



**COMMISSION
EIGHTEENTH REGULAR SESSION**
Electronic Meeting
1 – 7 December 2021

FFA SUBMISSION ON ELEMENTS OF THE WCPFC TROPICAL TUNA MEASURE

**WCPFC18-2021-TTM-DP01
29 September 2021**

FFA Member CCMs



FFA

29 September 2021

Ms Jung-Re Riley Kim
Chair
Western and Central Pacific Fisheries Commission
PO Box 2356
Kolonias
FEDERATED STATES OF MICRONESIA

Dear WCPFC Chair Kim,

FFA Submission on Elements of the WCPFC Tropical Tuna Measure

On behalf of the 17 Members of the Pacific Islands Forum Fisheries Agency, I would like to thank you for leading us in the development of a new Tropical Tuna CMM. I also take this opportunity to provide FFA members' suggestions on elements of the WCPFC Tropical Tuna Measure for your consideration as you develop your Consultative Draft CMM. This submission is without prejudice to positions of FFA Members, individually or collectively.

FFA Members continue to advocate a precautionary approach to changes to the current measures in the CMM, for reasons that we have already articulated including that the current CMM is working well overall. You will note that we have used CMM2018-01 as the basis for our proposed changes and additions.

FFA Members reiterate the high priority that we attach to maintaining the current balance of interests between fisheries and between CCMs in relation to conservation burden in the current Tropical Tuna CMM. This balance has been achieved after many years of careful and considered development, and any changes will need to ensure that the overall balance of the measure is maintained.

We look forward to your consultative draft and to engaging constructively with other CCMs in the successful development of a new Tropical Tuna Measure, with your continued guidance.

Yours sincerely,

G.P.N. Baleinabuli
FFC Chair and Permanent Secretary for Forests and Acting Permanent Secretary for Fisheries

cc: Mr Feleti Teo, OBE, Executive Director, WCPFC



**COMMISSION
SEVENTEENTH REGULAR SESSION**

Electronic Meeting
8-15 December 2020

**CONSERVATION AND MANAGEMENT MEASURE FOR BIGEYE, YELLOWFIN
AND SKIPJACK TUNA IN THE WESTERN AND CENTRAL PACIFIC OCEAN**

Conservation and Management Measure 2020-01

The Western and Central Pacific Fisheries Commission (WCPFC):

Noting the unexpected circumstances that prevented WCPFC from engaging in extensive intersessional negotiations,

Adopts in accordance with Article 10 of the Convention, this Conservation and Management Measure with respect to bigeye, yellowfin, and skipjack tuna which continues in force the measures applicable in 2020, and set out in CMM 2018-01, until 15 February 2022. For greater certainty, the works to be completed by 2020 shall be deferred to 2021.

FIFTEENTH REGULAR

Honolulu, Hawaii, USA
10 – 14 December 2018

**CONSERVATION AND
MEASURE FOR**

AND SKIPJACK TUNA IN THE WESTERN AND CENTRAL PACIFIC OCEAN



**COMMISSION
SESSION**

**MANAGEMENT
BIGEYE, YELLOWFIN**

Conservation and Management Measure 2018-01*

PREAMBLE

The Western and Central Pacific Fisheries Commission (WCPFC):

~~**Recalling** that since 1999, in the Multilateral High Level Conferences, the Preparatory Conferences, and in the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Commission), a number of resolutions and Conservation and Management Measures (CMMs) have been developed to prevent or mitigate the overfishing of bigeye and yellowfin tuna and to limit the growth of fishing capacity in the Western and Central Pacific Ocean;~~

Recalling that the objective of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention) is to ensure through effective management, the long-term conservation and sustainable use of the highly migratory fish stocks of the Western and Central Pacific Ocean in accordance with the 1982 Convention and the Agreement;

Recalling further the final statement of the Chairman of the Multilateral High Level Conferences in 2000 that: "It is important to clarify, however, that the Convention applies to the waters of the Pacific Ocean. In particular, the western side of the Convention Area is not intended to include waters of South-East Asia which are not part of the Pacific Ocean, nor is it intended to include waters of the South China Sea as this would involve States which are not participants in the Conference" (Report of the Seventh and Final Session, 30th August- 5 September 2000, p.29);

~~**Recognizing** that the Scientific Committee has determined that the bigeye stock appears not to be experiencing overfishing and is not in an overfished condition and that the fishing mortality of bigeye should not be increased from the current level to maintain current or increased spawning biomass; that the yellowfin stock appears not to be experiencing overfishing and is not in an overfished condition and the current spawning biomass levels should be maintained; and that skipjack is currently moderately exploited, the fishing mortality level is sustainable, and that the spawning biomass be maintained near the target reference point;~~

Recognizing that the Scientific Committee has:

- a) determined that the bigeye stock is not overfished and is likely not experiencing overfishing; and recommended, as a precautionary approach, that the fishing mortality on bigeye should not be increased from the level that maintains spawning biomass at 2012-2015 levels until the Commission can agree on an appropriate target reference point;

b) determined that the yellowfin stock is not overfished and is not experiencing overfishing, and that the stock is currently exploited at relatively low levels; and recommended as a precautionary approach that the fishing mortality on yellowfin tuna stock should not be increased from the level that maintains spawning biomass at 2012-2015 levels until the Commission can agree on an appropriate target reference point; and

c) determined that the skipjack stock is not overfished and is not experiencing overfishing, and is currently moderately exploited and the fishing mortality level is sustainable; and recommended that the Commission take appropriate management action to ensure that the biomass depletion level fluctuates around the TRP (e.g., through the adoption of a harvest control rule).

