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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	13th Annual Meeting of WCPFC, notification of adopted Conservation and Management Measures

Delegations will find attached the Conservation and Management Measures that were adopted at the 13th Annual Meeting of the Western and Central Pacific Fisheries Commission (WCPFC), held in Nadi (Fiji) from 5 to 9 December 2016.

In accordance with Article 20.5 of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, these measures will enter into force on 9 February 2017, or as otherwise specified.



COMMISSION
THIRTEENTH REGULAR SESSION
 Denarau Island, Fiji
 5 – 9 December, 2016

**CONSERVATION AND MANAGEMENT MEASURE FOR CHARTER
 NOTIFICATION SCHEME**

Conservation and Management Measure 2016-05¹

The Western and Central Pacific Fisheries Commission (WCPFC)

ACKNOWLEDGING the important contribution of chartered vessels to sustainable fisheries development in the Western & Central Pacific Ocean;

CONCERNED with ensuring that charter arrangements do not promote IUU fishing activities or undermine conservation and management measures;

REALIZING that there is a need for the WCPFC to establish procedures for charter arrangements;

Adopts, in accordance with Article 10 of the WCPF Convention that:

1. The provisions of this measure shall apply to Commission Members and Participating Territories that charter, lease or enter into other mechanisms with vessels eligible under paragraph 4 flagged to another State or Fishing Entity for the purpose of conducting fishing operations in the Convention Area as an integral part of the domestic fleet of that chartering Member or Participating Territory.
2. Within 15 days, or in any case within 72 hours before commencement of fishing activities under a charter arrangement, the chartering Member or Participating Territory shall notify the Executive Director of any vessel to be identified as chartered in accordance with this measure by submitting electronically where possible to the Executive Director the following information with respect to each chartered vessel:
 - a) name of the fishing vessel;
 - b) WCPFC Identification Number (WIN);
 - c) name and address of owner(s);

¹ By adoption of this CMM (CMM-2016-05) the Commission rescinds CMM-2015-05 which has been revised and replaced.

- d) name and address of the charterer;
- e) the duration of the charter arrangement; and
- f) the flag state of the vessel.

Upon receipt of the information the Executive Director will immediately notify the flag State.

3. Each chartering Member or Participating Territory shall notify the Executive Director as well as the flag State, within 15 days, or in any case within 72 hours before commencement of fishing activities under a charter arrangement of:
 - a) any additional chartered vessels along with the information set forth in paragraph 2;
 - b) any change in the information referred to in paragraph 2 with respect to any chartered vessel; and
 - c) termination of the charter of any vessel previously notified under paragraph 2.
4. Only vessels listed on the WCPFC Record of Fishing Vessels or the WCPFC Interim Register of Non-CCM Carriers and Bunkers, and not on the WCPFC IUU vessel list, or IUU List of another RFMO, are eligible for charter.
5. The Executive Director shall make the information required in paragraph 2 and 3 available to all CCMs.
6. Each year the Executive Director shall present a summary of all notified chartered vessels to the Commission for review. If necessary, the Commission may review and revise this measure.
7. Unless specifically provided in other CMMs, catches and effort of vessels notified as chartered under this CMM shall be attributed to the chartering Member or Participating Territory. Unless specifically provided in other CMMs, the chartering Member or Participating Territory shall report annually to the Executive Director catch and effort of chartered vessels in the previous year.
8. This Measure shall expire on 31 December 2019 unless renewed by the Commission.



COMMISSION
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**CONSERVATION AND MANAGEMENT MEASURE FOR THE PROTECTION OF WCPFC
REGIONAL OBSERVER PROGRAMME OBSERVERS**

Conservation and Management Measure 2016-03

The Western and Central Pacific Fisheries Commission (WCPFC):

In accordance with the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention);

Recalling Article 28(7) of the WCPF Convention, which requires the Commission to develop procedures and guidelines for the operation of the Regional Observer Programme (ROP);

Further recalling that Annex III, article 3 of the Convention expressly requires that the vessel operator and each member of the crew shall allow and assist any person identified as an observer under the ROP to carry out all duties safely and that the operator or any crew member shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with observers in the performance of their duties;

Committing to the implementation of conservation and management measure (CMM) 2007-01, which clearly states the rights of observers shall include, *inter alia*, the freedom to carry out their duties without being assaulted, obstructed, resisted, delayed, intimidated or interfered with in the performance of their duties;

Recognizing that observers play a critical role in supporting effective management outcomes and therefore it is critical that measures are in place to ensure their safety while undertaking their duties;

Noting that CMM 2007-01 specifies that the responsibilities of vessel operators and captains shall include, *inter alia*, ensuring that ROP observers are not assaulted, obstructed, resisted, delayed, intimidated, interfered with, influenced, bribed or attempted to be bribed in the performance of their duties;

