



**TECHNICAL AND COMPLIANCE COMMITTEE**

**Eighth Regular Session**

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Pohnpei, Federated States of Micronesia

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**REPORT ON WCPFC HIGH SEAS TRANSSHIPMENT REPORTING FOR NON-PURSE  
SEINE FISHING VESSELS AND SUGGESTED APPROACH TOWARDS A REVIEW OF  
HIGH SEAS TRANSSHIPMENT RULES AND GUIDELINES IN 2013**

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**WCPFC-TCC8-2012/17\_rev2**

**25 October 2012**

**Paper prepared by the Secretariat**

1. Article 29 (1) of WCPF Convention states as a general rule “In order to support efforts to ensure accurate reporting of catches, the members of the Commission shall encourage their fishing vessels, to the extent practicable, to conduct transshipment in port.” Recognising this point, the Commission adopted CMM 2009-06, and this states that there shall be no transshipment on the high seas except where a CCM has determined, in accordance with certain the guidelines (para 37) that it is impracticable for certain vessels to operated without being able to transship on the high seas and has advised the Commission of such (para 34).

2. CMM 2009-06 has received high seas pre-transshipment notices and declarations following high seas transshipments since June 2010. The CMM specified that the high seas transshipment rules would be reviewed three years after implementation (para 36). Preliminary summary information is provided here based on available reported information to WCPFC (June 2010 – 19 September 2012). This information, although provisional, is provided for TCC8’s information as an indication of the reported information to date, and with the suggestion that a more substantive review be undertaken for TCC9.

TCC8 is invited to:

- 1) Agree that in 2013 a priority project specific activity is an in-depth review of the high seas transshipment rules, with a view to providing recommendations and advice to WCPFC10 specifically on paragraphs 36, 37 and 38 of CMM 2009-06, and noting the work the Executive Director will undertake in 2013 in accordance with paragraph 37;
- 2) Task the Secretariat to provide TCC9 with further analyses of the reported high seas transshipment information, including :
  - cross-verification of reported positions on high seas transshipments with WCPFC VMS;
  - use of available information from ROP observers;
  - other available WCPFC MCS information and WCPFC catch and effort data.
- 3) Task the Secretariat with making available, through the WCPFC website, the list of vessels which CCMs have determined are authorized to transship in high seas areas, and have been advised to the Commission; and
- 4) Recommend that the CCMs who are yet to provide advise in accordance with paragraph 34 (advice of its vessels that are authorized to transship on the high seas) and paragraph 35 (advice on the procedures for monitoring and verifying high seas transshipments, and a plan detailing what steps it is taking to encourage transshipment to occur in port in the future), do so as a matter of priority.

## Background

1. The WCPFC Transshipment Rules were established in accordance with CMM 2009-06 *Conservation and Management Measure on the Regulation of Transshipment*. The CMM was developed keeping the first paragraph of Article 29 of the Convention in mind which states “In order to support efforts to ensure accurate reporting of catches, the members of the Commission shall encourage their fishing vessels, to the extent practicable, to conduct transshipment in port.” The requirements of CMM 2009-06 commenced no later than July 2010 and in accordance with footnote 1 the Measure shall enter into effect 1 January 2011. Provision is made for certain vessels to have delayed implementation of observer requirements (paragraph 13(b) and 13(c)). Transshipment is defined in the Convention as: “the unloading of all or any of the fish on board a fishing vessel to another fishing vessel either at sea or in port.” In accordance with the CMM, transshipment in port or in waters under the national jurisdiction of a CCM is to take place in accordance with applicable national laws and procedures (CMM 2009-06 paragraph 4).

2. Purse seine vessels are prohibited from commencing transshipment in the high seas areas (CMM 2009-06 paragraph 32). CCMs must apply for an exemption for their purse seine vessels to be allowed to transship at sea within areas under national jurisdiction (paragraph 26 of CMM 2009-06). It should be noted that WCPFC8 in adopting CMM 2011-01 granted the Philippines the ability to operate group seine vessels in HSP1 until 28 February 2012.

3. For other fishing vessels, transshipment is not allowed on the high seas, except under certain circumstances related to the impracticability of operations if transshipment on the high seas was otherwise not allowed. (CMM 2009-06 paragraph 34). It is the flag CCM which determines whether the test of impracticability (guidelines in paragraph 37 of CMM 2009-06) has been met. The interim guidelines for CCMs to use when determining the impracticability of prohibiting high seas transshipments are as follows (para 37)

- 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;*

4. Reporting provisions for high seas transshipment activities are set out in paragraph 10, 12 and 35 a iii) and 35 a iv) of CMM 2009-06. Where transshipment does occur on the high seas the CCM responsible for the offloading and receiving vessel is to:

- Notify the information in Annex III to the Executive Director at least 36 hours prior to each transshipment; and
- Provide the Executive Director with a WCPFC Transshipment Declaration within 15 days of completion of each transshipment.