| |
|---|
| Updating text in alignment with the most recent advice from the SC. |
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Recognizing further the interactions that occur between the fisheries for bigeye, yellowfin, and skipjack tuna;

Noting that Article 30(1) of the Convention requires the Commission to give full recognition to the special requirements of developing States that are Parties to the Convention, in particular small island developing States and Territories and possessions, in relation to the conservation and management of highly migratory fish stocks in the Convention Area and development of fisheries on such stocks, including the provision of financial, scientific, and technological assistance;

Noting further that Article 30(2) of the Convention requires the Commission to take into account the special requirements of developing States, in particular Small Island developing States and Territories. This includes ensuring that conservation and management measures adopted by it do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States, Parties, and Territories;

Noting that Article 8(1) of the Convention which requires compatibility of conservation and management measures established for the high seas and those adopted for areas under national jurisdiction;

Recalling Article 8(4) of the Convention which requires the Commission to pay special attention to the high seas in the Convention Area that are surrounded by exclusive economic zones (EEZs);

Noting that the Parties to the Nauru Agreement (PNA) have adopted and implemented “A Third Arrangement Implementing The Nauru Agreement Setting Forth Additional Terms And Conditions Of Access To The Fisheries Zones Of The Parties”;

Noting further that the Parties to the Nauru Agreement have adopted and implemented a Vessel Day Scheme for the longline fishery, a Vessel Day Scheme for the purse seine fishery and a registry for FADs in the zones of the Parties, and may establish longline effort limits, or equivalent catch limits for longline fisheries within their exclusive economic zones.

Noting furthermore that the Members of the Pacific Islands Forum Fisheries Agency have indicated their intention to adopt a system of zone-based longline limits to replace the current system of flag-based bigeye catch limits within their EEZs, ~~and a system of zone-based FAD set limits to replace the FAD closure and flag-based FAD set limits in their EEZs;~~

Removing redundant text

Acknowledging that the Commission has adopted a limit reference point (LRP) for bigeye, skipjack, and yellowfin tuna of 20% of the estimated recent average spawning biomass in the absence of fishing, ~~and, for skipjack tuna, has also agreed to an interim target reference point (TRP) of 50% of the recent average spawning biomass in the absence of fishing (CMM 2015-06);~~

Removing redundant text

Acknowledging that the Commission has adopted CMM 2014-06 on Establishing a Harvest Strategy for Key Fisheries and Stocks in the Western and Central Pacific Ocean and a Work Plan to guide the development of key components of a Harvest Strategy, including the recording of management objectives, adoption of reference points, and development of harvest control rules;

Recognizing the United Nations' Climate Change Sustainable Development Goal to "take urgent action to combat climate change and its impacts", and that climate change has particularly negative impacts on Small Island Developing States; and noting that Article 5 (c) of the Convention requires the application of the precautionary approach, and Article 5 (d) of the Convention requires the Commission to assess the impacts of fishing, other human activities and environmental factors on target stocks, non-target species, and species belonging to the same ecosystem or depend upon or associated with the target stocks;

Noting the SEAPODYM analyses presented to SC11, 12 and 13 on the projected negative impacts climate change will have on tuna distribution, larval numbers and stock biomass, the WCPFC needs to build resilience into the medium and long-term planning and manage WCPO fish stocks in a precautionary manner, and Article 30(2)(c) of the Convention requires the Commission to ensure there is no disproportionate burden of conservation action on developing States, Parties and Territories;

FFA suggest climate change be included in the preamble to the measure in acknowledgment of the impact of climate change on fisheries, and the disproportionate consequences on the region.

Adopts in accordance with Article 10 of the Convention, the following Conservation and Management Measure with respect to ~~bigeye, yellowfin, and skipjack tuna~~: **the skipjack (*Katsuwonus pelamis*), yellowfin (*Thunnus albacares*) and bigeye (*Thunnus obesus*) tuna stocks in the Western and Central Pacific Ocean.**

Adding scientific names and specific reference to WPO stocks.

PURPOSE

1. ~~Pending the establishment of harvest strategies, and any implementing CMM, the purpose of this measure is to provide for a robust transitional management regime that ensures the sustainability of bigeye, skipjack, and yellowfin tuna stocks.~~ **The purpose of this measure is to ensure the conservation and sustainable use of bigeye, skipjack, and yellowfin tuna stocks, pending the adoption of a harvest strategy for those fisheries, in accordance with the work plan and indicative timeframes set out in the Agreed Work Plan for the Adoption of Harvest Strategies under CMM 2014-06, which includes the development of management objectives and target reference points.**

Merging previous CMM paras 1 and 11 (delete para 11)

PRINCIPLES FOR APPLICATION OF THE MEASURE

Compatibility

2. Conservation and management measures established for the high seas and those adopted for areas under national jurisdiction shall be compatible in order to ensure conservation and management of bigeye, skipjack, and yellowfin tuna stocks in their entirety. Measures shall ensure, at a minimum, that stocks are maintained at levels capable of producing maximum sustainable yield, pending agreement on target reference points as part of the harvest strategy approach, 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.

Area of Application

3. This Measure applies to all areas of high seas and all EEZs in the Convention Area except where otherwise stated in the Measure.

