



**COMMISSION**  
**Twenty-First Regular Session**  
28 November to 3 December 2024  
Suva, Fiji (Hybrid)

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**Transshipment IWG Update**

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**WCPFC21-2024-18**  
**13 November 2024**

**Submitted by the TS-IWG Co-Chairs**

Dear TS-IWG,

As we all prepare for WCPFC21 in Suva, your TS-IWG co-Chairs thank everyone for their patience.

We've attached four documents for your consideration:

1. Negotiating Text to Amend CMM 2009-06 Onscreen at WCPFC21 (same as was on screen at end of TCC20 with post-TCC comments from co-Chairs)
2. Track-changed comparison of the Negotiating Text with CMM 2009-06
3. Draft Audit Points Checklist.
4. TS-IWG draft recommendations to the Commission at WCPFC21

**Members should provide any feedback or comments on any documents to the co-Chairs at [ftngwango@fisheries.gov.vu](mailto:ftngwango@fisheries.gov.vu) and [alex.kahl@noaa.gov](mailto:alex.kahl@noaa.gov). Any feedback or comments will be circulated to members by the co-Chairs on a rolling basis.**

Documents 1 and 2 are similar to what was circulated during TS-IWG meetings on the margins of TCC20, and should look familiar. The Onscreen Negotiating Text contains additional comments from your co-Chairs to guide further discussion.

Documents 3 is required to be submitted for any new proposed obligations and are a good faith effort by your co-Chairs fulfill the checklist. The table at the end of the checklist provides suggestions for aligning existing audit points with proposed revisions to the CMM text. The table also highlights two potential new obligations wherein members may need to consider the necessity of audit points. Another

interesting detail from the table is to note that no audit points or obligations were removed – ensuring the proposed CMM does not weaken transshipment oversight and regulation in the convention area.

Document 4 is the same preliminary text circulated via email during TCC20 and requires review and input from members – especially if the Commission adopts a revised transshipment CMM at WCPFC21 and the TS-IWG considers making recommendations to other IWGs or the Commission itself.

Finally, given the extensive discussions around CMM 2009-06 paragraph 34 (paragraph 31 in the negotiating text) TS-IWG members will need to collectively analyze and discuss the 2013-06 effects of the revised CMM if proposed text is agreed before, or at, WCPFC21.

Depending on feedback received in the coming weeks, your co-Chairs will likely seek time for the TS-IWG to meet in-person at WCPFC21.

Thank you,

Felix and Alex

**DOCUMENT 1: REVISED DRAFT NEGOTIATING TEXT TO AMEND CMM  
2009-06**



CONSERVATION AND MANAGEMENT MEASURE ON THE  
REGULATION OF TRANSHIPMENT

Conservation and Management Measure 2024-XX<sup>1</sup>

The Commission for the Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean,

*Acknowledging* that effective conservation and management of highly migratory fish stocks is dependent on the provision of accurate reporting of catches of such stocks in the Convention Area;

*Recognizing* that transshipment at sea is a common global practice, but that unregulated and unreported transshipment of catches of highly migratory fish stocks at sea, in particular on the high seas, contributes to distorted reporting of catches of such stocks and supports IUU fishing in the Convention Area;

*Recalling* Article 29(1) of the Convention which provides that in order to support efforts to ensure accurate reporting of catches, the members of the Commission shall encourage their fishing vessels, to the extent practicable, to conduct transshipment in port.

*Recalling* also Article 29(2) and (3) of the Convention that transshipment at a port or in an area within waters under the national jurisdiction of a member of the Commission shall take place in accordance with applicable national laws, and 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 transshipment covered by the Convention has been completed;

*Recalling* further Article 29(4) of the Convention that Transshipment at sea in the Convention Area beyond areas under national jurisdiction shall take place only in accordance with the terms and conditions set out in article 4 of Annex III to the Convention, and any procedures

<sup>1</sup> The Commission agreed at WCPFC15 (2018) to include a footnote to Annex I and Annex III to reflect the adoption of the WCPFC E-reporting Standards for high seas transshipment declarations and high seas transshipment notices. A template was also agreed for paragraph 11 annual reports.

**Commented [A1]:** In the last sentence of the footnote, this may need to reference Annex II Annual Reports, rather than paragraph 11. Welcome members' review and input.

**Bold is provisionally agreed.**

To be updated for consistency upon adoption.

Substantive clarification proposed for adoption if not explicitly opposed and/or new edit suggestions

Co-Chairs' proposed path forward

established by the Commission pursuant to Article 29(3). Such procedures shall take into account the characteristics of the fishery concerned;

*Recalling further* that Article 29(5) of the Convention 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;

*Recognizing* the importance of economic benefits from port operations to Small Island Developing State CCMs;

*Noting* that those CCMs with a real interest in undertaking monitoring, control and surveillance activities in the high seas require access to information about transshipment activities in the convention area before they occur.

*Desiring* to establish procedures to obtain and verify data on the quantity and species transhipped in the Convention Area to ensure accurate reporting of catches, and enhance stock assessments of highly migratory fish stocks.

Adopts in accordance with Article 10 of the WCPFC Convention:

#### SECTION 1 – GENERAL RULES

1. The provisions of this Measure shall apply to all transshipment in the Convention Area of all highly migratory fish stocks covered by the Convention. CCMs that tranship outside the Convention Area highly migratory fish stocks covered by the Convention taken in the Convention Area shall provide the information related to those activities, as required in paragraphs **8-11, 38, 39, and 40**. Highly migratory fish stocks covered by the Convention shall not be transhipped at sea by purse seine vessels outside the Convention Area consistent with paragraph 25 of this measure.
2. The provisions of this Measure shall not apply to transshipment of highly migratory fish stocks where fish is taken and transhipped wholly in archipelagic waters or territorial seas.
3. Transshipment in a port or in waters under the national jurisdiction of a CCM shall take place in accordance with applicable national laws. With the exception of Section 2 (which applies article 29(5) of the Convention), nothing in this Measure shall prejudice the application of national laws when transshipment occurs in areas under the national jurisdiction of a CCM, including the application of more stringent requirements.
4. A CCM may notify the Executive Director of its designated port or ports for transshipment. ~~The Secretariat Executive Director shall circulate periodically to all members~~ **maintain a publicly available list of such designated ports on its website.** "Port" includes offshore

**Commented [A2]:** Administrative modernization of the CMM to reduce burden on ED and improve available information for members.

**Bold is provisionally agreed.**

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Co-Chairs' proposed path forward

terminals and other installations for landing, transshipping, processing, refuelling or resupplying;

5. Nothing in this Measure shall derogate the obligations on flag states to ensure compliance by vessels flying their flag while operating on the high seas. Each CCM shall take necessary measures to ensure that vessels flying its flag comply with this Measure.
6. For the purposes of this Measure, CCMs are responsible for reporting against vessels flying their flag except where the vessel is operated under charter, lease or other similar mechanisms, as an integral part of the domestic fleet of a coastal state in the Convention Area. In such case, the chartering state shall be the CCM responsible for reporting against the vessel.
7. Pursuant to paragraph 6, chartering CCMs and flag CCMs will cooperate for the appropriate management of the vessel to ensure compliance.

**7.bis** Fishing vessels must be identified on the WCPFC Record of Fishing Vessels (RFV) as authorised to tranship to be able to tranship pursuant to this measure.