**Review of information reported on pre-transshipment notices and declarations received to date under CMM 2009-06**

5. Within the Secretariat, a migration of the WCPFC Transshipment database for pre-transshipment notices and transshipment declarations was completed prior to this paper being published. The coverage of the data is from June 2010 to 19 September 2012. Preliminary summary information is provided here based on reported information in WCPFC pre-transshipment notices and transshipment declarations. Figures 1 – 3 summarises the distribution of reporting positions for high seas transshipments by year, and annual quantities of transshipments by species and lists CCMs with vessels involved in reported high seas transshipments. Some summary statistics of reported transshipments are included in Table 1, a list of the vessels and count of transshipments by year is provided in an Attachment (MS Excel).

**Table 1. Summary of High Seas transshipments reported to the WCPFC from June 2010 – 19 September 2012**

	June – 31 Dec 2010	2011	Jan – 19 Sept 2012
Number of transshipments reported to WCPFC	232	686	340
Number of receiving vessels	17	23	15
Number of offloading vessels	158	280	193

Table 2 is a first attempt at providing an indication of the relative quantities of longline caught highly migratory fish stocks that are reported to have been transshipped in the high seas. Other tabular information is provided in:

- Table 3 which provides a breakdown of the reported annual catch quantities by month by species; and
- Table 4 which provides breakdown of annual reported quantities transshipped by general location (WCPFC, IATTC excluding overlap area with WCPFC, and overlap area).

**Table 2. Summary information comparing the reported quantities of highly migratory fish stocks which were reported have been transshipped in 2011. [BUM = blue marlin, MLS = striped marlin, SWO = swordfish]**

	ALB	BET	YFT	SKJ	BUM	MLS	SWO
Reported quantities on WCPFC high seas Transshipment Declarations (Mt)	4,164	9,091	2,307	81	306	158	775
2011 provisional catch estimates WCPFC Statistical Area <sup>1</sup> (Mt)	96,219	67,599	86,187	1,293	14,686	3,194	19,644
Reported quantities of high seas transshipments as a % of total provisional catch estimates	4.3	13.4	2.7	6.3	2.1	4.9	3.9

6. Points of note from the summary information provided in Tables 1-4, and Figures 1 -3 include:

- Reported high seas transshipment activities were sparse in the north western part of the WCPFC Convention Area, and were more dense in the tropical eastern Pacific;
- Few high seas transshipment activities were reported to have occurred in the high seas pockets;
- Few high seas transshipment activities were reported to have occurred in the southern part of the Convention Area;
- Significant quantities of catches from the WCPO are reported to have been transshipped in high seas areas (see Table 2 and Table 3);

<sup>1</sup> Estimates of Annual Catches in the WCPFC Statistical Area (WCPFC-SC8-2012/ST-IP-1)

- Significant quantities of catches from the WCPO are reported to have been transshipped in the IATTC Convention Area, which is currently outside the area which is viewable to the Secretariat under WCPFC VMS rules;
- Significant quantities of catches from the WCPO are reported to have been transshipped in the overlap area with IATTC and WCPFC, an area where a joint management arrangement is being currently discussed;
- The level and quantities of reported transshipments in 2012 seem to be lower than 2011;
- The Secretariat confirms that reporting under CMM 2009-06 could be improved:
  - there are some reported high seas transshipment activities that are declared where no pre-transshipment notices have been provided, and situations where pre-transshipment notice was received but there was no Declaration has been received; and
  - there are some reported high seas transshipment activities where only one (not both) CCMs responsible for the offloading vessel or receiving vessel has provided pre-transshipment notices or high seas transshipment declarations; and
  - there are differences in the standard of reporting on the location of catch (some CCMs report on total catch from the Convention Area, without providing a break-down of location by species).