4. Coastal states are encouraged to take measures in archipelagic waters and territorial seas which are consistent with the objectives of this Measure and to inform the Commission Secretariat of the relevant measures that they will apply in these waters.

Small Island Developing States

5. With the exception of paragraphs 16-25, 31, 33-38, and 50-54, nothing in this Measure shall prejudice the rights and obligations of those small island developing State Members and Participating Territories in the Convention Area seeking to develop their domestic fisheries.
6. For the avoidance of doubt, where the term “SIDS” is used throughout this measure, the term includes Participating Territories. The term “CCM” means Members, Cooperating Non-Members and Participating Territories.
7. In giving effect to this CMM, the Commission shall pay attention to:
 - (a) the geographical situation of a small island developing State which is made up of non-contiguous groups of islands having a distinct economic and cultural identity of their own but which are separated by areas of high seas;
 - (b) the special circumstances of a State which is surrounded by the exclusive economic zones of other States and has a limited exclusive economic zone of its own; and
 - (c) the need to avoid adverse impacts on subsistence, small-scale and artisanal fishers.

GENERAL PROVISIONS

Charter Arrangements

8. For the purposes of paragraphs 39-41 and 45-49, attribution of catch and effort shall be to the flag State, except that catches and effort of vessels notified as chartered under CMM 2016-05 or its replacement shall be attributed to the chartering Member, or Participating Territory. Attribution for the purpose of this Measure is without prejudice to attribution for the purposes of establishing rights and allocation.

~~9. For purposes of paragraphs 39-41 and 45-49, catches and effort of United States flagged vessels operating under agreements with its Participating Territories shall be attributed to the Participating Territories. Such agreements shall be notified to the Commission in the form of notification under CMM 2016-05 or its replacement. Attribution for the purpose of this Measure is without prejudice to attribution for the purposes of establishing rights and allocation.~~

With regards to paragraph 9, FFA members are of the position that unless there is clear justification, paragraph 9 should be removed in order to remove the disparity in Charter Notification between US territories and other SIDS.

Overlap Area

10. Where flag CCMs choose to implement IATTC measures in the overlap area, any calculation of limits for the Convention Area (excluding the overlap area) that are done on the basis of historical catch or effort levels, shall exclude historical catch or effort within the

overlap area. Notwithstanding decisions on application of catch and/or effort limits, all other provisions of this measure apply to all vessels fishing in the overlap area.

~~HARVEST STRATEGIES AND INTERIM OBJECTIVES FOR BIGEYE, SKIPJACK, AND YELLOWFIN TUNA~~

~~11. This measure is to create a bridge to the adoption of a harvest strategy for bigeye, skipjack, and yellowfin tuna stocks and/or fisheries in accordance with the work plan and indicative timeframes set out in the Agreed Work Plan for the Adoption of Harvest Strategies under CMM 2014-06, which includes the development of management objectives and target reference points. Taking into account the bridging role of this measure and the uncertainty framework for evaluating the impact of management measures on the bigeye stock, the Commission shall work towards achieving and sustaining the aims in paragraphs 12 to 14.~~

Para 11 deleted and merged with Para 1 under 'Purpose'

Bigeve

12. Pending agreement on a target reference point the spawning biomass depletion ratio ($SB/SB_{F=0}$) is to be maintained at or above the average $SB/SB_{F=0}$ for 2012-2015.

Skipjack

~~13. The spawning biomass of skipjack tuna is to be maintained on average at a level consistent with the interim target reference point of 50% of the spawning biomass in the absence of fishing, adopted in accordance with CMM 2015-06.~~

13alt. Skipjack spawning biomass should be maintained at the 2012 levels, on average, and effort across the fishery should be maintained at a level consistent with the level of purse seine fishing effort for skipjack in 2012.

FFA members maintain their previous position at TTMW1 on the wording of the management objective for Skipjack, based around maintaining the fishery at 2012 levels, both in terms of biomass and the level of fishing effort.

As we have previously stated at the first tropical tuna measure workshop, this ensures that the objective for SKJ remains consistent over time. Furthermore, given that the interim TRP has lapsed, the objective that is adopted should be consistent with the intent of the previous TRP and 'maintain spawning biomass at the 2012 levels, on average, and effort across the fishery should be maintained at a level consistent with the level of purse seine fishing effort for skipjack tuna in 2012'.

Yellowfin

14. Pending agreement on a target reference point the spawning biomass depletion ratio ($SB/SB_{F=0}$) is to be maintained at or above the average $SB/SB_{F=0}$ for 2012-2015.

~~15. The Commission at its 2019 annual session shall review and revise the aims set out in paragraphs 12 to 14 in light of advice from the Scientific Committee.~~

There are a number of review paragraphs throughout the CMM that have been put in over time on an ad hoc basis. It is suggested these review paras should all be brought together in a final para addressing the Review of the CMM. Therefore the suggestion is to delete this para and cover it in a single Final Review para.