8. A WCPFC Transshipment Declaration, including the information set out in Annex I shall be completed by both the offloading and receiving vessel for each transshipment in the Convention Area, and each transshipment of catch taken in the Convention Area. The Transshipment Declaration shall be sent to the Secretariat electronically<sup>[2]</sup> (preferably) in accordance with the WCPFC E-reporting standards for high seas transshipment.
9. CCMs shall report on all transshipment activities covered by this Measure (including transshipment activities that occur in ports or EEZs) as part of their Annual Report in accordance with the guidelines at Annex II. In doing so, CCMs shall take all reasonable steps to validate and where possible, correct information received from vessels undertaking transshipment using all available information such as carrier daily activity logs, catch and effort data, position data, observer reports, electronic monitoring data, and port monitoring data.
10. Notices to the Secretariat under paragraphs 24 and 35.a.iii shall be given via a means of two-way communication by data (e.g., telex, facsimile, email) electronically (preferably) in accordance with the WCPFC E-reporting standards for high seas transshipment. The CCMs responsible for reporting against both the offloading and receiving vessels are responsible for providing notices, but may authorise the vessel or the vessel operator to provide notices directly. Notices must include the information set out in Annex III.

**Commented [A3]:** 7.bis seems fundamental to strong MCS of transshipment activity in the Convention Area. If a member is concerned with this provision, it would be helpful to understand circumstances wherein an unauthorized vessel should be able to transship with the Convention Area.

**Commented [A4]:** Proposed during TCC20. TS-IWG seemed inclined to support. Unless there is strong concern, footnote 2 could become bold with no highlight.

<sup>2</sup> [For the purpose of this CMM, "electronically" includes e-mail communication.]

**Bold is provisionally agreed.**

To be updated for consistency upon adoption.

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Co-Chairs' proposed path forward

**[10bis.]** *Where the geographic location of the highly migratory fish stock catches, reported in Annexes I or III, is reported from the EEZ of a CCM, the Secretariat will provide the relevant Coastal CCM with the transhipment declaration and notices for verification purposes]*

**11.** Each CCM shall ensure that vessels they are responsible for shall carry a WCPFC Regional Observer Programme (ROP) to observe transhipments at sea [on both the receiving vessel and where practicable, also on the offloading vessel] **[as follows:**

**a.** ~~for transhipments to receiving vessels less than or equal to 33 meters in length, and not involving purse seine caught fish or frozen longline caught fish, 100% observer coverage starting on the effective date of this Measure, with the observer(s) deployed on either the offloading vessel or receiving vessel;~~

**b.** ~~for transhipments other than those covered by subparagraph (a) and involving only troll caught or pole and line caught fish, 100% observer coverage starting 1 January 2013, with the observer(s) deployed on the receiving vessel.~~

**c.** ~~for transhipments other than those covered by subparagraphs (a) and (b), 100% observer coverage starting on the effective date of this Measure, with the observer(s) deployed on the receiving vessel.]~~

**12.** Observers shall monitor implementation of this Measure and collect the **Minimum Data Fields (MDF) for Observer Transhipment Monitoring**. **The MDF for Observer Transhipment Monitoring shall be submitted electronically to the Secretariat, in accord with the ROP Agreed Minimum Standards and Guidelines. ROP Observers shall also** confirm to the extent possible that the transhipped quantities of fish are consistent with other information available to the observer, which may include:

- a. the catch reported in the WCPFC Transhipment Declaration;
- b. data in catch and effort logsheets, including catch and effort logsheets reported to coastal States for fish taken in waters of such coastal States;
- c. vessel position data; and
- d. the intended port of landing

**13.** Observers shall have full access to both the unloading and the receiving vessel in order to ensure that proper verification of catches can occur. The Commission shall develop guidelines for the safety of observers in moving between vessels as part of the ROP.

**Commented [A5]:** 10bis does not require additional vessel, flag state, or CCM reporting. 10bis would be implemented by the Secretariat using existing reports, in accordance with WCPFC data rules. Welcome members' input on whether to move to bold or remove.

**Commented [A6]:** Some members are interested in a path forward for observing transhipment on both vessels, with EM on one vessel complementing a human observer on the other. Can members' identify a glidepath to implementing multi-observer requirement, to include EM?

**Bold is provisionally agreed.**

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Co-Chairs' proposed path forward

14. Receiving vessels shall only receive product from one unloading vessel at a time for each observer that is available to monitor the transshipment.
15. **In assisting members in verifying transshipment events and completeness of Secretariat VMS data, the Secretariat is tasked to, in cooperation with relevant CCMs, on a regular basis provide reported information including VMS analysis to validate high seas transshipment reporting by vessels. This work will begin immediately and key findings summarized by the Secretariat in its annual transshipment report to the Commission.**
16. Any scheme or process developed and agreed by the Commission for the cross endorsement of observers from other RFMOs as part of the ROP shall apply to this measure.
17. The Commission shall provide appropriate financial and technical assistance to developing states, in particular small island developing states, in the implementation of this Measure including in accordance to Article 30.
18. The measure shall be reviewed periodically in response to other measures and decisions taken by the Commission and taking into account the implementation of this and other measures.
19. CCMs shall **prohibit its flagged vessels from transshipping** to or from a vessel *that is not on the WCPFC RFV* ~~to a non-CCM~~.
20. Unless otherwise stated, the restrictions in this measure shall not prevent a vessel from transshipping in cases of force majeure or serious mechanical breakdown that could threaten the safety of the crew or result in a significant financial loss though fish spoilage.
21. In such cases, the **Secretariat** must be notified of the transshipment and the circumstances giving rise to the force majeure within 12 hours of the completion of transshipment. The CCMs responsible for each vessel shall provide the **Secretariat** with a WCPFC Transshipment Declaration consistent with the requirement under paragraph **8** within **10** days of the transshipment.

## SECTION 2 – TRANSHIPMENT FROM PURSE SEINE FISHING VESSELS

22. In accordance with Article 29 (5) of the Convention, transshipment at sea by purse seine vessels shall be prohibited except in respect of exemptions granted by the Commission for:
  - a. existing group seine operations composed of small purse seine boats (fish hold capacity of 600 mt or less) flagged to Papua New Guinea and Philippines that meet the following conditions:

**Commented [A7]:** This is a domestic implementation obligation on the CCM. Are there instances where an unauthorized vessel would be involved in transshipment covered by this CMM? If not, perhaps we can accept this provision. If so, can we modify the text to allow for such circumstances?

- i. operate in tandem with freezer carrier boat/s to freeze the catch or if operating closer to base with ice carrier boat/s to store the fish,
    - ii. operate as one group together with their support vessels such as freezer carrier boat/s and/or ice carrier boat/s.
    - iii. undertake transshipment when refrigerated or other ice carrier boats dock alongside catcher boats and tranship fish from the catcher boats
  - b. transshipment activities involving New Zealand flagged domestic purse-seine vessels where the fishing activity, transshipment and landing of fish all take place within New Zealand fisheries waters in accordance with New Zealand's existing legal and operational framework for monitoring and control of transshipment activity and the verification of catch.
23. CCMs seeking to apply an exemption for a vessel(s) that meets the conditions set out in paragraph 25, shall submit a written request to the Executive Director by 1 July of a given year that includes, at a minimum, the following information:
  - a. Details about the vessel(s) as they are required to appear on the WCPFC Record of Fishing Vessels under CMM **2018-06** (or its replacement CMM);
  - b. The vessel's history of prior transshipment exemptions,
  - c. The main species and product forms that would be transhipped,
  - d. The areas where transshipments would take place, to as much detail as possible,
  - e. The period of exemption being requested, and
  - f. An explanation for the exemption request.
24. The Executive Director shall compile all requests for transshipment exemptions and circulate them to all CCMs at least 30 days in advance of the regular annual session of the Technical and Compliance Committee (TCC). The TCC shall review the requests and make recommendations to the Commission regarding the application of the exemptions in paragraph 26.
25. Taking into account the recommendations of the TCC, the Commission, during its regular annual session, shall consider each request and may adopt exemptions in accordance with Article 29(5) of the Convention. The Commission may attach to each granted exemption any conditions or requirements that it determines necessary to achieve the objectives of the

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Convention, such as limitations on areas, time periods or species, the fishing vessels that may be transhipped to, and any additional requirements necessary for the purposes of monitoring, control and surveillance.