#### **Advice from CCMs related to paragraphs 34 and 35 of CMM 2009-06**

7. Table 5 summarises available information to the Secretariat regarding the determinations that CCMs have made in accordance with paragraphs 34 and 35 of CMM 2009-06. Shows that there are some CCMs that have had vessels involved in high seas transshipment activities which do not appear to have sent advice to WCPFC Secretariat as required in accordance with CMM 2009-06. Other points of note from Table 5 and the information which CCMs have provided to the Secretariat include:

- The Secretariat's template for reporting information on CCM reporting and determinations advice on determinations for high seas transshipment activities, was used by many CCMs to provide information that did not otherwise appear to have been submitted. Other CCMs were able to reemphasise the information that has been provided previously to the WCPFC Secretariat.
- At least one CCM which allows high seas transshipment activities has advised that where transshipment are conducted in the EHSP, that the transshipment is done in surrounding EEZs in accordance with national laws of the coastal CCM;
- Some CCMs have made affirmative determinations under CMM 2009-06 with regard to high seas transshipment activities being authorized;
- Some CCMs prohibit their vessels from transshipping at sea, including in high seas waters of Convention Area;
- Very few CCMs provided summary information on high seas transshipment activities (vessels, positions, catch quantities, state of fish) in 2012 Annual Reports (Pt 1 or Pt 2), which suggests non-compliance with the requirements of paragraph 11 and Annex II of CMM 2009-06;
- Two CCMs have provided advice on determinations of impracticability related to carriers flying the flag of other CCMs; and  
One CCM has provided the Secretariat with advice directly related to the review of the high seas guidelines for affirmative determinations of impracticability to prohibit high seas transshipments.

## Future work

8. CMM 2009-06 has been implemented for just over two (2) years (June 2010 – September 2012), and the CMM specified that the high seas transshipment rules would be reviewed three years after implementation (para 36). Provisional summary information was provided here based on available reported information to WCPFC (noting that the WCPC high seas transshipment database was recently migrated).

9. There are at least three matters within CMM 2009-06 which TCC should plan to provide advice and recommendations to the Commission in the future on:

- i) In accordance with paragraph 37 the TCC has been asked to review the guidelines for the determination of circumstances where it is impracticable for certain vessels to transship in port or in waters under national jurisdiction;
- ii) In accordance with paragraph 38, TCC should consider providing advice and recommendations to assist WCPFC9 with considering whether to prohibit transshipment in areas of high seas in the Convention Area entirely surrounded by the exclusive economic zones of members of the Commission and Participating Territories, based on fishing activities in this region and the role of the areas in supporting IUU activities; and
- iii) In accordance with paragraph 36, TCC should consider providing advice and recommendations to WCPFC9 with respect to reviewing whether monitoring and verification of high seas transshipments has been effective, and may *“prohibit transshipment on the high seas by any vessel or vessels in relation to which monitoring and verification of transshipment on the high seas is proven to have been ineffective, or establish or vary any conditions for transshipping on the high seas.”*

TCC8 is invited to:

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- 2) Task the Secretariat to provide TCC9 with further analyses of the reported high seas transshipment information, including :
  - cross-verification of reported positions on high seas transshipments with WCPFC VMS;
  - use of available information from ROP observers;
  - other available WCPFC MCS information and WCPFC catch and effort data.
- 3) Task the Secretariat with making available, through the WCPFC website, the list of vessels which CCMs have determined are authorized to transship in high seas areas, and have been advised to the Commission; and
- 4) Recommend that the CCMs who are yet to provide advice in accordance with paragraph 34 (advice of its vessels that are authorized to transship on the high seas) and paragraph 35 (advice on the procedures for monitoring and verifying high seas transshipments, and a plan detailing what steps it is taking to encourage transshipment to occur in port in the future), do so as a matter of priority.