Further Recognizing the commitments in Articles 98 and 146 of the United Nations Convention on the Law of the Sea (UNCLOS), to render assistance and protect human life, and the

International Convention on Maritime Search and Rescue, as amended and overseen by the International Maritime Organization, which outlines the responsibilities of governments related to search procedures including the organization and coordination of actions, cooperation between States, and operating procedures for vessel operators and crew;

Further Noting the commitment in Article 94(7) of UNCLOS, regarding the duty of a flag State to cause an inquiry to be held into any loss of life or serious injury to nationals of another State which has been caused by a marine casualty or incident of navigation and involved a ship flying its flag;

Adopts the following conservation and management measure in accordance with the Article 10 of the Convention:

1. This CMM applies to WCPFC ROP observers on fishing trips operating under the WCPFC ROP¹.
2. Nothing in this measure shall prejudice the rights of relevant CCMs to enforce their laws with respect to the safety of observers consistent with international law.
3. In the event that a WCPFC ROP observer dies, is missing or presumed fallen overboard, the CCM to which the fishing vessel is flagged shall ensure that the fishing vessel:
 - a. immediately ceases all fishing operations;
 - b. immediately commences search and rescue if the observer is missing or presumed fallen overboard, and searches for at least 72 hours, unless the observer is found sooner, or unless instructed by the flag CCM to continue searching²;
 - c. immediately notifies the flag CCM;
 - d. immediately alerts other vessels in the vicinity by using all available means of communication;
 - e. cooperates fully in any search and rescue operation
 - f. whether or not the search is successful, return the vessels for further investigation to the nearest port, as agreed by the flag CCM and the observer provider;
 - g. provides the report to the observer provider and appropriate authorities on the incident; and

¹ It is recognized that Japan is subject to domestic legal constraints, such that it is not able to meet all of the obligations contained in this CMM until such constraints are overcome. Until such constraints are overcome, Japan shall make utmost effort to implement all the provisions. If Japan has not implemented a provision contained in this CMM, such non-implementation shall not constitute non-compliance with this provision. However, Japan is obliged to explain at TCC which specific obligations are not being implemented and explain to TCC and WCPFC the reason for such non-implementation, as well as steps being taken to overcome these constraints. Notwithstanding these constraints Japan considers the issue of observer safety to be of paramount importance and will work to prevent incidents affecting observer safety.

² In the event of force majeure, flag CCMs may allow their vessels to cease search and rescue operations before 72 hours have elapsed.

- h. cooperates fully in any and all official investigations, and preserves any potential evidence and the personal effects and quarters of the deceased or missing observer.

4. Paragraphs 3(a), (c) and (h) apply in the event that an observer dies. In addition, the flag CCM shall require that the fishing vessel ensure that the body is well-preserved for the purposes of an autopsy and investigation.

5. In the event that a WCPFC ROP observer suffers from a serious illness or injury that threatens his or her health or safety, the CCM to which the fishing vessel is flagged shall ensure that the fishing vessel:

- a. immediately ceases fishing operations;
- b. immediately notifies the flag CCM
- c. takes all reasonable actions to care for the observer and provide any medical treatment available and possible on board the vessel;
- d. where directed by the observer provider, if not already directed by the flag CCM, facilitates the disembarkation and transport of the observer to a medical facility equipped to provide the required care, as soon as practicable; and
- e. cooperates fully in any and all official investigations into the cause of the illness or injury.

6. For the purposes of paragraphs 3 through 5 - , the flag CCM shall ensure that the appropriate Maritime Rescue Coordination Centre³, observer provider and Secretariat are immediately notified.

7. In the event that there are reasonable grounds to believe a WCPFC ROP observer has been assaulted, intimidated, threatened, or harassed such that their health or safety is endangered and the observer or the observer provider indicates to the CCM to which the fishing vessel is flagged that they wish for the observer to be removed from the fishing vessel, the CCM to which the fishing vessel is flagged shall ensure that the fishing vessel:

- a. immediately takes action to preserve the safety of the observer and mitigate and resolve the situation on board;
- b. notifies the flag CCM and the observer provider of the situation, including the status and location of the observer, as soon as possible;
- c. facilitates the safe disembarkation of the observer in a manner and place, as agreed by the flag CCM and the observer provider, that facilitates access to any needed medical treatment; and
- d. cooperates fully in any and all official investigations into the incident.