26. CCMs shall only authorize those purse seine vessels that have received an exemption by the Commission to engage in transshipment outside of port. CCMs shall issue vessel-specific authorizations outlining any conditions or requirements identified by the Commission or CCM, and shall require that vessel operators carry such authorizations on board at all times.
27. The flag State CCM of any such authorized purse-seine vessel that is required to be on the WCPFC **RFV** shall notify the Executive Director that the vessel is authorized to engage in transshipment outside of port, in accordance with the Commission-granted exemption and shall indicate in such notification any limitations, conditions or requirements on its authorization.
28. The Executive Director shall maintain and make publicly available, including on the Commission's website, the list of purse seine vessels that have been granted exemptions and are authorized to tranship outside of port, as well as any corresponding conditions or provisions attached to their exemption.
29. All purse seine vessels, including those that receive an exemption to tranship at sea under the process described in paragraphs 26 to 30 shall be prohibited from commencing transshipping on the high seas in the Convention Area.

### SECTION 3 – TRANSHIPMENT FROM FISHING VESSELS OTHER THAN PURSE SEINE VESSELS

30. Transshipment from longline, troll and pole and line fishing vessels in national waters shall be managed in accordance with relevant domestic laws and procedures pursuant to paragraph 4.
31. There shall be no transshipment on the high seas except where [a CCM] in consultation with the Commission has determined, in accordance with the guidelines described in paragraph 37 below, that it is impracticable for certain vessels that it is responsible for to operate without being able to tranship on the high seas, and has advised the Commission of such.
32. Where transshipment does occur on the high seas, the CCMs responsible for reporting against both the offloading and receiving vessels shall, as appropriate:
  - a) advise the Commission of its procedures for monitoring and verification of the transshipments;
  - b) indicate vessels to which the determinations apply.

**Commented [A8]:** Members need to find a path forward on paragraph 31 that modernizes the determination of impracticability. One member has proposed an economic analysis to support the determination. If members consider such an analysis, it would need to take into account the characteristics of the fishery concerned (per Article 29(4) of the Convention).

**Commented [A9]:** Does the Commission advise itself? If not, and if paragraph 31 could be agreed to include the proposed "consultation with the Commission", this text seems to keep the act of advising the Commission with the CMM asserting impracticability.

**Bold is provisionally agreed.**

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Substantive clarification proposed for adoption if not explicitly opposed and/or new edit suggestions

Co-Chairs' proposed path forward

- c) **Electronically** notify the information in Annex III to the **Secretariat** at least 36 hours prior to each transshipment. ,
  - d) **Electronically** provide the **Secretariat** with WCPFC Transshipment Declaration **information in Annex I** within **10** days of completion of each transshipment<sup>3</sup>; and
  - e) Submit to the Commission a plan detailing what steps it is taking to encourage transshipment to occur in port in the future.
33. The Commission, through the TCC, shall review the application of the exemptions by relevant CCMs after a period of 3 years and every 2 years thereafter to establish whether monitoring and verification has been effective. After review, the Commission may prohibit transshipment on the high seas by any vessel or vessels in relation to which monitoring and verification of transshipment on the high seas is proven to have been ineffective, or establish or vary any conditions for transshipping on the high seas.
34. CCMs shall use the following guidelines when determining the practicability of high seas transshipments
- a. The prohibition of transshipment in the high seas would cause a significant economic hardship, which would be assessed in terms of the cost that would be incurred to tranship [or land fish] at feasible and allowable locations other than on the high seas, as compared to total operating costs, net revenues, or some other meaningful measure of costs and/or revenues; and
  - b. The vessel would have to make significant and substantial changes to its historical mode of operation as a result of the prohibition of transshipment in the high seas;
35. **As appropriate**, the Commission shall consider whether to prohibit transshipment in areas of high seas in the Convention Area entirely surrounded by the exclusive economic zones of members of the Commission and Participating Territories. This consideration will include a review of the catch and effort reported for fishing vessels in these areas, the information from Transshipment Declarations in these areas and the role of the areas in supporting IUU activities.

**Commented [A10]:** Default is to retain this original text if no agreement can be reached.

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<sup>3</sup> The CCM may authorize its vessels to provide the declaration to the Secretariat.

#### ANNEX I<sup>4</sup>

##### INFORMATION TO BE INCLUDED IN WCPFC TRANSHIPMENT DECLARATION

1. A unique document identifier
2. the name of the fishing vessel, **IMO**, and its WIN,
3. the name of the carrier vessel, **IMO**, and its WIN
4. the fishing gear used to take the fish
5. the quantity of product<sup>5</sup> (including species and its processed state<sup>6</sup>) to be transhipped
6. the state of fish (fresh or frozen)
7. the quantity of by-product<sup>7</sup> to be transhipped,
8. the geographic location<sup>8</sup> of the highly migratory fish stock catches
9. the date [(UTC)], start time [(UTC)], stop time [(UTC)], and location<sup>9</sup> of the transhipment<sup>8</sup>
10. If applicable, the name and signature of the WCPFC observer

**Commented [A11]:** Edit by co-Chairs in the footnote to remove "time" which is redundant to the use of "UTC".

<sup>4</sup> CCMs shall submit information required in Annex I or in accordance with WCPFC E-reporting Standards for high seas transhipment declarations and high seas transhipment notices.

<sup>5</sup> Tuna and tuna-like species

<sup>6</sup> Whole; gutted and headed; gutted, headed and tailed; gutted only, not gilled; gilled and gutted; gilled, gutted and tailed; shark fins.

<sup>7</sup> Non tuna and tuna-like species

<sup>8</sup> Geographic location of catch means sufficient information to identify what proportion of the catch was taken in the following areas: High seas, outside the WCPFC Convention Area, EEZs (listed separately). Location of catches not required for receiving vessel.

<sup>9</sup> [Record date, start time, and stop time- of transhipment in both the ship's time and the UTC time at the same time.] Location of transhipment is to be in decimal Latitude and Longitude to the nearest 0.1 degrees and accompanied by a description of the location, such as high seas, outside the convention area or within a named EEZ.

**Bold is provisionally agreed.**

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Co-Chairs' proposed path forward

11. The quantity of product already on board the receiving vessel and the geographic origin<sup>10</sup> of that product.

11bis. The quantity of product retained on board the offloading vessel following a transshipment and the geographic origin of that product. {additional suggestion received from NZ}

12. Did ~~non-[catch]~~ ~~[non-fish]~~ transfer occur? ("yes" or "no")

**Commented [A12]:** Presumably, this Annex I declaration is only submitted when catch is transferred. Accordingly, if members seek to have vessels report whether non-catch was also transferred between vessels during the event, this may be a better framing. If members cannot reach agreement on this text, suggest developing a TS-IWG recommendation to WCPFC21 for the ER&EM or or IWG-ROP to take this on.

<sup>10</sup> The origin of product shall be reported by RFMO area and will include the quantity of product from each different area.