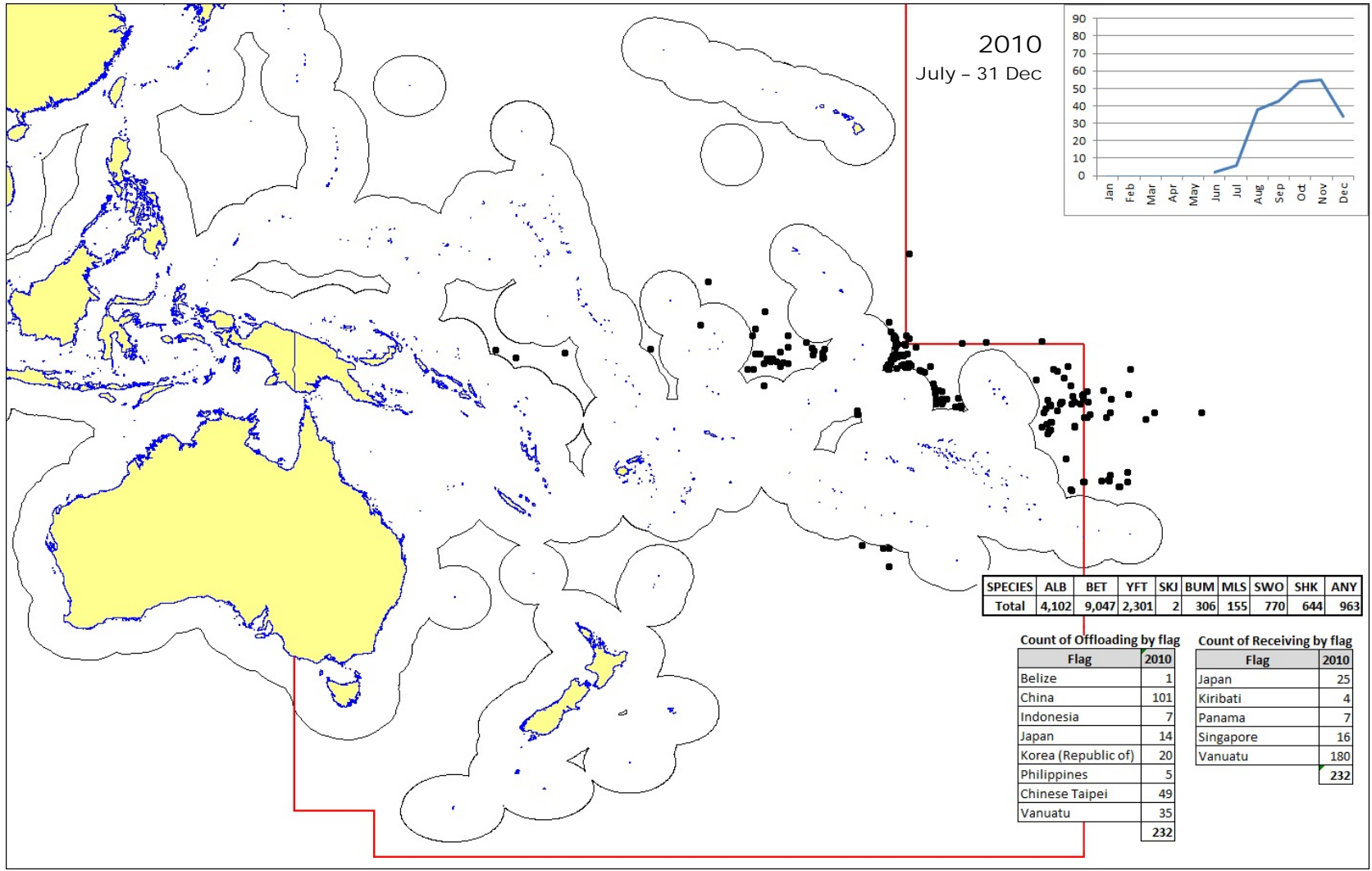


Figure 1. Map plotting reported positions of transshipments of highly migratory fish stocks which occurred from June 2010 to end of 2010, based on reports to WCPFC under CMM 2009-06 para 35 a iv). The graph at top right shows the number of transshipments by month, and the tables at bottom right show the total annual quantities (Mt) of highly migratory fish stocks by species or grouped, with number of transshipments by flag CCM.