8. In the event that there are reasonable grounds to believe that a WCPFC ROP observer has been assaulted, intimidated, threatened, or harassed but neither the observer nor the observer provider wishes that the observer be removed from the fishing vessel, the CCM to which the fishing vessel is flagged shall ensure that the fishing vessel:

³ <http://sarcontacts.info/>

- a. takes action to preserve the safety of the observer and mitigate and resolve the situation on board as soon as possible;
 - b. notifies the flag CCM and the observer provider of the situation as soon as possible; and
 - c. cooperates fully in all official investigations into the incident.
9. If any of the events in paragraphs 3-7 occur, port CCMs, shall facilitate entry of the fishing vessel to allow disembarkation of the WCPFC ROP observer and, to the extent possible, assist in any investigations if so requested by the flag CCM.
10. In the event that, after disembarkation from a fishing vessel of a WCPFC ROP observer, an observer provider identifies—such as during the course of debriefing the observer—a possible violation involving assault or harassment of the observer while on board the fishing vessel, the observer provider shall notify, in writing, the flag CCM and the Secretariat, and the flag CCM shall:
 - a. investigate the event based on the information provided by the observer provider and take any appropriate action in response to the results of the investigation;
 - b. cooperate fully in any investigation conducted by the observer provider, including providing the report to the observer provider and appropriate authorities of the incident; and
 - c. notify the observer provider and the Secretariat of the results of its investigation and any actions taken.
11. CCMs shall ensure that their national observer providers:
 - a. immediately notify the flag CCM in the event that a WCPFC ROP observer dies, is missing or presumed fallen overboard in the course of observer duties;
 - b. cooperate fully in any search and rescue operation;
 - c. cooperate fully in any and all official investigations into any incident involving an WCPFC ROP observer;
 - d. facilitate the disembarkation and replacement of a WCPFC ROP observer in a situation involving the serious illness or injury of that observer as soon as possible;
 - e. facilitate the disembarkation of a WCPFC ROP observer in any situation involving the assault, intimidation, threats to, or harassment of that observer to such an extent that the observer wishes to be removed from the vessel, as soon as possible; and
 - f. provide the flag CCM with a copy of the observer report on alleged violations involving that provider's observer upon request, pursuant to the WCPFC Rules and Procedures for Protection, Access to, and Dissemination of Data Compiled by the Commission and Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes.

12. Notwithstanding paragraph 1 CCMs shall ensure that any authorized High Seas Boarding and Inspection vessels flying their flag cooperate, to the greatest extent possible, in any search and rescue operation involving an observer. CCMs shall also encourage any other vessels flying their flag to participate, to the greatest extent possible, in any search and rescue operations involving a WCPFC ROP observer.

13. Where requested relevant observer providers, and CCMs shall cooperate in each other's investigations including providing their incident reports for any incidents indicated in paragraphs 3 through 8 to facilitate any investigations as appropriate.

14. The Technical and Compliance Committee and the Commission will review this conservation and management measure no later than 2019 and periodically thereafter. Notwithstanding this provision CCMs may submit a proposal to amend this CMM at any time.



COMMISSION
THIRTEENTH REGULAR SESSION
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5 – 9 December, 2016

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

Conservation and Management Measure 2016-01¹

¹ The Commission agreed to amend CMM 2015-01 to replace references to “2016” with “2017” in paragraph 25 and Attachment A heading; ii) include reference to CMM 2015-01, in paragraph 62; iii) include reference to CMM 2016-01 in Attachment C para 1 and 9, and Attachment E preamble; and iv) include a clarifying sentence in footnote 5 to paragraph 18. In addition the Commission agreed that in respect of paragraph 28 and 43, no limits for yellowfin tuna would apply in purse seine and longline fisheries in 2017.

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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) were developed to mitigate the overfishing of bigeye and yellowfin tuna and to limit the growth of fishing capacity in the Western and Central Pacific Ocean and that these measures have been unsuccessful in either restricting the apparent growth of fishing capacity or in reducing the fishing mortality of bigeye or juvenile yellowfin tuna;

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

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

Recognizing that the Scientific Committee has determined that the bigeye stock is subject to overfishing, and that yellowfin stocks are currently being fished at capacity, reductions in fishing mortality are required in order to reduce the risks that these stocks will become overfished;

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

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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;

Taking note of Article 8(1) of the Convention requiring compatibility of conservation and management measures established for the high seas and those adopted for areas under national jurisdiction;

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

Noting 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 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;

Adopts, in accordance with Article 10 of the Convention, the following Conservation and Management Measure with respect to bigeye, yellowfin and skipjack tuna.

I. Objectives and general rules

Objectives

The objectives of this Measure are to ensure that:

General

1. Compatible measures for the high seas and exclusive economic zones (EEZs) are implemented so that bigeye, yellowfin and skipjack tuna stocks are, at a minimum, maintained at levels capable of producing their maximum sustainable yield as qualified by relevant environmental and economic factors including the special requirements of

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developing States in the Convention Area as expressed by Article 5 of the Convention. The Commission will amend, or replace the objectives with target reference points after their adoption.