## ANNEX II

### TRANSHIPMENT INFORMATION TO BE REPORTED ANNUALLY BY CCMs

Each CCM shall include in Part 1 of its Annual Report to the Commission:

- (1) the total quantities, by weight, of highly migratory fish stocks covered by this measure that were transhipped by fishing vessels the CCM is responsible for reporting against, with those quantities broken down by:
  - a. offloaded and received;
  - b. transhipped in port, transhipped at sea in areas of national jurisdiction, and transhipped beyond areas of national jurisdiction;
  - c. transhipped inside the Convention Area and transhipped outside the Convention Area;
  - d. caught inside the Convention Area and caught outside the Convention Area;
  - e. species;
  - f. product form; and
  - g. fishing gear used
- (2) the number of transhipments involving highly migratory fish stocks covered by this measure by fishing vessels that is responsible for reporting against, broken down by:
  - a. offloaded and received;
  - b. transhipped in port, transhipped at sea in areas of national jurisdiction, and transhipped beyond areas of national jurisdiction;
  - c. transhipped inside the Convention Area and transhipped outside the Convention Area;
  - d. caught inside the Convention Area and caught outside the Convention Area; and
  - e. fishing gear.

**Bold is provisionally agreed.**

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Co-Chairs' proposed path forward

### ANNEX III<sup>11</sup>

#### INFORMATION TO BE INCLUDED IN NOTICES TO THE SECRETARIAT

1. the name, **IMO**, and WCPFC Identification Number (WIN) of the offloading vessel,
2. the name, **IMO**, and WIN of the receiving vessel,
3. the product (including species and its processed state) to be transhipped,
4. the tonnage by product to be transhipped,
5. the date ~~[(UTC)]~~, start time ~~[(UTC)]~~, stop time ~~[(UTC)]~~, estimated or proposed location<sup>12</sup> of transhipment (latitude and longitude to a tenth of a degree with a margin of error of 24 nautical miles), and
6. the geographic location of the highly migratory fish stock catches<sup>13 14</sup>
7. ~~[[Did non fish] transfer occur? ("yes" or "no")]~~

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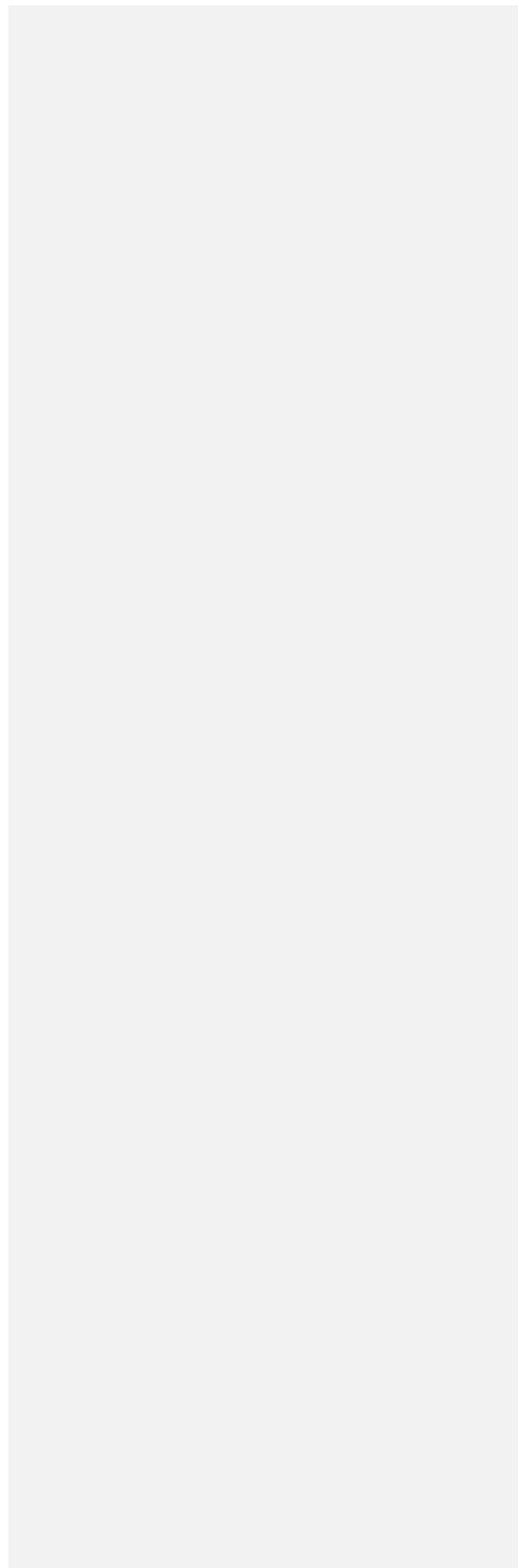
<sup>11</sup> CCMs shall submit information required in Annex III or in accordance with WCPFC E-reporting Standards for high seas transhipment declarations and high seas transhipment notices.

<sup>12</sup> Location of transhipment is to be in decimal Latitude and Longitude to the nearest 0.1 degrees with a margin of error of 24 nautical miles and accompanied by a description of the location, such as high seas, outside the convention area or within a named EEZ. Notice can be updated if location changes.

<sup>13</sup> Not required for receiving vessels

<sup>14</sup> Geographic location of catch means sufficient information to identify what proportion of the catch was taken in the following areas: High seas, outside the WCPFC Convention Area, EEZs (listed separately). Location of catches not required for receiving vessel.

**DOCUMENT 2: TRACK-CHANGED COMPARISON OF THE NEGOTIATING  
TEXT WITH CMM 2009-06**





CONSERVATION AND MANAGEMENT MEASURE ON THE  
REGULATION OF TRANSHIPMENT

Conservation and Management Measure ~~2009-06~~2024-XX<sup>1</sup>

The Commission for the Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean,

*Acknowledging* that effective conservation and management of highly migratory fish stocks is dependent on the provision of accurate reporting of catches of such stocks in the Convention Area;

*Recognizing* that transshipment at sea is a common global practice, but that unregulated and unreported transshipment of catches of highly migratory fish stocks at sea, in particular on the high seas, contributes to distorted reporting of catches of such stocks and supports IUU fishing in the Convention Area;

*Recalling* Article 29(1) of the Convention which provides that in order to support efforts to ensure accurate reporting of catches, the members of the Commission shall encourage their fishing vessels, to the extent practicable, to conduct transshipment in port.

*Recalling* also Article 29(2) and (3) of the Convention that transshipment at a port or in an area within waters under the national jurisdiction of a member of the Commission shall take place in accordance with applicable national laws, and 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 transshipment covered by the Convention has been completed;

*Recalling* further Article 29(4) of the Convention that Transshipment at sea in the Convention Area beyond areas under national jurisdiction shall take place only in accordance with the

<sup>1</sup> The Commission agreed at WCPFC15 (2018) to include a footnote to Annex I and Annex III to reflect the adoption of the WCPFC E-reporting Standards for high seas transshipment declarations and high seas ~~transshipment~~transshipment notices. A template was also agreed for paragraph 11 annual reports.

**Commented [A1]:** In the last sentence of the footnote, this may need to reference Annex II Annual Reports, rather than paragraph 11. Welcome members' review and input.

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terms and conditions set out in article 4 of Annex III to the Convention, and any procedures established by the Commission pursuant to Article 29(3). Such procedures shall take into account the characteristics of the fishery concerned;

*Recalling further* that Article 29(5) of the Convention prohibits transshipping 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;

*Recognizing* the importance of economic benefits from port operations to Small Island Developing State CCMs;

*Noting* that those CCMs with a real interest in undertaking monitoring, control and surveillance activities in the high seas require access to information about transshipment activities in the convention area before they occur.