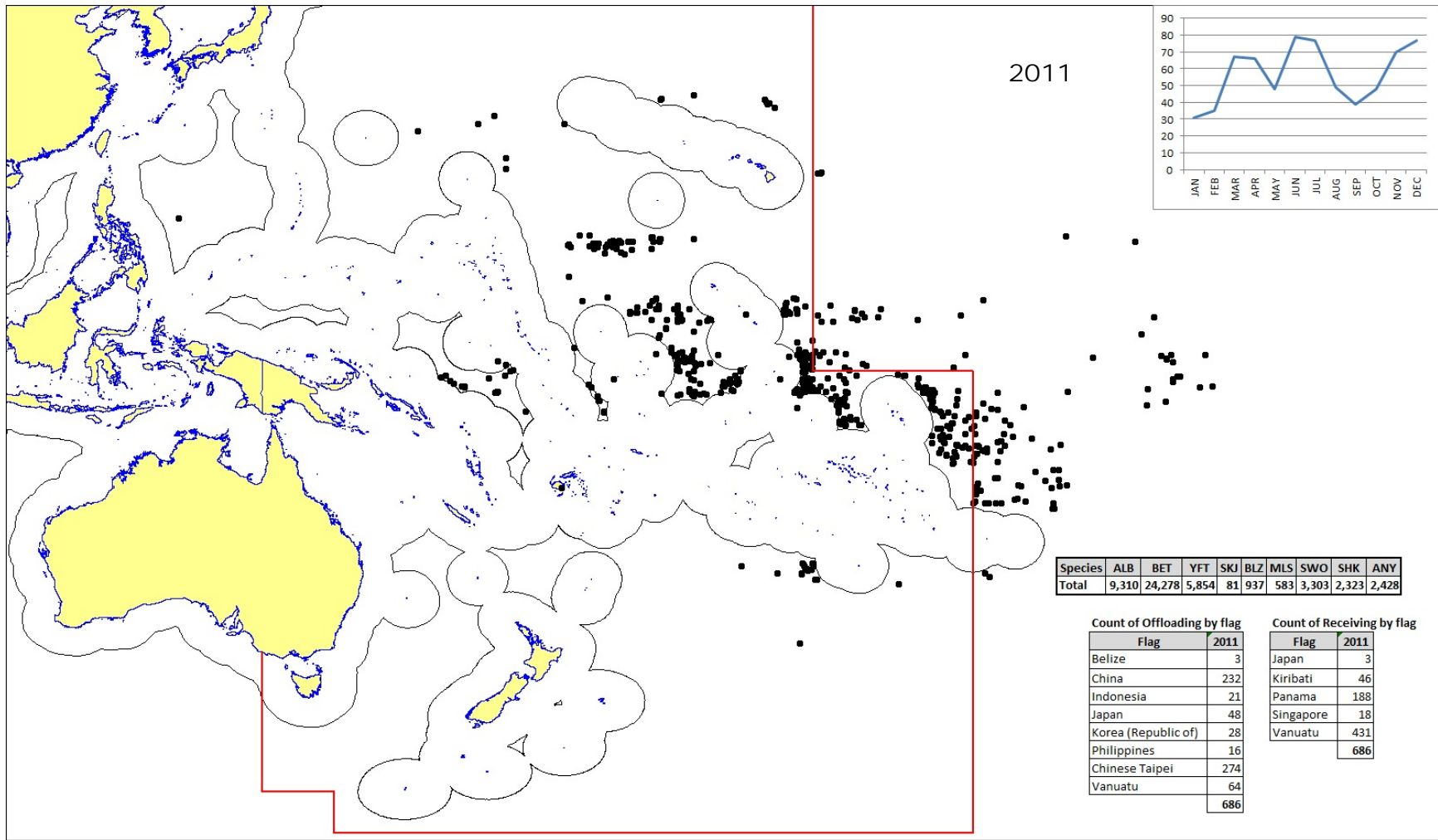


Figure 2. Map plotting reported positions of transshipments of highly migratory fish stocks which occurred during 2011, based on reports to WCPFC under CMM 2009-06 para 35 a iv). The graph at top right shows the number of transshipments by month, and the tables at bottom right show the total annual quantities (Mt) of highly migratory fish stocks by species or grouped, with number of transshipments by flag CCM.

