



TECHNICAL AND COMPLIANCE COMMITTEE

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PROPOSAL FOR A CONSERVATION MEASURE ON TRANSHIPMENT

WCPFC-TCC2-2006/DP08

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Paper submitted by the Australian Delegation

***RECALLING** Article 29(3) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean Western and Central Pacific Fisheries Convention (the Convention) which states that “The Commission shall develop procedures to obtain and verify data on the quantity and species transhipped both in port and at sea in the Convention Area and procedures to determine when transhipment covered by this Convention has been completed”.*

OBSERVING Article 29(1) of the Convention which states that the “... members of the Commission shall encourage their fishing vessels to the extent practicable, to conduct transhipments in port”.

***TAKING ACCOUNT** of Article 29(5) of the Convention which prohibits transhipping at sea by purse seine vessels operating within the Convention Area, subject to specific exemptions which the Commission shall adopt in order to reflect existing operations.*

SECTION 1: INTRODUCTION

1. The Commission hereby establishes a WCPFC Transhipment Scheme which applies to all transhipments of highly migratory fish within the Convention Area.
2. This Scheme shall apply from 1 July 2007.
3. Except under the conditions outlined in Sections 3, 4, 5 and 7 all transhipments of highly migratory fish within the Convention Area shall take place only in designated ports in accordance with the requirements of the WCPFC Transhipment Scheme.
4. Each member, Cooperating non-Member and Participating Territory (CCM) of the Commission shall encourage fishing vessels carrying their flags, to the extent practicable, to conduct transhipment in port.

5. Each CMM should report to the Commission on what measures they have taken to encourage in-port transshipments and the effectiveness of these measures to dissuade at-sea transshipments.
6. Each CCM shall take necessary measures to ensure that vessels flying its flag comply with all requirements of the WCPFC Transhipment Scheme.
7. Each CCM shall treat a violation of these procedures by any vessel(s) flying its flag as a serious violation and shall immediately withdraw such vessel(s) from the WCPFC Record of Vessels and remove all authorizations for such vessel(s) to fish for, retain on board, tranship or land highly migratory fish stocks in the Convention Area. Each CCM shall refer such vessel(s) to its relevant authorities with a view to instituting proceedings without delay in accordance with its laws, and where appropriate, detain the vessel(s) concerned.

SECTION 2: PROHIBITION ON PURSE SEINE TRANSHIPMENTS AT SEA

8. Transhipment at-sea by purse seine vessels operating within the Convention Area shall be prohibited except for those specific operations listed in Article 9 of this section.
9. The following existing operations in support of licensed group seine operations and small purse seiners less than 600 tonnes shall be exempt from the prohibition on transshipments at sea by purse seine vessels: *Exempt operations listed here*
10. Purse seine transhipment operations at sea that are exempted by the Commission from the prohibition must comply with all requirements of Section 3, 4, 5 and 7.
11. The exemptions for purse seine transhipment operations at sea shall be reviewed by the Commission every 2 years to determine if the exemption is renewed.

SECTION 3: WCPFC RECORD OF FISHING VESSELS AND AUTHORISATIONS TO TRANSHIP

12. Each CCM shall take the necessary measure to ensure that vessels flying their flag only tranship to and/or from vessels that are entered on the WCPFC Record of Fishing Vessels and are authorised to fish in accordance with the WCPFC 2004 Record of Fishing Vessels and Authorisation to Fish Conservation Measure.
13. Each CCM shall take the necessary measures to ensure that transshipments or landings within their ports or waters under their national jurisdiction are restricted to vessels that are entered on the WCPFC Record of Fishing Vessels and are authorised to fish in accordance with the WCPFC 2004 Record of Fishing Vessels and Authorisation to Fish Conservation Measure.
14. The provisions of Section 3 will enter into force on 1 July 2007. During the interim prior to this date, fishing vessels may tranship to carrier vessels not entered on the WCPFC Vessel Record only if the transhipment is in accordance with all other requirements of the Transhipment Scheme. During this interim, CCMs of the Commission may allow transshipments or landings within their ports or waters under their national jurisdiction only

if the transshipment or landing is in accordance with all other requirements of the Transshipment Scheme.

SECTION 4: AT-SEA TRANSHIPMENTS

15. Where it is not practicable to tranship in port, transshipment operations at sea shall only be undertaken if they are not prohibited under Section 2 and are in accordance with the procedures set out in Sections 3, 4, 5 and 7.
16. Vessels are not authorized to tranship at sea, unless they have obtained prior authorization from their flag State.
17. To receive the prior authorization mentioned in paragraph 16, the master and/or owner of the fishing vessel must notify the following information to its flag State authorities at least 24 hours in advance of the intended transshipment:
 - the name of the fishing vessel and its WCPFC Identification Number (WIN);
 - the name of the carrier vessel and its WIN;
 - the product to be transhipped;
 - the tonnage by product to be transhipped;
 - the date and location of transshipment; and
 - the geographic location of the tuna catches.
18. The fishing vessel concerned shall complete and transmit to its flag State, not later than 15 days after the transshipment, the WCPFC Transshipment Declaration, along with its WIN, in accordance with the format set out in Annex 1.
19. The master of the receiving carrier vessel shall complete and transmit the WCPFC Transshipment Declaration, along with its WIN, in accordance with the format set out in Annex 1 to the WCPFC Secretariat and the flag States of the fishing vessel and the receiving carrier vessel within 24 hours of the completion of the transshipment.
20. The master of the receiving carrier vessel shall, 48 hours before landing, transmit the WCPFC Transshipment Declaration, along with its WIN, in accordance with the format set out in Annex 1 along with its WIN number to the competent authorities of the port State where the landing takes place.