*Desiring* to establish procedures to obtain and verify data on the quantity and species transhipped in the Convention Area to ensure accurate reporting of catches, and enhance stock assessments of highly migratory fish stocks.

Adopts in accordance with Article 10 of the WCPFC Convention:

#### **SECTION 1 – GENERAL RULES**

- ~~1.~~ This measure shall commence as soon as possible and no later than July 1, 2010<sup>2</sup>.
- ~~2.1.~~ The provisions of this Measure shall apply to all transshipment in the Convention Area of all highly migratory fish stocks covered by the Convention. CCMs that tranship outside the Convention Area highly migratory fish stocks covered by the Convention taken in the Convention Area shall provide the information related to those activities, as required in paragraphs ~~10,~~ **8-11, 38, 39, and 40**. Highly migratory fish stocks covered by the Convention shall not be transhipped at sea by purse seine vessels outside the Convention Area consistent with paragraph 25 of this measure.
- ~~3.2.~~ The provisions of this Measure shall not apply to transshipment of highly migratory fish stocks where fish is taken and transhipped wholly in archipelagic waters or territorial seas.
- ~~4.3.~~ Transshipment in a port or in waters under the national jurisdiction of a CCM shall take place in accordance with applicable national laws. With the exception of Section 2 (which applies article 29(5) of the Convention), nothing in this Measure shall prejudice the

<sup>2</sup> Except paragraph 13(c) this Measure shall enter into effect 1 January 2011.

application of national laws when transshipment occurs in areas under the national jurisdiction of a CCM, including the application of more stringent requirements.

5.4. A CCM may notify the Executive Director of its designated port or ports for transshipment. ~~The Executive Director~~ Secretariat shall circulate periodically to all members maintain a publicly available list of such designated ports on its website. "Port" includes offshore terminals and other installations for landing, transshipping, processing, refuelling or resupplying;

**Commented [A2]:** Administrative modernization of the CMM to reduce burden on ED and improve available information for members.

6.5. Nothing in this Measure shall derogate the obligations on flag states to ensure compliance by vessels flying their flag while operating on the high seas. Each CCM shall take necessary measures to ensure that vessels flying its flag comply with this Measure.

7.6. For the purposes of this Measure, CCMs are responsible for reporting against vessels flying their flag except where the vessel is operated under charter, lease or other similar mechanisms, as an integral part of the domestic fleet of a coastal state in the Convention Area. In such case, the chartering state shall be the CCM responsible for reporting against the vessel.

8.7. Pursuant to paragraph 7.6, chartering CCMs and flag CCMs will cooperate for the appropriate management of the vessel to ensure compliance.

9. For a carrier vessel that is flagged to a non-CCM and is included on the WCPFC Interim Register of non-Member Carrier and Bunker Vessels, the vessel master shall be responsible for reporting against the vessel unless it is operating under a charter arrangement.

7.bis Fishing vessels must be identified on the WCPFC Record of Fishing Vessels (RFV) as authorised to tranship to be able to tranship pursuant to this measure.

**Commented [A3]:** 7.bis seems fundamental to strong MCS of transshipment activity in the Convention Area. If a member is concerned with this provision, It would be helpful to understand circumstances wherein an unauthorized vessel should be able to transship with the Convention Area.

10.8. A WCPFC Transshipment Declaration, including the information set out in Annex I shall be completed by both the offloading and receiving vessel for each transshipment in the Convention Area, and each transshipment of catch taken in the Convention Area. Where required in this Measure the Transshipment Declaration shall be sent to the Executive Director Secretariat electronically<sup>3</sup> (preferably) in accordance with the WCPFC E-reporting standards for high seas transshipment.

**Commented [A4]:** Proposed during TCC20. TS-IWG seemed inclined to support. Unless there is strong concern, footnote 2 could become bold with no highlight.

11.9. CCMs shall report on all transshipment activities covered by this Measure (including transshipment activities that occur in ports or EEZs) as part of their Annual Report in accordance with the guidelines at Annex II. In doing so, CCMs shall take all reasonable steps

<sup>3</sup> For the purpose of this CMM, "electronically" includes e-mail communication.

to validate and where possible, correct information received from vessels undertaking transshipment using all available information such as **carrier daily activity logs**, catch and effort data, position data, observer reports, **electronic monitoring data**, and port monitoring data.

~~12.10.~~ Notices to the ~~Executive Director~~ Secretariat under paragraphs **24 and 35**.a.iii shall be given ~~[via a means of two way communication by data (e.g., telex, facsimile, email).]~~ **electronically (preferably) in accordance with the WCPFC E-reporting standards for high seas transshipment.** The CCMs responsible for reporting against both the offloading and receiving vessels are responsible for providing notices, but may authorise the vessel or the vessel operator to provide notices directly. Notices must include the information set out in Annex III.

~~10bis.~~ *Where the geographic location of the highly migratory fish stock catches, reported in Annexes I or III, is reported from the EEZ of a CCM, the Secretariat will provide the relevant Coastal CCM with the transshipment declaration and notices for verification purposes.*

~~13.11.~~ Each CCM shall ensure that vessels they are responsible for **shall** carry observers from the ~~a~~ WCPFC Regional Observer Programme (ROP) to observe transshipments at sea ~~[on both the receiving vessel and where practicable, also on the offloading vessel]]~~ **as follows:**

~~a.~~ **for transshipments to receiving vessels less than or equal to 33 meters in length, and not involving purse seine caught ~~seine caught~~ fish or frozen longline caught ~~longline caught~~ fish, 100% observer coverage starting on the effective date of this Measure, with the observer(s) deployed on either the offloading vessel or receiving vessel;**

~~b.~~ **for transshipments other than those covered by subparagraph (a) and involving only troll caught or pole and line caught fish, 100% observer coverage starting 1 January 2013, with the observer(s) deployed on the receiving vessel.**

~~c.~~ **for transshipments other than those covered by subparagraphs (a) and (b), 100% observer coverage starting on the effective date of this Measure, with the observer(s) deployed on the receiving vessel.**

~~14.12.~~ Observers shall monitor implementation of this Measure and **collect the Minimum Data Fields (MDF) for Observer Transshipment Monitoring. The MDF for Observer Transshipment Monitoring shall be submitted electronically to the Secretariat, in accord with the ROP Agreed Minimum Standards and Guidelines. ROP Observers shall also** confirm to the extent possible that the ~~transhipped~~ transhipped quantities of fish are consistent with other information available to the observer, which may include:

**Commented [A5]:** 10bis does not require additional vessel, flag state, or CCM reporting. 10bis would be implemented by the Secretariat using existing reports, in accordance with WCPFC data rules. Welcome members' input on whether to move to bold or remove.

**Commented [A6]:** Some members are interested in a path forward for observing transshipment on both vessels, with EM on one vessel complementing a human observer on the other. Can members identify a glidepath to implementing multi-observer requirement, to include EM?

- a. the catch reported in the WCPFC ~~Transshipment~~ Transshipment Declaration;
- b. data in catch and effort logsheets, including catch and effort logsheets reported to coastal States for fish taken in waters of such coastal States;
- c. vessel position data; and
- d. the intended port of landing-

~~15-13.~~ 15-13. Observers shall have full access to both the unloading and the receiving vessel in order to ensure that proper verification of catches can occur. -The Commission shall develop guidelines for the safety of observers in moving between vessels as part of the ROP.