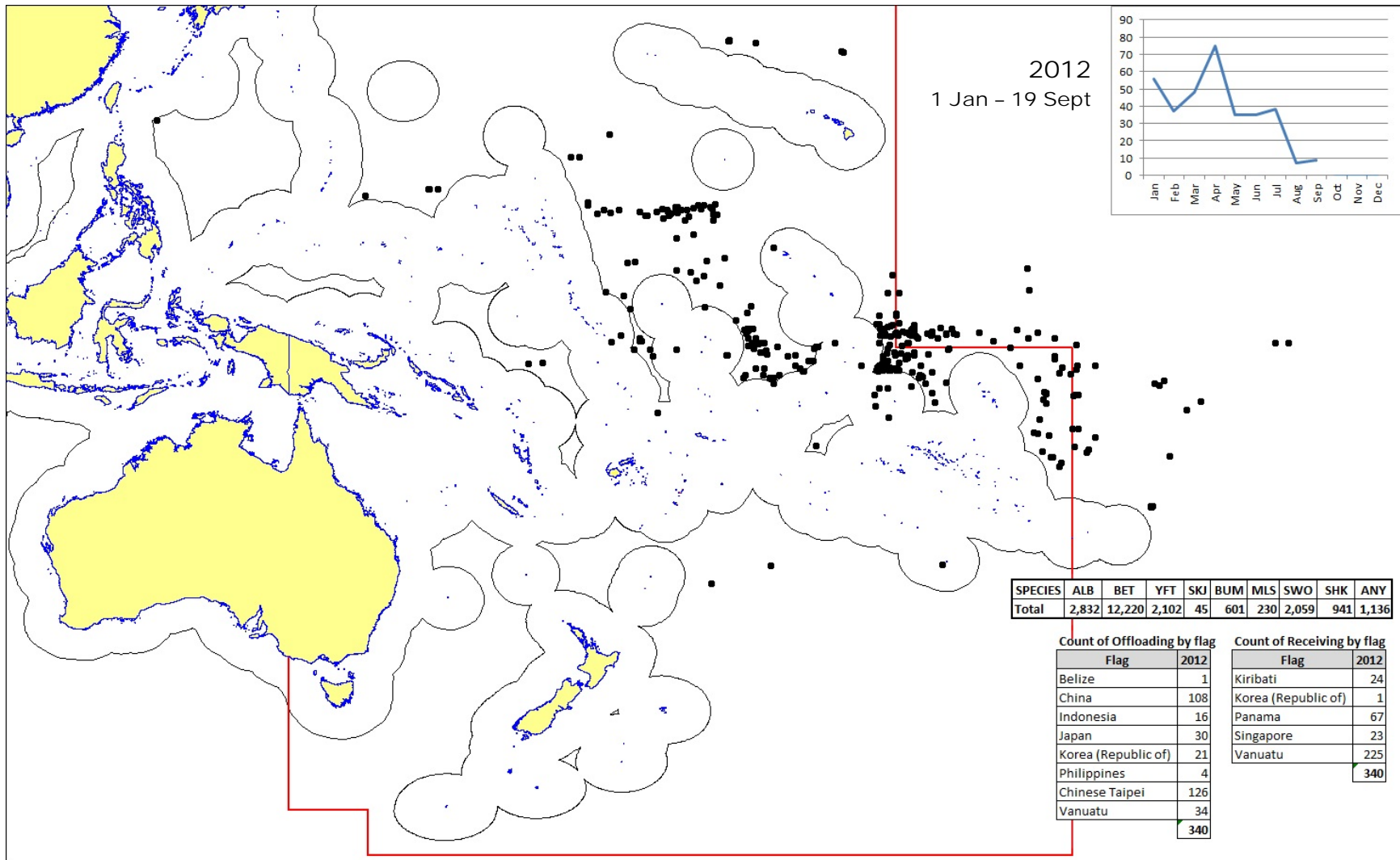


Figure 3. Map plotting reported positions of transshipments of highly migratory fish stocks which occurred from start of 2012 until 19 September, based on reports to WCPFC under CMM 2009-06 para 35 a iv). The graph at top right shows the number of transshipments by month, and the tables at bottom right show the total annual quantities (Mt) of highly migratory fish stocks by species or grouped, with number of transshipments by flag CCM.



**Table 3. Reported quantities (Mt) of transshipments of highly migratory fish stocks by species and sharks combined, by month by year, based on reports to WCPFC under CMM 2009-06 para 35 a iv). Based on reports received by WCPFC June 2010 – 19 Sept 2012.**

**YEAR: 2010**

Month	ALB	BET	YFT	SKJ	BUM	MLS	SWO	SHK	ANY
Jun		124	37	0	17	1	7	0	19
Jul	17	614	101	0	67	4	59	61	0
Aug	1,551	1,246	424	0	17	28	93	2	49
Sep	624	1,567	376	1	42	30	103	85	332
Oct	671	2,089	577	1	123	38	189	462	343
Nov	1,010	1,706	431	0	34	34	158	12	187
Dec	229	1,700	355	0	6	19	161	20	32
<b>Total</b>	<b>4,102</b>	<b>9,047</b>	<b>2,301</b>	<b>2</b>	<b>306</b>	<b>155</b>	<b>770</b>	<b>644</b>	<b>963</b>