Skipjack

2. the Fishing Mortality Rate (F) for skipjack will be maintained at a level no greater than Fmsy, i.e. $F/F_{msy} \leq 1$.

Bigeye

3. the fishing mortality rate for bigeye tuna will be reduced to a level no greater than Fmsy, i.e. $F/F_{msy} \leq 1$. This objective shall be achieved through step by step approach through 2017 in accordance with this Measure.

Yellowfin

4. the fishing mortality rate is not greater than Fmsy, i.e. $F/F_{msy} \leq 1$.

General Rules

Attribution of Charter Arrangements

5. For the purposes of paragraph 9, 10, 16-18, 25, 28, 40, 43, 49, 50, 51, and 52, attribution of catch and effort shall be to the flag State, except that catches and effort of vessels notified as chartered under CMM 2011-05 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.

Non-Parties

6. In giving effect to CMM 2009-11 or its replacement the Commission shall advise non-Parties to the Convention wishing to acquire Co-operating Non Member (CNM) status as follows: (a) that for bigeye tuna the current fishing mortality rate is above that associated with MSY and the Scientific Committee recommends a reduction in F for bigeye tuna; (b) yellowfin tuna is not being overfished but current F is close to Fmsy and the Scientific Committee recommends no increase in F for yellowfin tuna; (c) that skipjack tuna is not being overfished and that the Scientific Committee recommended that the Commission consider adopting limits on fishing for skipjack tuna and noted that additional purse seine effort on skipjack tuna will yield only modest long term gains in catches. Therefore, where necessary, the limits that apply to CNMs, particularly on the high seas, will be determined by the Commission in accordance with CMM 2009-11 or its revision.

Small Island Developing States

7. Unless otherwise stated, 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. This paragraph shall not be applied to paragraphs 14 - 24, 30 and 32 - 37.

8. In giving effect to this CMM, the Commission shall pay attention to 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.

Transfer of effort

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

10. CCMs shall ensure that the effectiveness of other measures of the Commission is not undermined by a transfer of **longline** fishing effort or capacity to other areas within the Convention Area.

Area of Application

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

12. Coastal States are encouraged to take measures to reduce fishing mortality on juvenile bigeye and yellowfin tuna in archipelagic waters and territorial seas and to notify/inform the WCPFC Secretariat of the relevant measures that they will apply in these waters including longline bigeye catch limits and expected number of FAD sets or bigeye catches from purse seining.

Overlap Area

13. The catch and effort limits in paragraphs 16 - 18 (FAD sets), paragraph 25 (high seas purse seine effort limits), paragraph 40 (bigeye longline catch), and paragraphs 28 and 43 (yellowfin purse seine effort and longline catch) shall be calculated from the relevant historical levels within the Convention Area except for those Member flag

States who, consistent with the WCPFC9 decision (paragraph 80 of WCPFC9 Summary Report), notify of their choice to implement IATTC measures in the overlap area. For those Member flag States who choose to implement IATTC measures in the overlap area, the calculation of their limits for the Convention Area (excluding the overlap area) 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.

II. Measures for 2014-2017

Purse seine fishery in tropical area (20N – 20S)

FAD Set Management²

Common measures for 2014-2017

14. A three (3) months (July, August and September) prohibition of setting on FADs shall be in place for all purse seine vessels fishing in EEZs and high seas (see paragraphs 3 -7 of CMM 2009-02 for the rules for the FAD closure in the high seas).

15. The Commission shall at WCPFC11 adopt arrangements to ensure that this CMM, consistent with the Convention Article 30 2(c), does not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto SIDS. The fifth month FAD closure and alternative FAD set limit in paragraph 17 shall only take effect when these arrangements are agreed.

Additional FAD Measures for 2014

16. Each CCM must select one of the following options listed below and notify the Secretariat of that selection by April 1, 2014.³

a. The prohibition of setting on FADs shall be extended for an additional month, for a total of 4 months (July, August, September, and October). OR

b. In addition to the 3-month prohibition of setting on FADs the CCM shall

² For members of the PNA, this measure will be implemented through the Third Arrangement Implementing the Nauru Agreement of May 2008.