SECTION 5: OBSERVERS ON CARRIER VESSELS

21. Each CCM shall take the necessary measures to ensure that one hundred percent of carrier vessels flying its flag that are on the WCPFC Record of Vessels shall have a WCPFC observer on board in accordance with the WCPFC Regional Observer Programme when transshipping highly migratory species within the Convention Area. During the interim prior to the establishment of the WCPFC Regional Observer Programme, each CCM shall take the necessary measures to ensure that one hundred percent of carrier vessels flying its flag that are on the WCPFC Record of Vessels shall have an observer on board in accordance with the WCPFC Transshipment Observer Programme set out in annex 2 when transshipping highly migratory species within the Convention Area.
22. Observers on carrier vessels shall undertake the obligations set out in Annex 2 in addition to any other duties described in the WCPFC Regional Observer Programme.

23. Each CCM shall take the necessary measures to ensure that carrier vessels flying their flag comply with the WCPFC Transhipment Observer Programme set out in annex 2, or the WCPFC Regional Observer Programme following its establishment.
24. Each CCM shall take the necessary measures to prohibit vessels from commencing or continuing transhipments in the Convention Area without an Observer from either the WCPFC Regional Observer Programme or the WCPFC Transhipment Observer Programme set out in annex 2. Vessels experiencing 'force majeure' are exempt from this requirement so long as they notify the WCPFC Secretariat at the time of the transhipment and the transhipment is in accordance with all other requirements of the WCPFC Transhipment Scheme.

SECTION 6: PORT TRANSHIPMENTS

25. Each CCM shall designate one or more of their ports in the Convention Area as transhipment ports in accordance with the requirements of paragraph 28, and submit, electronically where possible, a list of such designated ports to the Executive Director, by 1 July 2007.
26. The Executive Secretary shall invite all non-CCMs with ports that tranship catches of highly migratory fish from the Convention Area to consider designating one or more of their ports as transhipment ports in accordance with the requirements of paragraph 28, and submit, electronically where possible, a list of such designated ports to the Executive Director.
27. The Executive Director shall circulate periodically to all CCMs a list of such designated ports.
28. Ports may be designated transhipments ports only where the port or landing State is able to comply with its obligations set out in Annex 3.
29. Each CCM shall take the necessary measures to ensure that port transhipments by fishing vessels flying their flag shall take place only in designated ports in accordance with the obligations set out in Annex 3.
30. Each CCM shall take the necessary measures to ensure that transhipments or landings at its designated ports are restricted to vessels that comply with the WCPFC Transhipment Scheme.

SECTION 7: TRANSHIPMENTS OUTSIDE THE CONVENTION AREA OF CATCHES TAKEN WITHIN THE CONVENTION AREA

31. Each CCM shall take the necessary measures to fulfil their flag State responsibilities set out in Annex 3 when fishing vessels flying its flag tranship or land catches of highly migratory fish taken from within the Convention Area in ports or at sea outside the Convention Area.

32. CCMs, whose fishing vessels flying its flag tranship or land catches of highly migratory fish taken from within the Convention Area in ports outside the Convention Area, should encourage the port State to fulfil the port State requirements set out in Annex 3.

Annex 1. WCPFC Transshipment Declaration

See excel sheet.

Annex 2. Observers

WCPFC TRANSHIPMENT OBSERVER PROGRAMME

- i. Each CCM shall take the necessary measures to ensure that carrier vessels included in the Commission Record of Vessels and authorized to receive transshipments in the Convention area and which tranship at sea, to carry an observer during each transshipment operation in the Convention area, including the EEZs of Coastal States.
- ii. The Commission Secretariat shall appoint the observers through the WCPFC Regional Observer Programme and shall place them on board the carrier vessels authorized to receive transshipments in the Convention Area from authorised fishing vessels on the WCPFC Record of Fishing Vessels.
- iii. Prior to the establishment of the Regional Observer Programme, CCMs shall appoint national observers who shall meet the requirements of this Annex.

Designation of the observers

- iv. The designated observers shall have the following qualifications to accomplish their tasks:
 - a. sufficient experience to identify species and fishing gear;
 - b. satisfactory knowledge of the Commission's fisheries conservation and management measures;
 - c. the ability to observe and record accurately; and a
 - d. satisfactory knowledge of the language of the flag of the vessel observed.
- v. Observers shall:
 - a. have completed the technical training required by guidelines established by the Commission;
 - b. be nationals of one of the CCMs and, to the extent possible, not of the flag State of the receiving carrier vessel;
 - c. be capable of performing the duties set forth in point 5 below;
 - d. be included in the list of observers maintained by the Commission;
 - e. not be a crew member of a fishing boat or an employee of a fishing boat company.