~~16-14.~~ 16-14. Receiving vessels shall only receive product from one unloading vessel at a time for each observer that is available to monitor the transshipment.

**15. In assisting members in verifying transshipment events and completeness of Secretariat VMS data, the Secretariat is tasked to, in cooperation with relevant CCMs, on a regular basis provide reported information including VMS analysis to validate high seas transshipment reporting by vessels. This work will begin immediately and key findings summarized by the Secretariat in its annual transshipment report to the Commission.**

~~17-16.~~ 17-16. Any scheme or process developed and agreed by the Commission for the cross endorsement of observers from other RFMOs as part of the ROP shall apply to this measure.

~~18-17.~~ 18-17. The Commission shall provide appropriate financial and technical assistance to developing states, in particular small island developing states, in the implementation of this Measure including in accordance to Article 30.

~~19-18.~~ 19-18. The measure shall be reviewed periodically in response to other measures and decisions taken by the Commission and taking into account the implementation of this and other measures.

#### **1A Transshipment to and from non-CCM Vessels**

~~20.~~ 20. CCMs shall take measures to ensure that **prohibit its flagged vessels do not tranship from transshipping** to or from a vessel ~~flagged to a non-CCM unless that vessel~~ that is authorized by a decision of the Commission, such as:

~~21-19.~~ 21-19. a non-CCM carrier vessel that is not on the WCPFC Interim Register of non-CCM Carrier

**Bold is provisionally agreed.**

To be updated for consistency upon adoption.

Substantive clarification proposed for adoption if not explicitly opposed and/or new edit suggestions

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and Bunker Vessels established under CMM 2009-01; or RFV ~~to a non-CCM~~.

- a. a non-CCM fishing vessel that is licensed to fish in the EEZ of a CCM in accordance with a decision of the Commission.

22. To retain any authorisation from the Commission relevant to paragraph 20, a non-CCM vessel shall not tranship to or from a non-authorized non-CCM vessel.

23. In cases where transhipment involves a non-CCM vessel specified in paragraph 18 ~~20~~.a, any required communications to the Executive Director, including pre-transhipment notices and transhipment declarations that are required under various sections of this measure, shall be responsibility of the vessel master of the carrier vessel or chartering CCM.

#### **1B Force Majeure or Serious Mechanical Breakdown**

24.20. Unless otherwise stated, the restrictions in this measure shall not prevent a vessel from transhipping in cases of force majeure or serious mechanical breakdown that could threaten the safety of the crew or result in a significant financial loss though fish spoilage.

25.21. In such cases, the Executive Director ~~Secretariat~~ must be notified of the transhipment and the circumstances giving rise to the force majeure within 12 hours of the completion of transhipment. The CCMs responsible for each vessel shall provide the Executive Director ~~Secretariat~~ with a WCPFC Transhipment Declaration consistent with the requirement under paragraph 10 ~~8~~ within ~~15~~10 days of the transhipment.

#### **SECTION 2 – TRANSHIPMENT FROM PURSE SEINE FISHING VESSELS**

26.22. In accordance with Article 29 (5) of the Convention, transhipment at sea by purse seine vessels shall be prohibited except in respect of exemptions granted by the Commission for:

- a. existing group seine operations composed of small purse seine boats (fish hold capacity of 600 mt or less) flagged to Papua New Guinea and Philippines that meet the following conditions:
- i. operate in tandem with freezer carrier boat/s to freeze the catch or if operating closer to base with ice carrier boat/s to store the fish,
  - ii. operate as one group together with their support vessels such as freezer carrier boat/s and/or ice carrier boat/s.
  - iii. undertake transhipment when refrigerated or other ice carrier boats dock alongside catcher boats and tranship fish from the catcher boats

**Commented [A7]:** This is a domestic implementation obligation on the CCM. Are there instances where an unauthorized vessel would be involved in transhipment covered by this CMM? If not, perhaps we can accept this provision. If so, can we modify the text to allow for such circumstances?

- b. transshipment activities involving New Zealand flagged domestic purse-seine vessels where the fishing activity, transshipment and landing of fish all take place within New Zealand fisheries waters in accordance with New Zealand's existing legal and operational framework for monitoring and control of transshipment activity and the verification of catch.

~~27-23.~~ CCMs seeking to apply an exemption for a vessel(s) that meets the conditions set out in paragraph ~~25~~, shall submit a written request to the Executive Director by 1 July of a given year that includes, at a minimum, the following information:

- a. Details about the vessel(s) as they are required to appear on the WCPFC Record of Fishing Vessels under CMM ~~2004-01~~**2018-06** (or its replacement CMM);
- b. The vessel's history of prior transshipment exemptions,
- c. The main species and product forms that would be transhipped,
- d. The areas where transshipments would take place, to as much detail as possible,
- e. The period of exemption being requested, and
- f. An explanation for the exemption request.

~~28-24.~~ The Executive Director shall compile all requests for transshipment exemptions and circulate them to all CCMs at least 30 days in advance of the regular annual session of the Technical and Compliance Committee (TCC). The TCC shall review the requests and make recommendations to the Commission regarding the application of the exemptions in paragraph ~~26~~.

~~29-25.~~ Taking into account the recommendations of the TCC, the Commission, during its regular annual session, shall consider each request and may adopt exemptions in accordance with Article 29(5) of the Convention. The Commission may attach to each granted exemption any conditions or requirements that it determines necessary to achieve the objectives of the Convention, such as limitations on areas, time periods or species, the fishing vessels that may be transhipped to, and any additional requirements necessary for the purposes of monitoring, control and surveillance.

~~30-26.~~ CCMs shall only authorize those purse seine vessels that ~~that~~ have received an exemption by the Commission to engage in transshipment outside of port. CCMs shall issue vessel-specific authorizations outlining any conditions or requirements identified by the Commission or CCM, and shall require that vessel operators carry such authorizations on

board at all times.

~~31-27.~~ The flag State CCM of any such authorized purse-seine vessel that is required to be on the WCPFC Record of Fishing Vessels **RFV** shall notify the Executive Director that the vessel is authorized to engage in transshipment outside of port, in accordance with the Commission-granted exemption and shall indicate in such notification any limitations, conditions or requirements on its authorization.

~~32-28.~~ The Executive Director shall maintain and make publicly available, including on the Commission's website, the list of purse seine vessels that have been granted exemptions and are authorized to tranship outside of port, as well as any corresponding conditions or provisions attached to their exemption.

~~33-29.~~ All purse seine vessels, including those that receive an exemption to tranship at sea under the process described in paragraphs 26 to 30 shall be prohibited from commencing transshipping on the high seas in the Convention Area.

### SECTION 23 – TRANSHIPMENT FROM FISHING VESSELS OTHER THAN PURSE SEINE VESSELS

~~34.30.~~ Transhipment from longline, troll and pole and line fishing vessels in national waters shall be managed in accordance with relevant domestic laws and procedures pursuant to paragraph 4.

~~35.31.~~ There shall be no transhipment on the high seas except where a CCM [a CCM] in consultation with the Commission has determined, in accordance with the guidelines described in paragraph 37 below, that it is impracticable for certain vessels that it is responsible for to operate without being able to tranship on the high seas, and has advised the Commission of such.