PURSE SEINE FISHERY

FAD Set Management

16. A three (3) months (July, August and September) prohibition of deploying, servicing or setting on FADs shall be in place between 0001 hours UTC on 1 July and 2359 hours UTC on 30 September each year for all purse seine vessels, tender vessels, and any other vessels operating in support of purse seine vessels fishing in exclusive economic zones and the high seas in the area between 20°N and 20°S.¹

17. In addition to the three month FAD closure in paragraph 16, except for those vessels flying the Kiribati flag when fishing in the high seas adjacent to the Kiribati exclusive economic zone,² and Philippines' vessels operating in HSP1 in accordance with Attachment 2, it shall be prohibited to deploy, service or set on FADs in the high seas for two additional sequential months of the year. Each CCM shall decide which two sequential months (either April – May or November – December) shall be closed to setting on FADs by their fleets in the high seas for 2018, 2019 and 2020 and notify the Secretariat of that decision by March 1, 2018.[#]

#The Secretariat notes that WCPFC15 didn't sanction any specific revision to this paragraph but in 2019 some CCMs have notified a different choice of two sequential months to that notified in 2018.

¹ Members of the PNA may implement the FAD set management measures consistent with the Third Arrangement Implementing the Nauru Agreement of May 2008. Members of the PNA shall provide notification to the Commission of the domestic vessels to which the FAD closure will not apply. That notification shall be provided within 15 days of the arrangement being approved.

² Those vessels fishing within a 100 nautical mile buffer zone extending from the high seas adjacent to the Cook Islands shall inform Kiribati and the Cook Islands authorities at least 24 hours prior to entry into and 24 hours prior to the exit from the buffer zone with estimated coordinates for entry and exit. Each report shall contain the vessel name, international radio call sign and position at time of reporting.

~~18. The provisions of paragraphs 3 to 7 of CMM 2009-02 apply to the high seas FAD closures. In applying the provisions of paragraphs 16 and 17, any set where small amounts of plastic or small garbage that do not have a tracking buoy attached are detected shall not be considered to be a FAD set for the purposes of the FAD closure. This shall apply in 2019 only and will be reviewed to determine whether it resulted in increased catch of bigeye and small yellowfin tuna.~~

FFA Members propose the removal of paragraph 18, which is now redundant and does not contribute to improving FAD management. However, we stress that the FAD definition and footnote 1 must be retained, as they are both integral elements of the FAD closure.

Non-entangling FADs

19. To reduce the risk of entanglement of sharks, sea turtles or any other species, as from 1st January 2020, CCMs shall ensure that the design and construction of any FAD to be deployed in, or that drifts into, the WCPFC Convention Area shall comply with the following specifications:

- a) The use of mesh shall be prohibited.
- b) If the raft is covered, only non-entangling material and designs shall be used.
- c) The subsurface structure shall only be made using non-entangling materials.

- ~~• The floating or raft part (flat or rolled structure) of the FAD can be covered or not. To the extent possible the use of mesh net should be avoided. If the FAD is covered with mesh net, it must have a stretched mesh size less than 7 cm (2.5 inches) and the mesh net must be well wrapped around the whole raft so that there is no netting hanging below the FAD when it is deployed.~~

~~The design of the underwater or hanging part (tail) of the FAD should avoid the use of mesh net. If mesh net is used, it must have a stretched mesh size of less than 7 cm (2.5 inches) or tied tightly in bundles or "sausages" with enough weight at the end to keep the netting taut down in the water column. Alternatively, a single weighted panel (less than 7 cm (2.5 inches) stretched mesh size net or solid sheet such as canvas or nylon) can be used.~~

FFA Members support amendments to paragraph 19 to make the use of non-entangling material in the construction of FADs mandatory. This includes banning the use of mesh netting, as this will reduce or eliminate entanglement on FADs

20. To reduce the amount of synthetic marine debris, ~~the use of natural or biodegradable materials for FADs should be promoted. The use of non-plastic and biodegradable materials in the construction of FADs is encouraged.~~ **CCMs shall encourage vessels flying their flag to use, or transition towards using, non-plastic and biodegradable materials in the construction of FADs.**

21. The Scientific Committee shall continue to review research results on the use of ~~non-entangling material and biodegradable material~~ on FADs, and shall provide specific recommendations to the Commission as appropriate.

Deleted text redundant if proposed changes to para 19 implemented

22. The Commission at its 2020³ annual session, based on specific guidelines defined by the FAD Management Options Intersessional Working Group and advice from SC16⁸ and TCC16⁸, shall consider the adoption of measures on the implementation of ~~non-entangling and/or~~ biodegradable material on FADs.

Instrumented Buoys

23. A flag CCM shall ensure that each of its purse seine vessels shall have deployed at sea, at any one time, no more than 350 drifting Fish Aggregating Devices (FADs) with activated instrumented buoys. An instrumented buoy is defined as a buoy with a clearly marked reference number allowing its identification and equipped with a satellite tracking system to monitor its position. The buoy shall be activated exclusively on board the vessel. A flag CCM shall ensure that its vessels operating in the waters of a coastal State comply with the laws of that coastal State relating to FAD management, including FAD tracking.

23bis. CCMs shall also encourage vessels to:

- (a) responsibly manage the number of drifting FADs deployed each year,
- (b) carry equipment on board to facilitate the retrieval of lost drifting FADs,
- (c) make reasonable efforts to retrieve lost drifting FADs
- (d) report the loss of drifting FADs, and if the loss occurred in the EEZ of a coastal State, report the loss to the coastal State concerned.

~~24. The Commission at its 2019 annual session, based on consideration in the FAD Management Options Intersessional Working Group, shall review whether the number of FADs deployed as set out in paragraph 23 is appropriate.~~

24alt. The Commission at its 2023 meeting based on consideration of the FAD management options working group shall review the effectiveness of the limit on the number of FADs deployed as set out in para 23 and whether the current limit of 350, or any limit, is appropriate.

