2 is agreed. However, the additional qualifying text is not.
3. The Meeting Date and Location of WCPFC8 will be Guam from the 26<sup>th</sup> to the 30<sup>th</sup> of March 2012. (Venue is currently being negotiated and you will be advised.)

**Decision 1 Budget**

*The Commission agrees to adopt the proposed budget prescribed in annex1 of FAC5-12 (Rev2) ( Attachment 1) as a provisional budget in order to maintain an uninterrupted operation of the Commission and including the provisions listed in points 1-6 below.*

1. Papers WCPFC8-2011-FAC5-13, WCPFC8-2011-FAC5-14a, WCPFC8-2011-FAC5-14b, and WCPFC8-2011-FAC5-15 are to be held over as they have a policy focus and need to be discussed at the FAC.
2. \$200,000 will be transferred from the 2011 budget to the 2012 budget to cover the additional costs of WCPFC8.
3. Noting Korea's concern over the transfer of the additional \$50,000 as a contingency to cover any additional cost of the Management Objectives Workshop, although there was majority support this item has not been transferred to the 2012 budget.

4. The line item for “benefit direct entry observer data” is not agreed to and will require discussion at the FAC. This item has been changed from \$35,000 to \$0 in the revised budget.
5. Only the budget for 2012 is being agreed to at this point in time as a provisional budget and not the indicative budgets for 2013 and 2014.
6. There will be a full FAC meeting at WCPFC8 and all budget items for the 2012 budget will be reviewed and adjusted as appropriate at that time.

### **Agreed text for Decisions 3,4,5 and 6**

#### **Decision 3 IUU List**

*The Commission agrees that the 2011 WCPFC IUU Vessel List shall remain in effect until the Commission adopts a revised list at its WCPFC8 meeting.*

#### **Decision 4 Cooperating Non Member (CNM) status**

*The Commission agrees that all grants of Cooperating Non member status made at WCPFC7 will remain in effect with the same participatory rights until such time as the Commission makes a final determination on the renewal applications for CNM status and considers new applicants for 2012.*

*The Commission agrees that the Executive Director write and advise current CNM and new CNM applicants of these conditions and arrangements.*

#### **Decision 5 Charter Notification Scheme**

*The Commission agrees that CMM 2009/08 continue in force until it is discussed at WCPFC8.*

#### **Decision 6 VMS SLA**

*The Commission agrees to authorize the Executive Director to write to the FFA to extend the SLA for a further year*

#### **Decision 2 CMM 2008/01 provisions for Bigeye and Yellowfin tuna**

Decision 2 has two parts: (i) the original a substantive part and (ii) a qualifying part proposed by E.U. There is consensus on the substantive part. However, Australia has proposed a revision to the qualifying text proposed by the E.U. Consequently, no agreement has been reached on the additional EU text.

The substantive part of Decision 2 is severable from the qualifying part. Therefore the following text is agreed.

*The Commission agrees that due to exceptional circumstances, CMM2008/01 shall remain in effect until such time as it is discussed at a reconvened WCPFC8 in 2012. The provisions that have different requirements for specific years shall continue to operate as specified for 2011.*

The additional text proposed by E.U is not agreed. Given the lateness of the hour, it is not possible to seek further consensus on the additional EU and Australian texts. However, noting the importance the two members place on these concepts and expectations in terms of other members fishing pattern in the first quarter of 2012 the proposed text from the EU and Australia is included below in this Circular for your information and for the record.

***EU** Noting that this rollover shall not be considered a precedent nor shall it prejudice the positions of members when engaging in future discussion on this issue.*

*Parties shall utilise High Seas fishing days and catches in proportion to the period between 1 January 2012 and the Annual meeting compared to the whole year. Parties which are used to fish more at the beginning of the year may utilise more than this proportion subject to the condition that they fish in accordance with their fishing patterns of the year 2011.*

***Australia** Accordingly, in Australia's view, the final two sentences proposed for decision 2 should be omitted and replaced with: 'In the measure adopted at WCPFC8 to replace CMM 2008-01, the annual catch and effort limits will be inclusive of all catch and effort in the period from 1 January 2012 to the date of effect of the new measure. The onus shall be on each CCM to ensure that they account for all catch and effort from 1 January 2012, when applying the limits set by the new measure.'*

Thank you all for your consideration, flexibility and assistance during this difficult period. The Secretariat, the Legal Advisor and I send you all Best Wishes for the Festive Season and look forward to seeing you all in Guam in 2012.



Dr Charles Karnella  
Chairman WCPFC