



**DEVELOPMENT OF A NEW TROPICAL TUNA MEASURE
WORKSHOP 2 (TTMW2)
Electronic Meeting
6-10 September 2021**

REFERENCE PAPER FOR AGENDA ITEMS 5 AND 6

**WCPFC-TTMW2-2021-02
6 August 2021**

Purpose

The purpose of this paper is to provide a reference to guide discussions on agenda items 5 and 6 of the Second Tropical Tuna Workshop. It annotates agenda items 5 and 6 to indicate the existing provisions of the current Tropical Tuna Conservation and Management Measure (CMM 2020-01) relevant to the agenda item. It also provides a Secretariat comment on how the provisions of CMM 2020-01 and its predecessor have been implemented and monitored through the Compliance Monitoring Scheme.

5. Management Options

5.1. Purse seine fishery

5.1.1. Zone based effort control

Paragraph 25 of CMM 2020-01: All coastal CCMs except one (Wallis and Futuna) have notified purse seine effort limits. Most notified limits are included in Table 1 of Attachment 1 of CMM 2020-01, and Korea has clarified that paragraph 25 does not apply to Korea.

5.1.2. High seas effort control

Paragraph 26 of CMM 2020-01: Two CCMs were priority non-compliant with this obligation at WCPFC16. At WCPFC17, one CCM was priority non-compliant with this obligation, however, TCC16 did not consider this to be a repeat year compliance issue due to updated data from Secretariat and SPC. There were majority and minority views on compliance with this obligation for another CCM. This appeared to be based on a different interpretation of the obligation. In addition, with respect to this obligation, TCC16 emphasised the need for clarity in the drafting of CMMs.

Attachment 2 of CMM 2020-01 contains a number of provisions specific to the Philippines.

Paragraph 28: Due to the limitations of online meetings as a result of COVID-19, this did not occur in 2020.

Paragraph 30: The overage provision has been implemented in past years where compliance statuses have been given for this obligation.

5.1.3. Effort control north of 20N and south of 20S

Paragraph 27 of CMM 2020-01: No compliance issues raised in the recent past.

5.1.4. FAD Set Management

5.1.4.1. FAD control: closure periods or other measures

Paragraph 16: Two CCMs were priority non-compliant with this obligation at WCPFC17. Three CCMs were non-compliant at WCPFC16. TCC16 and earlier TCC meetings identified issues with the implementation of this obligation, particularly with respect to alternative ways of implementing the FAD closure requirement. Paragraph 16 includes a footnote that has been the subject of some discussion at WCPFC17.

Paragraph 17: The provision provides for notification by 1 March 2018 of which additional two month FAD closure period to be used. Some CCMs have notified a different choice of two sequential months in later years.

Paragraph 18: The “small garbage” provision applied in 2019 only. It has not been reviewed.

5.1.4.2. Non-entangling and biodegradable FADs

Paragraph 19: This obligation entered into force from 1 January 2020, and has not been assessed to date in the Compliance Monitoring Scheme.

Paragraph 20: This provision “promotes” the use of natural or biodegradable materials for FADs and “encourages” the use of non-plastic and biodegradable materials in the construction of FADs. It has not been assessed to date in the Compliance Monitoring Scheme.

Paragraphs 21 and 22: The FAD Management Options Intersessional Working Group has developed draft Guidelines for non-entangling and biodegradable FADs, however due to limitations of online meetings as a result of COVID-19 the review by SC16 and TCC16 did not occur in 2020.

5.1.4.3. Instrumented buoys

Paragraph 23: No compliance issues have been raised in respect of this provision. At WCPFC16, some CCMs noted that the provision of relevant legislation should be sufficient to demonstrate that the CCM had the requisite “monitoring” for the purposes of assessment of this obligation (WCPFC16, Summary Report, Attachment P, para 26).

Paragraph 24: The Commission was to review the number of permitted activated instrumental buoys. No changes have been made to the number.

5.1.5. Catch retention

Paragraphs 31 and 32: No compliance issues have been raised in respect of this provision in the recent past.

5.2. Longline fishery

5.2.1. Bigeye catch limit

Paragraph 39: No compliance issues raised at WCPFC17 and WCPFC16.

Paragraph 40: Due to limitations of online meetings as a result of COVID-19, the limits specified in Table 3 of Attachment 1 have not been reviewed or amended by the Commission.

Paragraph 42: This is a “without prejudice” clause.

Paragraph 43: No compliance issues raised at WCPFC17 and WCPFC16.

5.2.2. Reporting requirements for catch limits

Paragraph 41: One CCM was priority non-compliant with the reporting requirements for longline bigeye catch limits at WCPFC16, and there were no compliance issues raised at WCPFC17. One CCM was non-compliant with the limit at WCPFC16. For the monthly reporting deadlines, two CCMs were non-compliant and one CCM was priority non-compliant at WCPFC16 and one CCM was priority non-compliant at WCPFC17.

5.2.3. Hard limits and allocation

Paragraph 44: Due to the limitations of online meetings as a result of COVID-19, there has not been an agreement on hard limits for bigeye or a framework to allocate those limits.

5.3. Other commercial fisheries for bigeye, yellowfin and skipjack

Paragraph 50: Due to limitations of online meetings as a result of COVID-19, work on developing measures to manage other commercial fisheries is still progressing.