³ Purse seine vessels flagged to a developing coastal state member smaller than 50 m LOA (13+36=49 vessels currently on the WCPFC Record of Fishing Vessels) are exempted from this reduction requirement described in paragraphs 16 - 18. When a SIDS CCM chooses limitation of annual FAD sets stipulated in paragraphs 16 - 18, purse seine vessels newly introduced after January 1 2010 are managed outside of the FAD set limit for that CCM for 3 years following their introduction. After 3 years the FAD sets/total sets by those vessels shall be incorporated into the calculation of the baseline figure for that CCM. Those purse seine vessels exempted or managed outside the FAD set limit shall be notified to the Secretariat by 31 March 2014 or within 15 days of vessels introduced after this date.

limit the total number of FAD sets by its vessels to the number listed in column A in Attachment A.⁴

Additional FAD Measures for 2015 and 2016

17. Each CCM must select one of the following options listed below and notify the Secretariat of that selection by December 31 of the previous year.

a. The prohibition of setting on FADs shall be extended for an additional two (2) months, for a total of 5 months (January, February, July, August, September). If a non-SIDS CCM chooses this option, the CCM shall take necessary measures to ensure that its total FAD sets in 2015 and 2016 shall not increase from its average number of FAD sets in 2010-2012, as listed in column D in Attachment A. OR

b. In addition to the 3-month prohibition of setting on FADs the CCM shall limit the total number of FAD sets by its vessels to the number listed in column B in Attachment A.

Additional FAD Measures for 2017

18. In addition to the FAD measures 2015 and 2016, except for those Kiribati flagged vessels fishing in the adjacent high seas, it shall be prohibited to set on FADs in the high seas, unless the Commission decides on other alternative measures at its 2014 or 2015 or 2016 annual meeting.⁵

Reporting for FAD set limit option

19. CCMs that select an option that limits the number of FAD sets in addition to the 3-month prohibition of FAD sets (paragraph 16b, 17b) shall implement the limit on FAD sets in accordance with the following:

(a) The captain of a purse seine vessel shall weekly report (i) the number of FAD sets, (ii) the number of total sets, and (iii) estimated bigeye catch in the previous week to the flag CCM and the observer on board.

⁴ 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.

⁵ The high seas FAD closure in paragraph 18 does not apply in 2017 to a CCM that has achieved a verifiable reduction in bigeye catches by its purse seine vessels to 55% from current levels (2010-2012), to be reviewed on the basis of the advice of the Scientific Committee. The measures that the Philippines will take are in Attachment C. A CCM that has qualified for the above mentioned exemption shall maintain a verifiable reduction in bigeye catches by its purse seine vessels to 55% from the reference levels (2010-2012) also in the course of 2017.

- (b) The flag CCM shall provide information set forth in (19a) every month by its vessels to the Secretariat.
- (c) After the number of FAD set conducted reaches 80% of the set limit, the CCM shall report the information (19a) above weekly to the Secretariat.
- (d) After the number of FAD sets conducted reaches 90% of the set limit, the captain shall report the information daily to the flag CCM authority.
- (e) When the number of FAD set conducted reaches the limit, the CCM shall promptly take necessary measures to ensure that no further sets on FADs shall be made by its purse seine vessels during that calendar year and report the measures taken to the Secretariat.

Purse Seine Effort Control

Exclusive Economic Zones⁶

20. Coastal States within the Convention Area that are Parties to the Nauru Agreement (PNA) shall restrict the level of purse seine effort in their EEZs to 2010 levels through the PNA Vessel Days Scheme.

21. CCMs shall support the ongoing development and strengthening of the PNA VDS including implementation and compliance with the requirements of the VDS as appropriate.

22. Other coastal States within the Convention Area with effort in their EEZs exceeding 1,500 days annually over the period 2006-2010 shall limit effort in their EEZs to 2001-2004 average or 2010 levels.

23. Other coastal States within the Convention Area other than those referred to in paragraph 20 and paragraph 22 shall establish effort limits, or equivalent catch limits for purse seine fisheries within their EEZs that reflect the geographical distributions of skipjack, yellowfin, and bigeye tunas, and are consistent with the objectives for those species. Those coastal States that have already notified limits to the Commission shall restrict purse seine effort and/or catch within their EEZs in accordance with those limits. Those coastal State CCMs that have yet to notify limits to the Commission shall do so by 30 June 2014.

Reporting against EEZ Limits

24. PNA shall report to the Commission against its collective annual limit by 1 July for the previous 12-month calendar period. CCMs subject to limits in paragraph 22

⁶ The requirement in this section to establish coastal State effort and/or catch limits shall apply to all coastal States within the Convention Area, including those north of 20N and south of 20S.

and 23 shall report their quantitative limits and their bases in their Annual Report Part 2 for 2013 and shall annually report fishing days in their Annual Report Part 2 for the previous 12 month calendar period.

High Seas purse seine effort limits

25. For 2017, non-SIDS CCMs shall restrict the level of purse seine effort on high seas to the limits indicated in Attachment D.⁷ The Commission shall review these limits at its meeting in 2017 and agree on high seas purse seine effort limits to apply after 2017.

26. Notwithstanding any agreement that may be reached at its annual meetings in 2014, 2015 and 2016 on high seas purse seine effort limits the total effort level for non-SIDS CCMs shall not exceed the total level of effort in Attachment D.⁸

27. The limits in paragraph 25 and 26 do not confer the allocation of rights to any CCM and are without prejudice to future decisions of the Commission.