**YEAR: 2011**

Month	ALB	BET	YFT	SKJ	BUM	MLS	SWO	SHK	ANY
Jan	939	1,363	203		5	21	150	2	15
Feb	478	1,294	229	1	16	20	204	25	46
Mar	2,012	2,518	412	16	142	31	348	365	432
Apr	368	1,904	349	3	145	22	255	216	241
May	100	2,614	391	0	18	24	398	53	70
Jun	248	1,324	377	39	120	34	251	391	478
Jul	1,679	2,456	659	12	198	57	261	420	167
Aug	1,535	2,735	1,034	5	1	92	439	34	100
Sep	453	703	187	0	59	18	73	145	147
Oct	281	1,711	555	2	68	40	194	163	104
Nov	545	2,662	832	3	115	136	389	335	318
Dec	670	2,918	617		45	86	328	170	303
<b>Total</b>	<b>9,308</b>	<b>24,202</b>	<b>5,847</b>	<b>81</b>	<b>932</b>	<b>582</b>	<b>3,290</b>	<b>2,319</b>	<b>2,422</b>

**YEAR: 2012**

Month	ALB	BET	YFT	SKJ	BUM	MLS	SWO	SHK	ANY
Jan	430	1,794	339	19	109	31	283	190	162
Feb	688	1,361	193	0	13	55	250	50	120
Mar	359	1,732	338	0	68	29	437	128	208
Apr	339	2,271	260	15	190	41	323	343	337
May	38	1,231	167	0	20	11	273	14	31
Jun	87	2,183	377	10	48	26	316	85	92
Jul	733	1,044	303	1	119	18	114	113	148
Aug	30	295	46	1	17	8	26	10	24
Sep	128	309	81	0	17	11	38	8	14
<b>Total</b>	<b>2,832</b>	<b>12,220</b>	<b>2,102</b>	<b>45</b>	<b>601</b>	<b>230</b>	<b>2,059</b>	<b>941</b>	<b>1,136</b>

**Table 4. Reported quantities (Mt) of transshipments of highly migratory fish stocks by species, by reported location (EEZ, IATTC area excluding overlap with WCPFC, WCPFC high seas including overlap area, and high seas waters of overlap area between WCPFC and IATTC) by year, based on reports to WCPFC under CMM 2009-06 para 35 a iv). Based on reports received by WCPFC June 2010 – 19 Sept 2012.**

**2010**

Area	ALB	BET	YFT	SJK	BUM	MLS	SWO	SHK	ANY
EEZ (Mt)	7	186	81	0	12	1	13	12	1
IATTC (Mt)-	911	1,039	160	0	44	39	104	367	111
WCPFC (Mt)	3,184	7,822	2,060	2	250	114	653	265	851
<b>Total</b>	<b>4,102</b>	<b>9,047</b>	<b>2,301</b>	<b>2</b>	<b>306</b>	<b>155</b>	<b>770</b>	<b>644</b>	<b>963</b>
<i>Overlap Area (Mt)</i>	950	4,064	740	1	163	61	345	134	321
	23%	45%	32%	50%	53%	39%	45%	21%	33%
<i>IATTC %</i>	22%	11%	7%	0%	14%	25%	14%	57%	12%

**2011**

Area	ALB	BET	YFT	SKJ	BUM	MLS	SWO	SHK	ANY
EEZ (Mt)	91	1,382	535	5	128	16	181	274	126
IATTC (Mt)-	2,264	4,167	649	6	182	195	636	465	589
WCPFC (Mt)	6,953	18,654	4,663	70	623	371	2,473	1,580	1,708
<b>Total</b>	<b>9,308</b>	<b>24,202</b>	<b>5,847</b>	<b>81</b>	<b>932</b>	<b>582</b>	<b>3,290</b>	<b>2,319</b>	<b>2,422</b>
<i>Overlap Area (Mt)</i>	1,600	6,524	1,829	2	73	211	1,044	284	344
	17%	27%	31%	3%	8%	36%	32%	12%	14%
<i>IATTC as a %</i>	24%	17%	11%	8%	19%	34%	19%	20%	24%

**2012**

Area	ALB	BET	YFT	SJK	BUM	MLS	SWO	SHK	ANY
EEZ (Mt)	299	714	221	23	71	10	98	119	86
IATTC (Mt)	880	2,848	506	1	91	80	609	165	265
WCPFC (Mt)	1,653	8,690	1,380	22	440	140	1,358	657	785
<b>Total</b>	<b>2,832</b>	<b>12,252</b>	<b>2,107</b>	<b>46</b>	<b>602</b>	<b>230</b>	<b>2,065</b>	<b>941</b>	<b>1,136</b>
<i>Overlap Area (Mt)</i>	523	1,791	333	0	75	45	379	102	218
	18%	15%	16%		12%	20%	18%	11%	19%
<i>IATTC as a %</i>	31%	23%	24%	2%	15%	35%	29%	18%	23%

