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JAPAN'S COMMENTS ON THE CHAIR'S CONSULTATIVE DRAFT CMM - 1 OCTOBER

**WCPFC18-2021-TTM-DP03
22 October 2021**

Japan

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

**CHAIR'S CONSULTATIVE DRAFT
1 OCTOBER 2021**

Conservation and Management Measure 2021-01

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

Comments

Preamble will be discussed following substantive consideration of the text of the CMM

PP1: FFA propose deletion.

**JP comments
(highlighted in blue)**

Note: Our comments are basically based on Chair's proposed text.

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;]

FFA ALT: *[Recognizing that the Scientific Committee has:*

- a) determined that the bigeye stock is not overfished and is likely not experiencing overfishing; and, re-iterated that the Commission could continue to consider measures to reduce fishing mortality from fisheries that take juveniles, with the goal to increase bigeye fishery yields and

FFA replace this PP with updated text in alignment with the most recent advice from the SC

We propose that this PP is revised based on the latest SC management advice. If we comment on the FFA’s suggested texts;

For BET, we propose adding a new text based on SC16 report.

reduce any further impacts on the spawning biomass for this stock in the tropical regions; 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~~ recommended the Commission notes that further increases in YFT fishing mortality would likely affect other stocks/species which are currently moderately exploited due to the multispecies/gears interactions in WCPFC fisheries taking YFT; 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, at the same time, noted that fishing mortality is continuously increasing for both adult and juvenile while the spawning biomass reached the historical lowest level~~; and recommended

97. [...] SC16 therefore re-iterates that WCPFC17 could continue to consider measures to reduce fishing mortality from fisheries that take juveniles, with the goal to increase bigeye fishery yields and reduce any further impacts on the spawning biomass for this stock in the tropical regions.

For YFT, we propose a deletion, since it is redundant, as well as adding a new text based on SC16 report.

136. SC16 noted that the 2020 stock assessment results indicate the stock is currently exploited at relatively low levels (median $F/FMSY = 0.36$, 10th to 90th percentile interval 0.27-0.47). Nevertheless, SC16 recommends that the Commission notes that further increases in YFT fishing mortality would likely affect other stocks/species which are currently moderately exploited due to the multispecies/gears interactions in WCPFC fisheries taking YFT.

For SKJ, we propose a deletion, since it is redundant, as well as adding a new text based on SC16 report.

221. SC15 noted that the stock was assessed to be above the adopted Limit

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).]

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);

Reference Point and fished at rates below FMSY with 100% probability. Therefore, the skipjack stock is not overfished, nor subject to overfishing. At the same time, it was also noted that fishing mortality is continuously increasing for both adult and juvenile while the spawning biomass reached the historical lowest level.

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]; ~~[FFA: ALT: and a system of zone-based FAD set limits to replace the FAD closure and flag-based FAD set limits in their EEZs];~~

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)]; ~~[FFA: ALT: [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)];~~

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

FFA propose deletion as redundant

FFA propose deletion as redundant

SKJ TRP of 50%SSBF=0 stipulated in CMM 2015-06 is still valid, as discussed in WCPFC17*. Therefore, we propose the retention of the current text.

*Extract from WCPFC17 report 153. Japan agreed with the USA and the EU that unless the Commission agreed to eliminate CMM 2015-06 it remained in force. Japan noted that the CMM does not state it will expire in the absence of an agreement in 2019. Japan noted that it had consulted with the Legal Adviser on the issue of the interim TRP and

recording of management objectives, adoption of reference points, and development of harvest control rules;]

[FFA ALT: 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;]

~~**[FFA: ALT: 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;]**~~

Adopts in accordance with Article 10 of the Convention, the following Conservation and Management Measure with respect to [bigeye, yellowfin, and skipjack tuna]: **[FFA ALT: 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.]**

New additions:
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.

FFA: Replace with scientific names and specific reference to WPO stocks

confirmed that Japan's understanding is correct.

In SC13, “No recommendation was provided” under the agenda of SEAPODYM; it should not be appropriate to specifically refer to contents of some working papers in PP.

<p>PURPOSE</p> <p>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.]</p> <p>FFA ALT: [1. 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.]</p>	<p>FFA proposal to merge previous CMM paras 1 and 11 (& delete para 11)</p>
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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.]

Generally agreed provision

TTMW2 agreed the CMM would apply in EEZs and high seas.