Paragraph 51: The obligation in respect of other commercial fisheries was assessed as “CMM Review” at WCPFC17, and this obligation was not assessed for two CCMs at WCPFC16. There have also been issues regarding which fisheries fall within the scope of the provision. TCC15 noted the difficulty making these assessments and that these should be prioritized for resolution by the Commission so that they were not repeated year after year (WCPFC16, Summary Report, Attachment P, para 28).

5.4. Capacity management for certain purse seine and longline fleets

Paragraph 45: The limit on numbers of purse seine vessels larger than 24m with freezing capacity operating between 20°N and 20°S refers to a level applicable under CMM 2013-01, and this limit is therefore not clear on the face of the provision. No compliance issues were raised at WCPFC17 and WCPFC16.

Paragraph 46: This provision refers to vessels under construction as at 1 March 2014. It is therefore not clear on the face of this provision to which vessels the capacity limits in this provision apply. It has not been assessed in recent past in the Compliance Monitoring Scheme.

Paragraph 47: The capacity limit on longline vessels with freezing capacity targeting bigeye tuna refers to an applicable level under CMM 2013-01, and this limit is therefore not clear on the face of the provision. TCC has had difficulty in the past with the interpretation of what vessels are “targeting” bigeye tuna (see WCPFC16, Summary Report, Attachment P, para 20). However, no compliance issues were raised at WCPFC17 and WCPFC16.

Paragraph 48: The capacity limit on ice-chilled longline vessels targeting bigeye tuna and landing exclusively fresh fish refers to an applicable level under CMM 2013-01, and this limit is therefore not clear on the face of the provision. TCC has had difficulty in the past with the interpretation of what vessels are “targeting” bigeye tuna. However, no compliance issues were raised at WCPFC17 and WCPFC16.

The capacity provisions have two sets of footnotes: one states that the provision does not create a precedent relating to non-SIDS CCMs; the other that it does not apply to those CCMs that apply domestic quotas. No issues have arisen in respect of these footnotes.

Paragraph 49: This is a specific exemption for SIDS and Participating Territories.

5.5. Other related issues

5.5.1. Charter arrangements

Paragraph 8: There are possible different interpretations of the attribution of the purse seine catch of tropical tunas (WCPFC17 Summary Report Attachment L). It is also relevant that WCPFC16 and TCC15 noted the difficulties with the charter notification measure (CMM 2016-05), particularly with regard to the attribution of catch and effort of chartered vessels as determined by the notification of chartered vessels (WCPFC16 Summary Report, Attachment P, para 31).

Paragraph 9: This relates to catches and effort of United States flagged vessels operating under agreements with its Participating Territories.

5.5.2. “No data – no fish” provision

There is currently no provision in the tropical tuna measure relating to “no data – no fish”.

5.5.3. Catch retention for longline and other commercial fisheries

There is currently no provision in the tropical tuna measure relating to catch retention for longline and other commercial fisheries.

6. MCS measures and reporting requirements

6.1. Observer coverage requirements

6.1.1. Purse seine observer coverage

Paragraph 34: The requirement for 100% ROP observer coverage on purse seine vessels which fish on the high seas or within the waters of two or more coastal States is currently suspended following COVID-19 Intersessional Decision.

Paragraph 35: The requirement for national observer coverage on purse seine vessels fishing solely within national waters is currently suspended following the COVID-19 Intersessional Decision. One CCM was priority non-compliant and another CCM was “Capacity Assistance Needed” with this obligation at WCPFC17 and WCPFC16.

A Secretariat paper prepared for TCC17 provides some suggestions for a phased approach to safe redeployment of observers on purse seine vessels.

6.1.2. Processes to support safe redeployment of observers on vessels

A Secretariat paper prepared for TCC17 provides some suggestions for a phased approach to safe redeployment of observers.

6.1.3. Observer coverage requirements for longline and other commercial fisheries

These provisions are set out in CMM 2018-05, Annex C. Paragraph 6 of Annex C provides for a minimum 5% observer coverage for vessels in the longline and other fisheries, with special considerations given to some vessels, as set out in paragraphs 9 and 10 of Annex C.

In the past some fleets have had difficulty reaching the 5% minimum requirement for observer coverage in the longline fishery.

6.2. Manual reporting in the case of VMS malfunction during the FAD closure

Paragraph 33: This provision prohibits purse seine vessels from operating under manual reporting during the FADs closure periods. No compliance issues have been raised in recent years.

Paragraph 37: VMS polling frequency is increased to every 30 minutes during the FAD closure period.

6.3. Data provision

Paragraph 52: This requires the submission of operational catch and effort data for all fishing in EEZs and the high seas south of 20N in accordance with the *Standards for the Provision of Operational Level Catch and Effort Data*, subject to certain limited exceptions. No compliance issues have been raised in recent years.

Paragraph 53: This makes clear that this data is non-public domain data.

Paragraph 54: This relates to the submission of operational catch and effort data for fishing in EEZs and high seas north of 20N. No compliance issues have been raised in recent years.

6.4. Other reporting and MCS measures to support the monitoring and effectiveness of management options for tropical tunas

No additional measures currently included in CMM 2020-01.

6.4.1. Transshipment management

Provisions relating to transshipment are included in CMM 2009-06.

6.4.2. Observer reports for investigation

The relevant provision in CMM 2020-01 is paragraph 36 which provides for ROP reports for trips taken during FADs closure period to be given priority for data input and analysis by the Secretariat and the Commission's Science Provider.

The issue of the receipt of observer reports has been raised at past TCC and WCPFC meetings.

Recommendation

The Second Tropical Tuna Workshop is invited to note this paper.
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