Alternative paragraph proposed to update previous paragraph and provide more specific direction to the considerations to be made by the Commission on this issue.

Zone-based purse seine effort control

25. Coastal CCMs within the Convention Area shall restrict purse seine effort and/or catch of skipjack, yellowfin and bigeye tuna within their EEZs in accordance with the effort limits established and notified to the Commission and set out in Table 1 of Attachment 1. Those coastal CCMs that have yet to notify limits to the Commission shall do so by 31 December 2018.

High seas purse seine effort control³

26. CCMs that are not Small Island Developing States shall restrict the level of purse seine effort on the high seas in the area 20°N to 20°S to the limits set out in Attachment 1, Table 2, except that the Philippines shall take measures on the high seas in accordance with Attachment 2.

27. CCMs shall ensure that the effectiveness of these effort limits for the purse seine fishery are not undermined by a transfer of effort in days fished into areas within the Convention Area south of 20°S. In order not to undermine the effectiveness of these effort limits, CCMs shall not transfer fishing effort in days fished in the purse seine fishery to areas within the Convention Area north of 20°N.

28. The limits set out in Attachment 1, Table 2 do not confer the allocation of rights to any CCM and are without prejudice to future decisions of the Commission. **The Commission commits to transitioning to a more equitable allocation framework for high seas fishing opportunities that takes into account Articles 8, 10 (3) and 30 of the Convention. The Commission will commence a process to develop that framework in 2022, to enable the Commission to reach agreement in 2023 on hard effort or catch limits in the high seas of the Convention Area and a framework for the allocation of those limits in the high seas amongst all Members and Participating Territories that adequately take into account Articles 8, 10 (3) and 30 of the Convention. The Commission shall also consider options as to how CCMs would use their limits.**

FFA revised language for para 28 with greater direction to the Commission and a revised deadline of 2023

~~29. — {The Commission agreed at WCPFC15 that paragraph 29 in CMM 2017-01 applied only in 2018}~~

30. Where the catch and effort limits in paragraphs 25 and 26 have been exceeded, any overage of the annual limits by a CCM or the collective annual limits of a group of CCMs shall be deducted from the limits for the following year for that CCM or group of CCMs.

Catch retention: Purse Seine Fishery

31. To create an incentive to reduce the non-intentional capture of juvenile fish, to discourage waste and to encourage an efficient utilization of fishery resources, CCMs shall require their purse seine vessels fishing in EEZs and on the high seas within the area bounded by 20°N and 20°S to retain on board and then land or transship at port all bigeye, skipjack, and yellowfin tuna. (Paragraphs 8 to 12 of CMM 2009-02 set out the Commission's rules for catch retention in the high seas.) The only exceptions to this paragraph shall be:

³ Throughout this measure, in the case of small purse seine fleets, of five vessels or less, the baseline level of effort used to determine a limit shall be the maximum effort in any period and not the average.

- 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.

32. Nothing in paragraphs 16-18 and 31 shall affect the sovereign rights of coastal States to determine how these management measures will be applied in their waters, or to apply additional or more stringent measures.

Monitoring and Control: Purse Seine Fishery

33. Notwithstanding the VMS SSP, a purse seine vessel shall not operate under manual reporting during the FADs closure periods, but the vessel will not be directed to return to port until the Secretariat has exhausted all reasonable steps to re-establish normal automatic reception of VMS positions in accordance with the VMS SSPs. The flag State shall be notified when VMS data is not received by the Secretariat at the interval specified in CMM 2014-02 or its replacement, and paragraph 37.

34. CCMs shall ensure that purse seine vessels entitled to fly their flags and fishing within the area bounded by 20°N and 20°S exclusively on the high seas, on the high seas and in waters under the jurisdiction of one or more coastal States, or vessels fishing in waters under the jurisdiction of two or more coastal States, shall carry an observer from the Commission's Regional Observer Program (ROP) (CMM 2018-05).

35. Each CCM shall ensure that all purse seine vessels fishing solely within its national jurisdiction within the area bounded by 20°N and 20°S carry an observer. These CCMs are encouraged to provide the data gathered by the observers for use in the various analyses conducted by the Commission, including stock assessments, in such a manner that protects the ownership and confidentiality of the data.

36. ROP reports for trips taken during FADs closure period shall be given priority for data input and analysis by the Secretariat and the Commission's Science Provider.

37. VMS polling frequency shall be increased to every 30 minutes during the FAD closure period. The increased costs associated with the implementation of this paragraph will be borne by the Commission.

Research on Bigeye and Yellowfin

~~38. CCMs and the Commission are encouraged to conduct and promote research to identify ways for purse seine vessels to minimize the mortality of juvenile bigeye tuna and yellowfin tuna, particularly in accordance with any research plans adopted by the Commission.~~

FFA recommend deleting para 38 as it is not appropriate language and suggest the text can be included in the record of the WCPFC18 as a Commission decision.