Generally agreed provision

<p>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.</p> <p>7. [In giving effect to this CMM, the Commission shall pay attention to:</p> <ul style="list-style-type: none"> (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.] 	<p>Generally agreed provision.</p> <p>Generally agreed provision</p>	

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.]

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.

Divergent views.
FFA: retain.
EU: should not extend to non-SIDS flag vessels. Lack of clarity in interpretation

FFA: unless there is clear justification, para 9 should be removed to remove the disparity in Charter Notification between US territories and other SIDS.
US: retain

Generally agreed provision

In order to avoid future dispute among CCMs, we suggest revising the text so that the conclusions of negotiations in the past are clearly reflected, particularly in terms of different treatment of non-SIDS vessels chartered by SIDS between EEZs and high seas.

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.]

US ALT: [This measure is intended and designed to support thriving fisheries for skipjack tuna, bigeye tuna, and yellowfin tuna in the Convention Area, and to do so in a way that is fair to all members and addresses the special requirements of developing States and participating territories. The measure’s provisions are based on the stock-specific objectives below, as well as other relevant provisions of the Convention and decisions of the Commission. As the harvest strategies for the tropical tuna stocks and/or their associated fisheries are developed, the objectives and provisions of the measure will be amended accordingly.]

Bigeye

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.] **US ALT** [and excessive spatial unevenness in spawning biomass depletion is to be avoided to support thriving fisheries throughout the Convention Area.]

Some agreement that current management objectives are the starting point for discussion.
FFA: delete and merge with para 1 above.
US proposed alt language, but no agreement.
 Included for reference.

FFA: retain
USA: add spatial component. No agreement but included for reference.

[JP ALT: Pending agreement on a target reference point, the spawning biomass depletion ratio ($SB/SB_{F=0}$) is to be maintained at or above the median $SB/SB_{F=0}$ for 2000-2004]

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.]

13. [ALT FFA: 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.]

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.]

Japan: fishing mortality use CPUE

Japan: use CPUE fishing mortality

FFA: revise; using 2012 baseline: ensures objective for SKJ remains consistent over time; should be consistent with the intent of the previous TRP.

FFA: retain
USA: add spatial component

FFA: delete & cover it in a

We maintain our position that a TRP for BET should be established as "median $SB/SB_{F=0}$ for 2000-2004".

As we provided in WCPFC-TTMW1-2021-DP03, we understand that the current interim TRP of 50% $SSB_{F=0}$ was proposed and agreed in accordance with SC10 advice, namely "the Commission take action to avoid further increases in fishing mortality and to keep the skipjack tuna stock around the current levels, with tighter purse-seine control rules". Therefore, we would like to propose setting a TRP for skipjack by applying the above-mentioned logic to the 2019 assessment.

<p>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.]</p>	<p>single Final Review para.</p>	
<p>PURSE SEINE FISHERY</p> <p><u>FAD Set Management</u></p> <p>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]</p> <p>[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.]</p> <p>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</p>	<p>Retain concept. Further discussion, incl. on period of closure. IND: only apply to drifting FADs</p> <p>FFA: retain fn as integral element to FAD closure. EU: revise</p> <p>Retain concept. But further discussion on period of closure</p>	<p>With regard to paras 16 and 17, according to Table 7 (long-term recruitment scenario) of WCPFC-TTMW2-2021-01, adjustments in the duration of FAD closure in EEZs and/or high seas could be necessary, depending on BET TRP to be agreed.</p>

<p>the high seas for 2018, 2019 and 2020 and notify the Secretariat of that decision by March 1, 2018.]</p> <p>[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.]</p> <p>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.]</p>	<p>Not considered</p> <p>FFA: delete para as redundant. Japan/Korea: retain Korea: amend FAD definition to ½ nm (see para 3 CMM 2009-02). FFA: retain definition as integral to FAD closure.</p>	<p>To Remove “any set where small amounts of plastic or small garbage that do not have a tracking buoy attached” from FAD definition will not have impact on stocks. It will also be useful to avoid unnecessary potential non-compliance cases.</p>
<p>Non-entangling FADs</p> <p>[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:</p> <ul style="list-style-type: none"> • 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 	<p>Retain concept. Agreement to strengthen. Consider longer lead-in time.</p>	<p>While we agree on the direction to strengthen the regulation on non-entangling FAD, we would like to request that a transition period be established so that purse seiners can prepare non-entangling FADs compliant with this paragraph.</p>