Obligations of the observer

- vi. The observer's tasks shall be in particular to:
 - a. monitor the carrier vessel's compliance with the relevant conservation and management measure adopted by the Commission. In particular the observers shall:
 - i. record and report upon the transshipment activities carried out;
 - ii. verify the position of the vessel when engaged in transshipping;
 - iii. observe and estimate products transhipped;
 - iv. verify and record the name of the fishing vessel concerned and its number in the Commission's record of carrier vessels;
 - v. verify the data contained in the transshipment declaration;
 - vi. certify the data contained in the transshipment declaration;

- vii. countersign the transshipment declaration.
- b. issue a daily report of the carrier vessel's transshipping activities;
- c. establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information;
- d. submit to the Secretariat the aforementioned general report within 20 days from the end of the period of observation;
- e. exercise any other functions as defined by the Commission.
- vii. Observers shall treat as confidential all information with respect to the operations of the fishing vessel and of the fishing vessel's owners and accept this requirement in writing as a condition of appointment as an observer.
- viii. Observers shall comply with requirements established in the laws and regulations of the flag State which exercises jurisdiction over the vessel to which the observer is assigned.
- ix. Observers shall respect the hierarchy and general rules of behaviour which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel personnel set forth in paragraph 9 of this program.

Obligations of the Flag States of carrier vessels

- x. The responsibilities regarding observers of the flag States of the carrier vessels and their captains shall include the following, notably:
 - a. Observers shall be allowed access to the vessel personnel and to the gear and equipment;
 - b. Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in paragraph 5:
 - i. satellite navigation equipment;
 - ii. radar display viewing screens when in use;
 - iii. electronic means of communication;
 - c. Observers shall be provided accommodations, including lodging, food and adequate sanitary facilities, equal to those of officers;
 - d. Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties; and,
 - e. The flag States shall ensure that captains, crew and vessel owners do not obstruct, intimidate, interfere with, hinder influence, bribe or attempt to bribe an observer in the performance of his/her duties.

Obligations of the Commission Secretariat

- xi. The Secretariat, in a manner consistent with any applicable confidentiality requirements, is requested to provide to the flag State of the carrier vessel under whose jurisdiction the vessel transhipped and to the Flag CCMs of the fishing vessels, copies of all raw data, summaries, and reports pertaining to the trip.

- xii. The Secretariat shall submit the observer reports to the Technical and Compliance Committee (TCC).

Observer fees

- xiii. Prior to the establishment of the Regional Observer Programme, the cost of implementing observer coverage will be financed by the Flag State of the fishing vessel. These costs may be recovered through transshipment fees.
- xiv. Following the implementation of the Regional Observer Programme, the costs of implementing this observer program shall be in accordance with the Regional Observer Programme.

Annex 3. In Port Transshipments

- i. Transshipment operations in port may only be undertaken designated ports in accordance with the procedures detailed below.

Notification Obligations

Fishing Vessel:

- ii. Prior to transshipping, the Captain of the fishing vessel must notify the following information to the port state authorities, at least 48 hours in advance
 - a. the name of the purse seiner and its WCPFC Identification Number (WIN);
 - b. the name of the carrier vessel(s) and its WIN;
 - c. the product (to species level) to be transhipped and its estimated tonnage;
 - d. the date and location of transshipment;
 - e. the geographic location of the tuna catches
- iii. The Captain of the fishing vessel shall, at the time of the transshipment, inform its flag State of the following;
 - a. the products and quantities involved;
 - b. the date and location of transshipment;
 - c. the name, registration number, WIN and flag of the receiving carrier vessel(s);
 - d. the geographic location of the tuna catches.
- iv. The Captain of the fishing vessel shall complete and transmit to its flag State the WCPFC Transshipment Declaration, along with its WIN, in accordance with the format set out in Annex B, no later than 15 days after the transshipment.

Receiving Carrier Vessels:

- v. Not later than 24 hours before the beginning and at the end of the transshipment, the Master of the receiving carrier vessel shall inform the port State authorities of the quantities of catches of tuna and tuna like species transhipped to their vessel, and complete and transmit the WCPFC transshipment declaration to the WCPFC Executive Secretary and the flag State CCM of the fishing vessel, along with the carrier vessel's WIN, within 24 hours.
- vi. the Master of the receiving carrier vessel shall, 48 hours before landing, complete and transmit a WCPFC transshipment declaration along with its WIN to the competent authorities of the landing State where the landing takes place.

Port/Landing State:

- vii. The Port State and the Landing State referred to in the above paragraphs shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag CCM of the fishing vessel to ensure that landings are consistent with reported catches amount of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.
- viii. Each flag CCM of the fishing vessel shall include in its annual report to the Commission the details on the transshipments by its vessels.