LOONGLINE FISHERY

39. As an interim measure, CCMs listed in Attachment 1, Table 3 shall restrict the level of bigeye catch to the levels specified in Table 3. Where the limits in Table 3 have been exceeded, any overage of the catch limit by a CCM listed in Table 3 shall be deducted from the catch limit for the following year for that CCM. **The limits in Attachment 1, Table 3 shall not apply to FFA Members' waters. Longline fishing in FFA Members' waters will be managed through zone-based management arrangements, including the PNA Longline Vessel Day Scheme.**

FFA members are managing longline fishing in our waters through zone-based management arrangements, including the PNA Longline Vessel Day Scheme. In this regard, FFA members establish appropriately in CMM text that any flag based longline bigeye catch limits in a revised tropical tuna CMM will not apply in FFA Member waters

~~40. The Commission shall review the bigeye catch limits specified in Table 3 in 2019 based on any revised stock assessments and the recommendations of the Scientific Committee. The Commission may also take into account in setting any bigeye catch limits any plan submitted to the Secretariat by a CCM listed in Attachment 1, Table 3 to increase the level of monitoring and control of its longline vessels fishing in the Convention Area.~~

Delete redundant para 40

41. CCMs listed in Attachment 1, Table 3 shall report monthly the amount of bigeye catch by their flagged vessels to the Commission Secretariat by the end of the following month. The Secretariat shall notify all CCMs when 90% of the catch limits for a CCM is exceeded.

42. The limits set out in Attachment 1, Table 3 do not confer the allocation of rights to any CCM and are without prejudice to future decisions of the Commission.

43. Subject to paragraph 5, each Member that caught less than 2,000 tonnes in 2004 shall ensure that its bigeye catch does not exceed 2,000 tonnes annually.

~~44. By 2020 the Commission shall agree on hard limits for bigeye and a framework to allocate those limits amongst all Members and Participating Territories that adequately take into account Articles 8, 10 (3) and 30 of the Convention.~~ **The Commission commits to transitioning to a more equitable allocation framework for high seas fishing opportunities that takes into account Articles 8, 10 (3) and 30 of the Convention. The Commission will commence a process to develop that framework in 2022, to enable the Commission to reach agreement in 2023 on hard limits for bigeye and a framework to allocate those limits amongst all Members and Participating Territories.**

FFA members see the setting of a hard limit for the bigeye and a framework for allocations amongst all members is a primary function of the Commission as a Tuna RFMO and a critical step to the transition of this work towards the harvest strategy management approach. We propose revisions to strengthen the direction provided in this paragraph with a revised deadline of 2023.

CAPACITY MANAGEMENT FOR PURSE SEINE AND LONGLINE VESSELS

Purse Seine Vessel Limits

45. CCMs, other than Small Island Developing States and Indonesia⁴, shall keep the number of purse seine vessels flying their flag larger than 24m with freezing capacity operating between 20°N and 20°S (hereinafter “LSPSVs”) to the applicable level under CMM 2013-01.

46. The concerned CCMs shall ensure that any new LSPSV constructed or purchased to replace a previous vessel or vessels, shall have a carrying capacity or well volume no larger than the vessel(s) being replaced, or shall not increase the catch or effort in the Convention Area from the level of the vessels being replaced. In such case, the authorization to fish in the Convention Area of the replaced vessel shall be immediately revoked by the flag CCM. Notwithstanding the first sentence in this paragraph, for those vessels for which building approval has already been granted and notified to the Commission before 1 March 2014, the construction of those vessels will be in accordance with existing regulations of the concerned CCMs.

Limits on Longline Vessels with Freezing Capacity

47. CCMs, other than Small Island Developing States and Indonesia⁵, shall not increase the number of their longline vessels with freezing capacity targeting bigeye tuna above the applicable level under CMM 2013-01.⁶

Limits on ice-chilled longline vessels landing fresh fish

48. CCMs, other than Small Island Developing States and Indonesia⁷, shall not increase the number of their ice-chilled longline vessels targeting bigeye tuna and landing exclusively fresh fish above the applicable level under CMM 2013-01, or above the number of licenses

⁴ This paragraph shall not create a precedent with respect to application of exemptions to non-SIDS CCMs.

⁵ This paragraph shall not create a precedent with respect to application of exemptions to non-SIDS CCMs.

⁶ The provisions of this paragraph do not apply to those CCMs who apply domestic quotas, including individual transferable quotas, within a legislated/regulated management framework.

⁷ This paragraph shall not create a precedent with respect to application of exemptions to non-SIDS CCMs.

under established limited entry programmes applying during the operation of CMM 2013-01.⁸

49. Nothing in this measure shall restrict the ability of SIDS or Participating Territories to construct or purchase vessels from other CCMs for their domestic fleets.

OTHER COMMERCIAL FISHERIES

~~50. To assist the Commission in the further development of provisions to manage the catch of bigeye, yellowfin, and skipjack tunas, the Scientific and Technical and Compliance Committees during their meeting in 2019 will provide advice to the Commission on which fisheries should be included in this effort and what information is needed to develop appropriate management measures for those fisheries.~~

51. CCMs shall take necessary measures to ensure that the total catch of their respective other commercial tuna fisheries for bigeye, yellowfin or skipjack tuna, but excluding those fisheries taking less than 2,000 tonnes of bigeye, yellowfin and skipjack, shall not exceed either the average level for the period 2001-2004 or the level of 2004.

DATA PROVISION REQUIREMENTS

52. Operational level catch and effort data in accordance with the *Standards for the Provision of Operational Level Catch and Effort Data* attached to the Rules for *Scientific Data to be Provided to the Commission* relating to all fishing in EEZs and high seas ~~south of 20N~~ subject to this CMM except for artisanal small-scale vessels shall be provided to the Commission not only for the purpose of stocks management but also for the purpose of cooperation to SIDS under Article 30 of the Convention.^{9 10}

FFA Members support retaining paragraph 52 but propose deleting the reference to south of 20 North in paragraph 52. We see no reason to treat the area north of 20 North differently from the rest of the Convention Area and expect all CCMs to submit operational catch and effort data as required by the Commission.