<p>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.</p> <ul style="list-style-type: none"> • 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.] <p>19. [FFA ALT: 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:</p> <ol style="list-style-type: none"> 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.] <p>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.]</p> <p>20. FFA ALT: [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. <u>CCMs shall encourage vessels flying their flag to use, or transition towards using, non-plastic and biodegradable materials in the construction of FADs.</u>]</p>	<p>FFA proposal to make the use of non-entangling material mandatory & ban the use of mesh netting.</p> <p>Retain concept. Consider definition.</p> <p>FFA: strengthen</p>	
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<p>21. [The Scientific Committee shall continue to review research results on the use of [non-entangling material and] FFA ALT: non-entangling material and] biodegradable material on FADs, and shall provide specific recommendations to the Commission as appropriate.]</p> <p>22. [The Commission at its [2020] [2023] annual session, based on specific guidelines defined by the FAD Management Options Intersessional Working Group and advice from SC16 and [TCC16] [TCC18] shall consider the adoption of measures on the implementation of [non-entangling and/or] FFA ALT: [non-entangling and/or] biodegradable material on FADs.</p> <p>Instrumented Buoys</p> <p>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.] <u>[EU: In order to support the monitoring of compliance with the limitation established in Paragraph 23, while protecting any confidential data, CCMs shall, starting on 01/01/2022, report, or require their vessels to report, daily information on all active FADs to the Secretariat. Such information shall contain, date, instrumented buoy ID, assigned vessel and daily position, which shall be compiled at monthly intervals, to be submitted with a time delay of no longer than 30/45/... days.]</u></p> <p>FFA ALT: [23bis. CCMs shall also encourage vessels to:</p> <p style="padding-left: 20px;">a) responsibly manage the number of drifting FADs deployed each year,</p>	<p>FFA: proposed deletion as redundant if para 19 amended.</p> <p>Agree to refer to FAD WG. Timeframes to be updated; deletion if para 19 amended.</p> <p>Retain concept. Number to be considered.</p> <p>EU proposed reporting language.</p> <p>FFA proposal</p>	<p>It should also be useful to firstly discuss and agree on the definitions of “bio-degradable” for the future discussion.</p>
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<p>(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.]</p> <p>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.]</p> <p>FFA ALT: [24. 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.]</p>	<p>Agreed retain and update timeframes.</p> <p>FFA: Alt para 24 to update previous para and provide more specific direction on the considerations to be made by the Commission on this issue.</p>	
<p><u>Zone-based purse seine effort control</u></p> <p>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.]</p> <p><u>High seas purse seine effort control</u>³</p> <p>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.]</p>	<p>Agreed retain</p> <p>Wallis and Futuna not notified limits. Should reflect limits notified since 2018-01 in Table.</p> <p>Footnote not considered.</p>	

<p>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.</p> <p>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.</p> <p>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. [By [2021] the Commission shall agree 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.]</p> <p>FFA ALT: [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</p>	<p>Agreed retain. Table 2 to be considered</p> <p>Agreed retain</p> <p>Agreed retain</p> <p>Agree to extend time frame.</p> <p>FFA revised language for para 28 with greater direction to WCPFC and a revised deadline of 2023.</p>	
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<p>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.]</p> <p>29. <i>{The Commission agreed at WCPFC15 that paragraph 29 in CMM 2017-01 applied only in 2018}</i></p> <p>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.]</p>	<p>Delete and renumber</p> <p>Not considered</p>	
<p><u>Catch retention: Purse Seine Fishery</u></p> <p>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:</p> <ul style="list-style-type: none"> 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. 	<p>Agreed retain</p> <p>Agreed retain</p>	

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.

Agreed retain

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).

Agreed retain

<p><u>Monitoring and Control: Purse Seine Fishery</u></p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>Agreed retain Past compliance issues with this para.</p> <p>Agreed retain</p> <p>Agreed retain</p>	
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<p><u>Monitoring and Control: Longline Fishery</u></p> <p>[.....]</p>	<p>Divergent views. No specific proposals</p>	
<p><u>Research on Bigeye and Yellowfin</u></p> <p>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.]</p>	<p>FFA recommend deleting para 38 as it is not appropriate language and suggest the text can be recorded as a decision of WCPFC18 in the record.</p>	<p>Scientific research to minimize the mortality of juvenile bigeye tuna and yellowfin tuna is important for conservation and sustainable use for tropical tunas, considering the management advice by SC16; therefore, we propose the retention of the current text.</p> <p>97. [...] SC16 therefore re-iterates that WCPFC17 could continue to consider measures to reduce fishing mortality from fisheries that take</p>

		<i>juveniles, with the goal to increase bigeye fishery yields and reduce any further impacts on the spawning biomass for this stock in the tropical regions.</i>
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LOGLINE 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.] **FFA:** [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.]