Yellowfin tuna purse seine catch

28. CCMs agree to take measures not to increase catches by their vessels of yellowfin tuna. At its 2016 regular session the Commission will formulate and adopt appropriate limits for CCMs, based on recommendations from the Scientific Committee, and taking into account other measures in this CMM. At its 2016 regular session the Commission will also formulate and adopt any in-season reporting requirements needed to support full implementation of these limits.

29. The Scientific Committee at its 2016 regular session will provide advice to the Commission on the relative impact on fishing mortality for yellowfin, of FAD set measures and any increases of yellowfin purse seine catch in unassociated schools.

Catch retention

30. To create a disincentive to the capture of small fish and to encourage the development of technologies and fishing strategies designed to avoid the capture of small tunas and other fish, 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

⁷ The measures that the Philippines will take are in Attachment C.

⁸ The limits in paragraph 25 are without prejudice to the positions of CCMs concerned about whether the effort on which the limits are based was compliant with CMMs.

then land or transship at port all bigeye, skipjack, yellowfin tuna. (See CMM 2009-02 paragraphs 8-12 for the Commission's rules for catch retention in the high seas.) The only exceptions to this paragraph shall be:

- 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.

31. Nothing in paragraph 14-18 and 30 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

32. 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 2011-02 or its replacement, and paragraph 36.

33. 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 2007-01).

34. 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.

35. 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.

36. 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.

FAD Management Plan

37. By 1 July 2014, CCMs fishing on the high seas shall submit to the Commission Management Plans for the use of FADs by their vessels on the high seas, if they have not done so. These Plans shall include strategies to limit the capture of small bigeye and yellowfin tuna associated with fishing on FADs, including implementation of the FAD closure pursuant to paragraphs 14 – 18. The Plans shall at a minimum meet the Suggested Guidelines for Preparation for FAD Management Plans for each CCM (Attachment E).

38. The Commission Secretariat will prepare a report on additional FAD management options for consideration by the Scientific Committee, the Technical & Compliance Committee and the Commission in 2014, including:

- a. Marking and identification of FADs;
- b. Electronic monitoring of FADs;
- c. Registration and reporting of position information from FAD-associated buoys; and
- d. Limits to the number of FADs deployed or number of FAD sets made.

Juvenile Tuna Catch Mitigation Research

39. CCMs and the Commission shall promote and encourage research to identify ways for vessels to avoid the capture of juvenile bigeye and yellowfin tuna during FAD sets, including, *inter-alia*, the possibility that the depth of the purse seine net is a factor in the amount of juvenile bigeye and yellowfin tuna taken during such sets. Results shall be presented annually, through the Scientific Committee and the Technical and Compliance Committee, to the Commission.

Longline fishery

Bigeye Catch limits

40. The catch limits in 2014 and thereafter for bigeye tuna shall be as specified in Attachment F. Any overage of the catch limit by a CCM shall be deducted from the catch limit for the following year for that CCM.

41. Paragraph 40 does not apply to members that caught less than 2,000 tonnes in 2004. Each member that caught less than 2,000 tonnes of bigeye in 2004 shall ensure that their catch does not exceed 2,000 tonnes in each of the next 4 years (2014, 2015, 2016 and 2017). Consistent with paragraph 6 opportunities for non-members will be decided by the Commission on a case by case basis.

10

42. The limits in paragraphs 40 and 41 do not confer the allocation of rights to any CCM and are without prejudice to future decisions of the Commission.

Yellowfin measures

43. CCMs agree to take measures not to increase catches by their longline vessels of yellowfin tuna. At its 2016 regular session the Commission will formulate and adopt appropriate limits for CCMs, based on recommendations from the Scientific Committee, and taking into account other measures in this CMM. At its 2016 regular session the Commission will also formulate and adopt any in-season reporting requirements needed to support full implementation of these limits.

Monthly bigeye catch report

44. CCMs listed in Attachment F shall report monthly the amount of bigeye catch by their flagged vessels to the Secretariat by the end of the following month. When 90% of the catch limit for a CCM is exceeded, the Secretariat shall notify that to all CCMs.

Spatial Management

45. CCMs will explore spatial approaches to managing the tropical tuna stocks, particularly bigeye tuna, including zone-based longline management measures and FAD set limits in the purse seine fishery.

Other Commercial fisheries

46. 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 meetings in 2014 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.

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

48. CCMs shall provide the Commission with estimates of fishing effort for these other fisheries or proposals for the provision of effort data for these fisheries for 2013

and future years.

Capacity Management

Purse Seine vessels

49. Other than SIDS and Indonesia, CCMs shall not increase the number of purse seine vessels flying their flag larger than 24m with freezing capacity between 20N and 20S (hereinafter "LSPSVs") above the current level.⁹

50. 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 of the replaced vessel shall be immediately revoked. 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.