In addition, footnote 9 and 10 are redundant so FFA Members propose deleting footnotes 9 and 10.

⁸ The provisions of this paragraph do not apply to those CCMs who apply domestic quotas, including individual transferable quotas, within a legislated/regulated management framework.

⁹ ~~CCMs which had domestic legal constraints under CMM 2014-01 shall provide operational level data as of the date on which those domestic legal constraints were lifted.~~

¹⁰ ~~This paragraph shall not apply to Indonesia, until it changes its national laws so that it can provide such data. This exception shall expire when such changes take effect but in any event no later than 31 December 2025. Indonesia will, upon request, make best effort to cooperate in providing operational level data in case of Commission's stock assessment of those stocks under a data handling agreement to be separately made with the Scientific Provider.~~

53. The Commission shall ensure the confidentiality of those data provided as non-public domain data.

~~54. CCMs whose vessel fish in EEZs and high seas north of 20N subject to this CMM shall ensure that aggregated data by 1 x 1 in that area be provided to the Commission, and shall also, upon request, cooperate in providing operational level data in case of Commission's stock assessment of tropical tuna stocks under a data handling agreement to be separately made between each CCM and the Scientific Provider. Those CCMs shall report such agreement to the Commission.~~

| |
|---|
| Para 54 is redundant by virtue of proposed change in para 52. |
|---|

REVIEW AND FINAL PROVISIONS

55. The Commission shall review this CMM annually to ensure that the various provisions are having the intended effect.

~~56. {The Commission agreed at WCPFC15 that paragraph 56 in CMM 2017-01 applied only in 2018}~~

57. This measure replaces CMM 2017-20-01. This measure shall come into effect on 13 February 2019²² and remain in effect until 10 February 2024⁵ unless earlier replaced or amended by the Commission.

Attachment 1

Table 1: EEZ purse seine effort limits [paragraph 25]

| Coastal CCMs' EEZ/Group | Effort in Vessel days/Catch limit | Comment |
|-------------------------|---|---|
| PNA | 44,2033 days | This limit will be managed cooperatively through the PNA Vessel Day Scheme. |
| Tokelau | 1000 days | |
| Cook Islands | 1,250 days | These CCMs are developing joint arrangements which may incorporate measures such as pooling and transferability of limits between EEZs. |
| Fiji | 300 days | |
| Niue | 200 days | |
| Samoa | 150 days | |
| Tonga | 250 days | |
| Vanuatu | 200 days | |
| Australia | 30,000 mt SKJ 600 mt BET 600 mt YFT | |
| French Polynesia | 0 | |
| Indonesia | Include limit | |
| Japan | 1500 days | |
| Korea | Include limit | |
| New Zealand | 40,000 mt SKJ | |
| New Caledonia | 20,000 mt SKJ | |
| Philippines | Include limit | |
| Chinese Taipei | Include limit | |
| United States | 558 days | |
| Wallis and Futuna | Include limit | |

* Limits not notified to the Commission

** The United States notified the Secretariat of the combined US EEZ and high seas effort limits on 1 July 2016 (1828 fishing days on the high seas and in the U.S. EEZ (combined)). The US EEZ limit is understood to be this notified limit minus the high seas effort limit for the United States set out in Table 2 of Attachment 1

FFA members consider the purse seine effort limits within EEZs established in Table 1 of paragraph 25 to be a critical factor in ensuring the management of skipjack, yellowfin and bigeye tuna stocks in the Convention Area. The purse seine fishery proves that zone based management works. It is working effectively in a way that is enabling fisheries to operate across the Convention Area, but also in a way that respects sovereign rights. We reiterate our long-standing position to transition away from the current flag-based limits to zone-based management, in order to give full recognition to sovereign rights in our EEZs. For this reason, this paragraph must be retained.

Having said that, FFA members seek to make a few minor amendments to Table 1 of

paragraph 25 to remove some ambiguity. This includes:

- deleting the US footnote in this table as it creates confusion, and instead seek clarity from the US on the limits to apply in-zone only;
- including the EEZ purse seine effort limits of Indonesia, Philippines, Chinese Taipei and Wallis and Futuna; and
- removing the qualifying 'Comment' for Cook Islands, Fiji, Niue, Samoa, Tonga and Vanuatu.

Table 2. High seas purse seine effort control [paragraphs 26-28]

***Table content for further discussions**

Table 3. Bigeye Longline Catch Limits [paragraphs 39-42]

***Tables 2 and 3 contents for further discussions**

Attachment 2: Measure for Philippines

1. This Attachment shall apply to Philippine traditional fresh/ice chilled fishing vessels operating as a group.

AREA OF APPLICATION

2. This measure shall apply only to High Seas Pocket no. 1 (HSP-1), which is the area of high seas bounded by the Exclusive Economic Zones (EEZs) of the Federated States of Micronesia to the north and east, Republic of Palau to the west, Indonesia and Papua New Guinea to the south. For the purposes of this measure, the exact coordinates for the area shall be those used by the WCPFC vessel monitoring system (VMS). A map showing the HSP-1 Special Management Area is attached.