**Table 5. Summary information available to the Secretariat on affirmative determinations that have been made by CCMs of impracticability to prohibit high seas transshipments and plans detailing steps to encourage transshipment to occur in port in the future, compared to the number of vessels by flag which WCPFC has received high seas transshipment pre-notices and declarations (June 2010 – 19 Sept 2012).**

	Count of vessels which has WCPFC received declarations relating to their high seas transshipment activities (June 2010 - Sept 2012)		Advice on determinations that have been made by CCMs of impracticability to prohibit high seas transshipments (para 34 and 35 a. ii)	Plans detailing steps to encourage transshipment to occur in port in the future (para 35 a v)
	Receiving Vessels	Offloading Vessels		
<b>Australia</b>	<b>0</b>	<b>0</b>	AR Pt 2 2012, advises no determinations made to allow high seas transshipments in 2011	n/a
<b>Belize</b>	<b>0</b>	<b>1</b>	AR Pt 2 2012, advises that prior advice on at sea transshipment is currently required from Belize authorities, and compliance with IATTC at-sea transshipment programme.	Currently revisiting requirements for transshipments, which will include consideration of vessel operators views and transshipment requirements of RFMOs
<b>China</b>	<b>0</b>	<b>96</b>	AR Pt 2 2012, provides preliminary information on 111 transshipments by Chinese longline vessels that have taken place at sea since the commencement of the CMM.	Advises that there is no in port transshipment by China L/L vessels
<b>Indonesia</b>	<b>0</b>	<b>7</b>	AR Pt 2 2012, advises of list of vessels which can transship at sea during 2011.	
<b>Japan</b>	<b>1</b>	<b>42</b>	Letter dated July 10 2012, which provides some details of basis for determinations (costs in port vs. high seas transshipment)	
<b>Kiribati</b>	<b>3</b>	<b>0</b>	-carrier activities reported on by Chinese Taipei in AR Pt 2	
<b>Korea (Republic of)</b>	<b>1</b>	<b>50</b>	Letter dated July 22 2010, provided a list of vessels which might be faced with severe difficulties if they cannot transship on the high seas This list has been updated annually.  Additional details provided in AR Pt 2 2012, including list of vessels to which the determination of impracticability applies. Advises that 100% coverage requirement is being met	Some information on steps to encourage in-port transshipment

	Count of vessels which has WCPFC received declarations relating to their high seas transshipment activities (June 2010 - Sept 2012)		Advice on determinations that have been made by CCMs of impracticability to prohibit high seas transshipments (para 34 and 35 a. ii)	Plans detailing steps to encourage transshipment to occur in port in the future (para 35 a v)
	Receiving Vessels	Offloading Vessels		
<b>New Zealand</b>	<b>0</b>	<b>0</b>	AR Pt 2 2012, advises no vessels have transhipped on the high seas to date Prior notification to NZ authorities is required before transshipment in high seas can take place, and requirement to carry an observer. Requirement for monitored unload when vessel returns to port.	Currently no NZ vessels transship on the high seas and no planned transshipments for the future
<b>Panama</b>	<b>5</b>	<b>0</b>	-carrier activities reported on by Chinese Taipei and Korea	
<b>Philippines</b>		<b>5</b>		
<b>Singapore</b>	<b>1</b>	<b>0</b>		
<b>Chinese Taipei</b>	<b>0</b>	<b>96</b>	Advice provided in AR Pt 2 2012, including list of vessels to which determinations of impracticability to prohibit transshipments apply. Summary information on number of notifications and declaration sent to WCPFC in 2011. Prior authorization process if a vessel intends to transship in high seas, including to ensure observer coverage requirements can be met	Some carriers have been restricted to operate in port only.
<b>Vanuatu</b>	<b>16</b>	<b>44</b>	Letter dated 23 May 2012, including list of longline vessels authorized to engage in high seas transshipments Advises that 100% observer coverage requirement is being met Updated information provided in AR Pt 2 2012	
<b>United States of America</b>	<b>0</b>	<b>0</b>	Letter dated 11 June 2012. Notifications of interim determinations of impracticability have been advised to WCPFC since June 2010. The US is in the process of conducting more thorough impracticability tests in accordance with para 37 of CMM 2009-06. June 28 2012, provided WCPFC Secretariat with views on the guidelines for impracticability.	
<b>Total</b>	<b>27</b>	<b>341</b>		

**See separate MS Excel Spreadsheet for list of vessels (offloading and receiving) that were reported to have been involved in high seas transshipment activities from June 2010 – September 19 2012.**