Longline vessels

51. Other than SIDS and Indonesia¹⁰, CCMs shall not increase the number of their longline vessels with freezing capacity targeting bigeye tuna above the current level.

52. Other than SIDS and Indonesia, CCMs shall not increase the number of their ice-chilled longline vessels targeting bigeye tuna and landing exclusively fresh fish, above the current level or above the current number of licenses under established limited entry programmes.¹¹

Capacity management work plan

53. The Commission shall develop a scheme for:
- a. Reduction of overcapacity in a way that does not constrain the access to, development of, and benefit from sustainable tuna fisheries, including on the

⁹ China shall limit its number of flagged purse seine vessels to 20 vessels to accommodate vessels moving back under its flag from the flags of other CCMs.

¹⁰ This paragraph shall not create a precedent to respect to application of exemptions non-SIDS CCMs.

¹¹ The provisions of this paragraph do not apply to those CCMs who apply domestic individual transferable quotas within a legislated/regulated management framework.

high seas, by developing coastal states, in particular small island developing States, territories, and States with small and vulnerable economies; and

b. Transfer of capacity from developed fishing members to developing coastal fishing members within its area of competence where appropriate, including market-based mechanisms for the voluntary transfer.

54. CCMs, other than SIDS, shall jointly develop a scheme to jointly reduce the capacity of LSPSVs to the level of 31 December 2012 and submit it to WCPFC11.

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

III. Data provision requirements

56. Paragraphs 56 - 60 apply to China, Indonesia, Japan, Korea, Philippines and Chinese Taipei.

57. Operational level catch and effort data in accordance with the *Standards for the Provision of Operational Level Catch and Effort Data* attached to the *Rules for Scientific Data to be Provided to the Commission* relating to all fishing in EEZs and high seas south of 20N subject to this CMM except for artisanal small-scale vessels shall be provided to the Commission¹² not only for the purpose of stocks management but also for the purpose of cooperation to SIDS under Article 30 of the Convention.¹³

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

59. 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.

¹² CCMs which have a practical difficulty in providing operational data from 2015 may take a grace period of three (3) years under their national plan. This plan shall be provided to the Commission. Such CCM shall provide operational level data which are collected after the date of lifting domestic constraint.

¹³ 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 effects, 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

60. Those CCMs shall report such agreement to the Commission.

IV. Review of measures

61. The Commission shall review this CMM annually to ensure that the various provisions are having the intended effect(s). It is anticipated that significant new information will enable a further review in 2014.

V. Final Clause

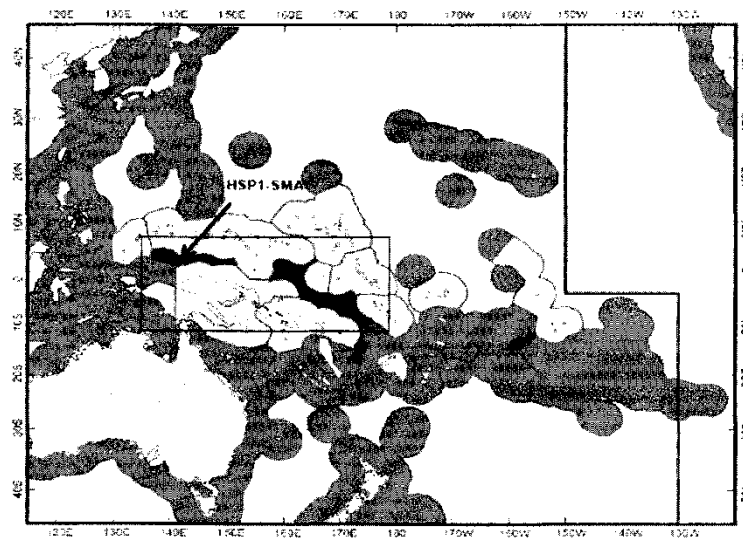
62. This measure replaces CMM 2012-01, CMM 2013-01, CMM 2014-01 and CMM 2015-01 and shall remain in effect until 31 December 2017.

set limits tables (2014 – 2017)