REPORTING

3. Philippines shall require its concerned vessels to submit reports to the Commission at least 24 hours prior to entry and no more than 6 hours prior to exiting the HSP-1 SMA. This information may, in turn, be transmitted to the adjacent coastal States/Territories.

The report shall be in the following format:

VID/Entry or Exit: Date/Time; Lat/Long

4. Philippines shall ensure that its flagged vessels operating in the HSP-1 SMA report sightings of any fishing vessel to the Commission Secretariat. Such information shall include: vessel type, date, time, position, markings, heading and speed.

OBSERVER

5. The fishing vessels covered by this measure shall employ a WCPFC Regional Observer on board during the whole duration while they operate in HSP-1 SMA in accordance with the provisions of CMM 2018-05.

6. Regional Observers from other CCMs shall be given preference/priority. For this purpose, the Philippines and the Commission Secretariat shall inform the CCMs and the Adjacent Coastal State of the deployment needs and requirements at 60 days prior expected departure. The Secretariat and the CCM that has available qualified regional observer shall inform the Philippines of the readiness and availability of the Regional Observer at least 30 days prior to the deployment date. If none is available, the Philippines is authorized to deploy regional observers from the Philippines.

VESSEL LIST

7. The Commission shall maintain an updated list of all fishing vessels operating in HSP1 SMA based on the foregoing vessel's entry and exit reports submitted to the Commission. The list will be made available to Commission Members through the WCPFC website.

MONITORING OF PORT LANDINGS

8. The Philippines shall ensure that all port landings of its vessels covered by this decision are monitored and accounted for to make certain that reliable catch data by species are collected for processing and analysis.

COMPLIANCE

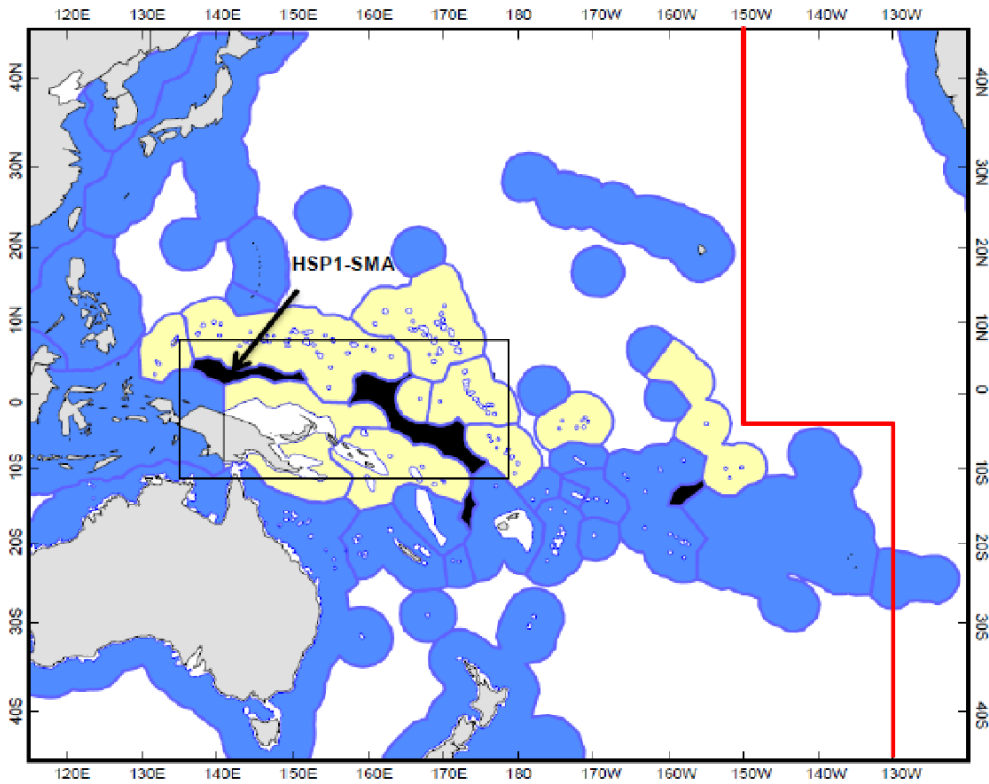
9. All vessels conducting their fishing activities pursuant to this Attachment to CMM 2018-01 shall comply with all other relevant CMMs. Vessels found to be ~~non-compliant~~ **non-compliant** with this decision shall be dealt with in accordance with CMM 2010-06, and any other applicable measure adopted by the Commission.

EFFORT LIMIT

10. The total effort of these vessels shall not exceed 4,659¹¹¹⁴ days. The Philippines shall limit its fleet to 36 fishing vessels (described by the Philippines as catcher fishing vessels) in the HSP-1 SMA.

¹¹¹⁴ Reference Table 2(b), WCPFC9-2012-IP09_rev3

- Map Showing HSP-1 SMA Where the Arrangements in Attachment 2 Apply



This map displays indicative maritime boundaries only. It is presented without prejudice to any past, current or future claims by any State. It is not intended for use to support any past, current or future claims by any State or territory in the western and central Pacific or east Asian region. Individual States are responsible for maintaining the coordinates for their maritime claims. It is the responsibility of flag States to ensure their vessels are informed of the coordinates of maritime limits within the Convention Area. Coastal States are invited to register the coordinates for their negotiated and agreed maritime areas with the Commission Secretariat.