~~36.~~ Where transhipment does occur on the high seas:

~~37.32.~~ the CCMs responsible for reporting against both the offloading and receiving vessels shall, as appropriate:

- a) advise the Commission of its procedures for monitoring and verification of the transhipments;
- b) indicate vessels to which the determinations apply.
- c) **Electronically** notify the information in Annex III to the ~~Executive Director~~ Secretariat at least 36 hours prior to each transhipment.
- d) **Electronically** provide the ~~Executive Director~~ Secretariat with a WCPFC Transhipment Declaration **information in Annex I** within ~~15~~ 10 days of completion of each transhipment<sup>4</sup>; and
- e) Submit to the Commission a plan detailing what steps it is taking to encourage transhipment to occur in port in the future.

~~38.33.~~ The Commission, through the TCC, shall review the application of the exemptions by relevant CCMs after a period of 3 years and every 2 years thereafter to establish whether monitoring and verification has been effective. After review, the Commission may prohibit transhipment on the high seas by any vessel or vessels in relation to which monitoring and verification of transhipment on the high seas is proven to have been ineffective, or establish or vary any conditions for transhipping on the high seas.

~~39.34.~~ The Executive Director shall prepare draft guidelines for the determination of circumstances where it is impracticable for certain vessels to tranship in port or in waters under national jurisdiction. The Technical and Compliance Committee shall consider these

**Commented [A8]:** Members need to find a path forward on paragraph 31 that modernizes the determination of impracticability. One member has proposed an economic analysis to support the determination. A CCM-reported analysis (perhaps developed in consultation with the Secretariat and SPP?) would be helpful towards understanding transhipment under the Convention. If members consider agreeing to such an analysis, it would need to take into account the characteristics of the fishery concerned (per Article 29(4) of the Convention) and other provisions of Article 29.

**Commented [A9]:** Does the Commission advise itself? If not, and if paragraph 31 could be agreed to include the proposed "consultation with the Commission", this text seems to keep the act of advising the Commission with the CMM asserting impracticability.

<sup>4</sup> The CCM may authorize its vessels to provide the declaration to the Secretariat.

guidelines, amend as necessary, and recommend them to the Commission for adoption in 2012. In the meantime, CCMs shall use the following guidelines when determining the practicability of high seas ~~transshipments~~ transshipments

- a. The prohibition of transshipment in the high seas would cause a significant economic hardship, which would be assessed in terms of the cost that would be incurred to ~~transship~~ tranship [or land fish-] at feasible and allowable locations other than on the high seas, as compared to total operating costs, net revenues, or some other meaningful measure of costs and/or revenues; and
- b. The vessel would have to make significant and substantial changes to its historical mode of operation as a result of the prohibition of transshipment in the high seas;

~~40.35.~~ 40.35. When adopting the Guidelines referred to in paragraph 37 **As appropriate**, the Commission shall consider whether to prohibit transshipment in areas of high seas in the Convention Area entirely surrounded by the exclusive economic zones of members of the Commission and Participating Territories. This consideration will include a review of the catch and effort reported for fishing vessels in these areas, the information from Transshipment Declarations in these areas and the role of the areas in supporting IUU activities.

**Commented [A10]:** Default is to retain this original text if no agreement can be reached.

## ANNEX I<sup>5</sup>

### INFORMATION TO BE INCLUDED IN WCPFC TRANSHIPMENT DECLARATION

1. A unique document identifier
2. the name of the fishing vessel, IMO, and its WIN,
3. the name of the carrier vessel, IMO, and its WIN
4. the fishing gear used to take the fish
5. the quantity of product<sup>6</sup> (including species and its processed state<sup>7</sup>) to be transhipped
6. the state of fish (fresh or frozen)
7. the quantity of by-product<sup>8</sup> to be transhipped,
8. the geographic location<sup>9</sup> of the highly migratory fish stock catches
9. the date [UTC], start time [UTC], stop time [UTC], and location<sup>[49]</sup> of the transhipment<sup>[8]</sup>
10. If applicable, the name and signature of the WCPFC observer

**Commented [A11]:** Edit by co-Chairs in the footnote to remove "time" which is redundant to the use of "UTC".

<sup>5</sup> CCMs shall submit information required in Annex I or in accordance with WCPFC E-reporting Standards for high seas transhipment declarations and high seas ~~transshipment~~transhipment notices.

<sup>6</sup> Tuna and tuna-like species

<sup>7</sup> Whole; gutted and headed; gutted, headed and tailed; gutted only, not gilled; gilled and gutted; gilled, gutted and tailed; shark fins.

<sup>8</sup> Non tuna and tuna-like species

<sup>9</sup> Geographic location of catch means sufficient information to identify what proportion of the catch was taken in the following areas: High seas, outside the WCPFC Convention Area, EEZs (listed separately). Location of catches not required for receiving vessel.

<sup>10</sup> Record date, start time, and stop time of transhipment in both the ship's time and the UTC at the same time. Location of transhipment is to be in decimal Latitude and Longitude to the nearest 0.1 degrees and accompanied by a description of the location, such as high seas, outside the convention area or within a named EEZ.

**Bold is provisionally agreed.**

To be updated for consistency upon adoption.

Substantive clarification proposed for adoption if not explicitly opposed and/or new edit suggestions

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11. The quantity of product already on board the receiving vessel and the geographic origin<sup>11</sup> of that product.

11bis. The quantity of product retained on board the offloading vessel following a transshipment and the geographic origin of that product. {additional suggestion received from NZ}

12. Did non-[catch] [~~non-fish~~] transfer occur? ("yes" or "no")

**Commented [A12]:** Presumably, this Annex I declaration is only submitted when catch is transferred. Accordingly, if members seek to have vessels report whether non-catch was also transferred between vessels during the event, this may be a better framing.  
If members cannot reach agreement on this text, suggest developing a TS-IWG recommendation to WCPFC21 for the ER&EM or or IWG-ROP to take this on.

<sup>11</sup> The origin of product shall be reported by RFMO area and will include the quantity of product from each different area.

## ANNEX II

### TRANSHIPMENT INFORMATION TO BE REPORTED ANNUALLY BY CCMs

Each CCM shall include in Part 1 of its Annual Report to the Commission:

- (1) the total quantities, by weight, of highly migratory fish stocks covered by this measure that were transhipped by fishing vessels the CCM is responsible for reporting against, with those quantities broken down by:
  - a. offloaded and received;
  - b. transhipped in port, transhipped at sea in areas of national jurisdiction, and transhipped beyond areas of national jurisdiction;
  - c. transhipped inside the Convention Area and ~~transhipped outside~~ transhipped outside the Convention Area;
  - d. caught inside the Convention Area and caught outside the Convention Area;
  - e. species;
  - f. product form; and
  - g. fishing gear used
- (2) the number of transhipments involving highly migratory fish stocks covered by this measure by fishing vessels that is responsible for reporting against, broken down by:
  - a. offloaded and received;
  - b. transhipped in port, transhipped at sea in areas of national jurisdiction, and transhipped beyond areas of national jurisdiction;
  - c. transhipped inside the Convention Area and transhipped outside the Convention Area;
  - d. caught inside the Convention Area and caught outside the Convention Area; and
  - e. fishing gear.

**Bold is provisionally agreed.**

To be updated for consistency upon adoption.