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.]

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.]

Agreed retain concept.
Overage not considered.
FFA proposed addition: FFA members are managing LL fishing in their waters: text should include that any flag based LL bigeye catch limits will not apply in FFA Member waters
Korea: delete
FFA: delete as redundant.
US: 2nd sentence not obsolete.
Some agreement on reporting.
IND/China: not monthly.
Agreed

Due to limited time available towards WCPFC18, it would be difficult for the Commission to agree on a drastic change of management framework this time. Therefore, we propose the retention of the current text.

<p>44. By 2020 <u>2022</u> <u>2023</u> 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.</p> <p>FFA Alt: 44. [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.]</p>	<p>Not specifically considered.</p> <p>Korea: retain</p> <p>Agree to roll-over</p> <p>FFA: this is crucial function of WCPFC: propose to strengthen para with a revised deadline of 2023</p>	
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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].

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

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

Agreed to retain
Consider specifying the applicable level.

Agreed to retain

Agreed to retain
Consider specifying the applicable level.

<p>⁵ This paragraph shall not create a precedent with respect to application of exemptions to non-SIDS CCMs.</p> <p>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.</p> <p><u>Limits on ice-chilled longline vessels landing fresh fish</u></p> <p>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 under established limited entry programmes applying during the operation of CMM 2013-01].⁸</p> <p>⁷ This paragraph shall not create a precedent with respect to application of exemptions to non-SIDS CCMs.</p> <p>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.</p> <p>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.</p>	<p>Agreed to retain Consider specifying the applicable level.</p> <p>Agreed to retain</p>	
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<p>OTHER COMMERCIAL FISHERIES</p> <p>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.]</p> <p>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.</p>	<p>FFA: delete</p> <p>Agreed to retain TCC: CMM Review</p>	
<p>DATA PROVISION REQUIREMENTS</p> <p>52. [Operational level catch and effort data in accordance with the <i>Standards for the Provision of Operational Level Catch and Effort Data</i> attached to the Rules for <i>Scientific Data to be Provided to the Commission</i> 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.}]</p> <p>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.]</p>	<p>Divergent views. FFA: Retain, but delete “south of 20N” and fn 9 and 10 as redundant. Japan: retain para 52, 54 and fn 9 and 10.</p>	

<p>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.]</p>		
<p>53. The Commission shall ensure the confidentiality of those data provided as non-public domain data.</p>	<p>Agreed to retain</p>	

<p>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.]</p>	<p>Divergent views. FFA: Delete Japan: Retain</p>	
<p>REVIEW AND FINAL PROVISIONS</p>		
<p>55. [The Commission shall review this CMM annually to ensure that the various provisions are having the intended effect.]</p>	<p>Not considered</p>	
<p>56. {<i>The Commission agreed at WCPFC15 that paragraph 56 in CMM 2017-01 applied only in 2018</i>}</p>	<p>Delete and renumber</p>	
<p>57. [This measure replaces CMM [2017-01] [2021-01]. This measure shall come into effect on 13 February 2019 and remain in effect until 10 February 2021 unless earlier replaced or amended by the Commission.]</p>	<p>Not considered Dates to be revised.</p>	

Attachment 1

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

Coastal CCMs' EEZ/Group	Effort in Vessel days/Catch limit	Comment
PNA	44,033 days	This limit will be managed co through the PNA Vessel Day Sche These CCMs are developi arrangements which may incorporat such as pooling and transferabilit between EEZs.
Tokelau	1000 days	
Cook Islands	1,250 days	
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	*	
Japan	1500 days	
Korea	*	
New Zealand	40,000 mt SKJ	
New Caledonia	20,000 mt SKJ	
Philippines	*	
Chinese Taipei	*	
United States **	558 days	
Wallis and Futuna	*	

Retain and update table with limits that are missing.

