



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

**DEVELOPMENT OF GUIDELINES FOR HIGH SEAS TRANSSHIPMENT FROM FISHING
VESSELS OTHER THAN PURSE SEINE VESSELS (CMM 2009-06 PARA 37)**

**WCPFC8- 2011/IP08
12th March 2012**

Paper prepared by Secretariat

Paragraph 37 of *Conservation and Management Measure on the Regulation of Transshipment* (CMM 2009-06) directs the Executive Director in 2012 to prepare draft guidelines for the determination of circumstances where it is impracticable for certain vessels to transship in port or in waters under national jurisdiction. The TCC is to consider these guidelines, amend as necessary, and recommend them to the Commission for adoption. In the interim, CMM 2009-06, specifies the following guidelines for CCMs to use when determining the impracticability of high seas transshipments

- a. The prohibition of transshipment in the high seas would cause a significant economic hardship, which would be assessed in terms of the cost that would be incurred to transship or land fish at feasible and allowable locations other than on the high seas, as compared to total operating costs, net revenues, or some other meaningful measure of costs and/or revenues; and*
- b. The vessel would have to make significant and substantial changes to its historical mode of operation as a result of the prohibition of transshipment in the high seas;*

In response to this directive in CMM 2009-06, the WCPFC Secretariat will be preparing a paper for TCC8. At this stage, the Secretariat intends to review and analyze the available information in the WCPFC Transshipment database. From the inception of CMM to October of 2011, the Secretariat's transshipment databases records include:

- **878 Notification Reports** received and processed (CMM 2009-07 35 a)iii);
- **659 Transshipment Declarations** (CMM 2009-07 35 a)iv)); and
- These records come from **9 CCMs flag States for their non-purse seine fishing vessels** and **6 CCM flag States for their fish carriers** that have been transshipping in the high seas.

Based on current WCPFC transshipment database holdings, the Secretariat expects that available information should enable a reasonable analysis of the trends or distribution of high seas transshipment activities that have been reported to the Commission to date. The available data should allow for an analysis of whether there are any spatial or seasonal trends in the pattern or nature of transshipment activities in high waters of the Convention Area, but particularly in any high seas pockets compared to other high seas areas (CMM 2009-07 paragraph 38). Where possible the Secretariat will seek to utilize other WCPFC data and information sources.

To better assess the adequacy of the interim guidelines for determining impracticability of high seas transshipments, the Secretariat needs advice from CCMs, particularly those CCMs who have authorized high seas transshipments by their flagged vessels. Some CCMs, who have authorized high seas transshipments, have provided comments in their 2011 Part 2 reports on how high seas transshipments are monitored or have confirmed that they are meeting the notification and declaration requirements. It would be particularly helpful to this analysis if CCMs, who have authorized high seas transshipments, were able to provide further advice to the Secretariat on three subparagraphs to paragraph 35 of CMM 2009-07:

- their plans to encourage transshipment to occur in port in the future (CMM 2009-07 35 a)v));
- their procedures for monitoring and verification of the transshipments (CMM 2009-07 paragraph 35 a)i)); and/or
- any advice to the WCPFC of their determination that it is impracticable for certain vessels it is responsible for to operate without being able to transship on the high seas (CMM 2009-07 paragraph 35 a)ii)).

Other matters that will be noted by the Secretariat in the preparation of the paper for TCC8 include:

- Purse seine vessels are prohibited from commencing transshipment in high seas areas (CMM 2009-07 paragraph 32);
- Transshipment in port or in waters under the national jurisdiction of a CCM shall take place in accordance with applicable national laws and procedures (CMM 2009-07 paragraph 4); and
- Transshipment from fishing vessels, other than purse seine vessels, is not allowed on the high seas, except under certain circumstances related to the impracticability of operations without being able to transship on the high seas (CMM 2009-07 paragraph 34).

The Secretariat would welcome any comments on our plans for the paper, and would encourage CCMs to provide further advice on their current implementation of the CMM 2009-07 particularly paragraph 35. It would be preferable that this advice is provided to the Secretariat in the first half of 2012, so it can be considered in the paper for TCC8.

This paper is provided for the information of WCPFC8.