Substantive clarification proposed for adoption if not explicitly opposed and/or new edit suggestions

Co-Chairs' proposed path forward

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### ANNEX III<sup>12</sup>

#### INFORMATION TO BE INCLUDED IN NOTICES TO THE ~~EXECUTIVE DIRECTOR~~SECRETARIAT

1. the name, IMO, and WCPFC Identification Number (WIN) of the offloading vessel,
2. the name, IMO, and WIN of the receiving vessel,
3. the product (including species and its processed state) to be transhipped,
4. the tonnage by product to be transhipped,
5. the date and ~~and~~ (UTC), start time (UTC), stop time (UTC), estimated or proposed location<sup>13</sup> of transhipment (latitude and longitude to a tenth of a degree with a margin of error of 24 nautical miles), and
6. the geographic location of the highly migratory fish stock catches<sup>14 15</sup>
- 6.7. ~~Did non fish transfer occur? ("yes" or "no")~~

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<sup>12</sup> CCMs shall submit information required in Annex III or in accordance with WCPFC E-reporting Standards for high seas transhipment declarations and high seas ~~transshipment~~transhipment notices.

<sup>13</sup> Location of transhipment is to be in decimal Latitude and Longitude to the nearest 0.1 degrees with a margin of error of 24 nautical miles and accompanied by a description of the location, such as high seas, outside the convention area or within a named EEZ. Notice can be updated if location changes.

<sup>14</sup> Not required for receiving vessels

<sup>15</sup> Geographic location of catch means sufficient information to identify what proportion of the catch was taken in the following areas: High seas, outside the WCPFC Convention Area, EEZs (listed separately). Location of catches not required for receiving vessel.

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**DOCUMENT 3: TRACK-CHANGED COMPARISON OF THE NEGOTIATING  
TEXT WITH CMM 2009-06**

## Audit Points Checklist for Draft Revised CMM on Transshipment

1. To whom does the obligation apply? Set out any proposed exceptions or exclusions.

**All CCMs**

2. What is the scope of the new obligations (i.e., does it apply to a particular geographical area, fishery, stock, species of special interest?)

**To all vessels engaged in transshipment activity, under the Convention.**

3. Are there existing obligations that should be assessed in combination with any of the proposed new obligations? If so, name the CMM and paragraph(s), or other Commission obligation.

**See table at end of checklist**

4. Which proposed new obligations will require submission of Reports (R) or Implementation Statements (I), impose Limits (L), or have Deadlines (D)? Please fill out the relevant section(s) for each of the proposed new obligations.

**See table at end of checklist.**

**Some existing obligations need to be modified and two new implementation obligations would require consideration of whether audit points are applicable (if agreed by members).**

**Table of CMM 2009-06 Audit Points and Location of Obligations in Draft Revised CMM**  
(with track edits for potential necessary changes)

CMM 2009-06 Obligation (paragraph)	Obligation Location in New Proposed CMM (paragraph)	Category	Audit Point Status for Proposed New CMM (including track edits to existing Audit Point where appropriate)
02	01	IM	<i>No change to 2009-06. Audit Points are "Not Applicable"</i>
04	03	IM	<i>No change to 2009-06. Audit Points are "Not Applicable"</i>
05	04	RP	<i>No change to 2009-06. Audit Points are "Not Applicable"</i>
<b>N/A</b>	<b>7 bis</b>	<b>IM</b>	<b><i>Would need to be developed.</i></b>
11	9	DL	<i>No Audit Point developed for 2009-06</i>
11	9	RP	The Secretariat confirms receipt by the CCM in AR Pt 1 of the required information in the prescribed format contained at Annex II of CMM 2009-06, and confirms that the report includes the required information for all CCM transshipment events in the Convention Area of all HMFS covered by the Convention, as well as HMFS taken in the

			Convention Area and transhipped outside the Convention Area, in accordance with paras <del>10, 11, and 12</del> , <u>9, and 10</u> of CMM <del>2024-xx09-06</del> .
13	11	IM	CCM submitted a statement in AR Pt 2 that: a. confirms CCM's implementation through adoption of a national binding measure of the requirement for vessels the CCM is responsible for to carry observers from the WCPFC ROP to observe transhipments at sea. b. includes information on level of observer coverage achieved according to <u>paragraph 11 relevant vessel category (paragraphs 13a, 13b, or 13c of CMM 2009-06)</u> . c. describes how CCM is monitoring and ensuring that vessels it is responsible for are carrying observers from the WCPFC ROP to observe transhipments at sea; how the CCM is monitoring and ensuring it is meeting its observer coverage requirements, and how CCM responds to potential infringements or instances of non-compliance with this requirement The Secretariat confirms that the CCM reported in its high seas transhipment declarations that there was an ROP observer on board the CCM's <del>offloading vessel or</del> the receiving vessel <u>and whether an observer or electronic monitoring was used on the offloading vessel</u> .
<b>N/A</b>	<b>19</b>	<b>IM</b>	<b><i>Would need to be developed.</i></b>
24	21	IM	<i>No change to 2009-06. Audit Points are "Not Applicable"</i>
25	22	IM	<i>No change to 2009-06. Audit Points are "Not Applicable"</i>
25(b)	22 (b)	IM	<i>No change to 2009-06. Audit Points are "Not Applicable"</i>
26	23	IM	<i>No change to 2009-06. Audit Points are "Not Applicable"</i>
29	26	QL	The Secretariat verifies the information reported by the CCM in AR Pt 2 and confirms that the CCM's allowable limit of PS vessels transhipping outside of port has not been exceeded. <del>*Note additional reporting obligations for COVID19-related requirements: The Secretariat has received information in AR Pt 2 of the CCM's approach to implementation of the suspension from 20 April 2020 to 15 March 2022.</del>
30	27	RP	<i>No change to 2009-06. Audit Points are "Not Applicable"</i>
32	29	IM	<i>No change to 2009-06. Audit Points are "Not Applicable"</i>
34	31	QL	The Secretariat confirms that none of the vessels for which the CCM is responsible has engaged in high seas transhipment, unless the CCM indicated in the WCPFC Record of Fishing Vessels or by other means of communication that the vessel or vessels are authorized pursuant to paragraph <del>37-34</del> of CMM <del>2009-06-XX</del> to engage in high seas transhipment activities.
35 a(ii)	32 b	RP	The Secretariat confirms that CCM indicated its flagged vessels authorized to tranship on the high seas, including by completing the relevant data field in the RFV data.
35 a (iii)	32 c	DL	<i>No Audit Point developed for 2009-06</i>

35 a (iii)	32 c	RP	Where a CCM (or chartering CCM) has indicated that it has authorized its flagged vessels to engage in high seas transshipment and indicated such authorization in its RFV, the Secretariat confirms that it has <u>electronically</u> received the corresponding WCPFC high seas transshipment notification in respect of each CCM-authorized vessel in accordance with Annex III of CMM <del>2009-06</del> <u>2024-06-XX</u> or WCPFC ER Standards for high seas transshipment.
35 a (iv)	32 d	DL	<i>No Audit Point developed for 2009-06</i>
35 a (iv)	32 d	RP	Where a CCM (or chartering CCM) has indicated that it has authorized its flagged vessels to engage in high seas transshipment and indicated such authorization in its RFV, the Secretariat confirms that it has <u>electronically</u> received the corresponding WCPFC high seas transshipment declaration in respect of each CCM-authorized vessel in accordance with Annex I of CMM 2009-06 or WCPFC ER Standards for high seas transshipment.
35 a (v)	32e	RP	The Secretariat confirms that the CCM submitted a plan that details the steps CCM is taking to encourage its vessels to transship in ports in the future.

## **DOCUMENT 4: Draft TS-IWG Recommendations for WCPFC21**

1. The TS-IWG recommended to WCPFC21 that the Secretariat provide an analysis of vessel and observer reporting related to transshipment activity in the Convention Area, including the percentage of transshipment reports received via email and other means.
2. In support of paragraph 34, the TS-IWG recommended that the Commission undertake the development of a methodology that would standardize economic analyses of transshipment at sea within the Convention Area.