FFA: delete comment re CI, Fiji, Niue, Samoa, Tonga and Vanuatu

Provide value for Wallis and Futuna

<p>* Limits not notified to the Commission</p> <p>** 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</p>	<p>FFA: delete US footnote and clarify</p>	
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Table 2. High seas purse seine effort control [paragraphs 26-28]

CCM	EFFORT LIMIT (DAYS)
CHINA	26
ECUADOR	**
EL SALVADOR	**
EUROPEAN UNION	403
INDONESIA	(0)
JAPAN	121
NEW ZEALAND	160
PHILIPPINES	#
REPUBLIC OF KOREA	207
CHINESE TAIPEI	95
USA	1270
** subject to CNM on participatory rights	
# The measures that the Philippines will take are in Attachment 2.	

Consider effort limits

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

Bigeye catch limits by flag	
CCMs	Catch Limits
CHINA	8,224
INDONESIA	5,889*

Consider limits

<p>JAPAN 18,265 KOREA 13,942 CHINESE TAIPEI 10,481 USA 3,554</p> <p>*Provisional and maybe subject to revision following data analysis and verification</p>			
<p>Japan will make an annual one-off transfer of 500 metric tonnes of its bigeye tuna catch limit to China.</p>			

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

Not considered

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~~ compliant with this decision shall be dealt with in accordance

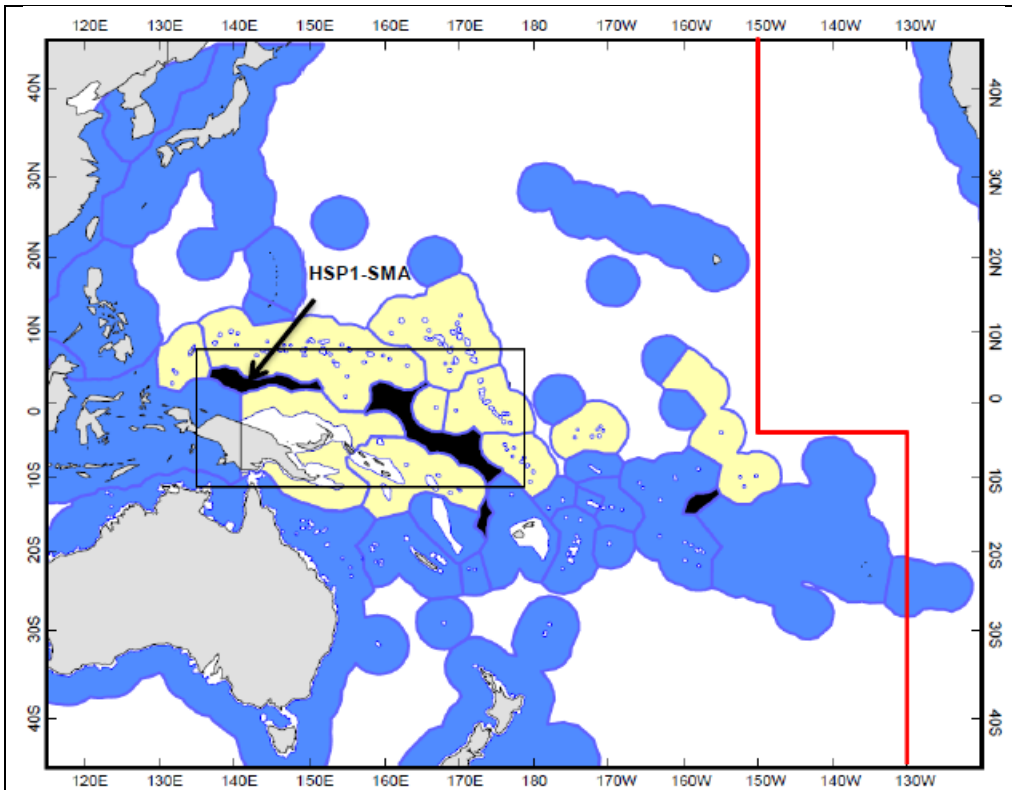
with CMM 2010-06, and any other applicable measure adopted by the Commission.

EFFORT LIMIT

10. The total effort of these vessels shall not exceed 4,659¹⁴ days. The Philippines shall limit its fleet to 36 fishing vessels (described by the Philippines as catcher fishing vessels) in the HSP-1 SMA.

¹⁴ 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.

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