Column B		Column D	
2014 Rule (baseline period is 2010 - 2012)	2015 and 2016 FAD set limit	2015 and 2016 Rule (baseline period is 2010 - 2012)	Baseline for FAD set limits (2010-12 average except for fleets of five or fewer vessel who have the maximum for 2010-12)
5 31.5% of average total sets	738	27.5% of average total sets	1,272
9 31.5% of average total sets	104	27.5% of average total sets	349
9 31.5% of maximum total sets (small fleet)	52	27.5% of maximum total sets (small fleet)	185
4 8/9 average FAD sets	528	7/9 average FAD sets	679
9 31.5% of average total sets	1,867	27.5% of average total sets	1,256
3 36.5% of average total sets	439	32.5% of average total sets	421
8 8/9 average FAD sets	900	7/9 average FAD sets	1,157
3 31.5% of maximum total sets (small fleet)	160	27.5% of maximum total sets (small fleet)	190
5 36.5% of average total sets	1,972	32.5% of average total sets	1,723
2 31.5% of average total sets	403	27.5% of average total sets	322
5 31.5% of average total sets	1,996	27.5% of average total sets	1,479
5 8/9 maximum FAD sets (small fleet)	145	7/9 maximum FAD sets (small fleet)	186
0 31.5% of maximum total sets (small fleet)	149	27.5% of maximum total sets (small fleet)	506
6 31.5% of average total sets	2,109	27.5% of average total sets	2,612
7 36.5% of maximum total sets (small fleet)	113	32.5% of maximum total sets (small fleet)	73
2 31.5% of average total sets	2,202	27.5% of average total sets	3,061
9 8/9 maximum FAD sets (small fleet)	306	7/9 maximum FAD sets (small fleet)	393
3	14,181		15,864

15

Attachment B: WCPFC Convention Area Related to Attachment C
 showing HSP-1 SMA where the arrangements in Attachment C 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.

Attachment C: Measure for Philippines

1. This Attachment of CMM 2016-01 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 (in Attachment B).

REPORTING

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

The report shall be in the following format:

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

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

OBSERVER

5. The fishing vessels covered by this measure shall employ a WCPFC Regional Observer on board during the whole duration while they operate in HSP-1 SMA in accordance with the provisions of CMM 2007-01.

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 2016-01 shall comply with all other relevant CMMs. Vessels found to be non-complaint 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

Attachment D. High Seas Purse Seine Effort Limits (days)

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, in accordance with paragraph 6 of this CMM
 # The measures that the Philippines will take are in Attachment C

Attachment E: Preparation of FAD Management Plans

To support obligations in respect of FADs¹⁵ in CMM-2013-01, CMM 2014-01, CMM 2015-01 and CMM 2016-01, the FAD Management Plan (FADMP) for a CCM purse seine fleet to be submitted to the Commission shall include:

- An objective
- Scope:
 - Description of its application with respect to:
 - Vessel-types and support and tender vessels,
 - FAD types [anchored (AFAD) AND drifting (DFAD)],
 - maximum FAD numbers permitted to be deployed [per purse seine or ring net vessel per FAD type],
 - reporting procedures for AFAD and DFAD deployment,
 - catch reporting from FAD sets (consistent with the Commission's Standards for the Provision of Operational Catch and Effort Data),
 - minimum distance between AFADs,
 - incidental by-catch reduction and utilization policy,
 - consideration of interaction with other gear types,
 - statement or policy on "FAD ownership".
- Institutional arrangements for management of the FAD Management Plans
 - Institutional responsibilities,
 - Application processes for FAD deployment approval,
 - Obligations of vessel owners and masters in respect of FAD deployment and use,
 - FAD replacement policy,
 - Reporting obligations,
 - Observer acceptance obligations,
 - Relationship to Catch Retention Plans,
 - Conflict resolution policy in respect of FADs.
- FAD construction specifications and requirements
 - FAD design characteristics (a description),
 - FAD markings and identifiers,
 - Lighting requirements,
 - radar reflectors,
 - visible distance,
 - radio buoys [requirement for serial numbers],
 - satellite transceivers [requirement for serial numbers].
- Applicable areas
 - Details of any closed areas or periods e.g. territorial waters, shipping lanes, proximity to artisanal fisheries, etc.

¹⁵ Fish aggregating devices (FAD) are drifting or anchored floating or submerged objects deployed by vessels for the purpose of aggregating target tuna species for purse seine or ring-net fishing operations

- Applicable period for the FAD-MP
- Means for monitoring and reviewing implementation of the FAD-MP.
- Means for reporting to the Commission

Longline Catch Limits by Flag

	Catch Limits			
	2014	2015	2016	2017
	9,398	8,224	8,224	7,049
	5,889	5,889*	5,889*	5,889*
	19,670	18,265	18,265	16,860
KOREA	15,014	13,942	13,942	12,869
BI	11,288	10,481	10,481	9,675
	3,763	3,554	3,554	3,345

and maybe subject to revision following data analysis and verification



**COMMISSION
THIRTEENTH REGULAR SESSION**
Denarau Island, Fiji
5 – 9 December, 2016

**CONSERVATION AND MANAGEMENT MEASURE FOR THE
EASTERN HIGH-SEAS POCKET SPECIAL MANAGEMENT AREA**
Conservation and Management Measure 2016-02

The Western and Central Pacific Fisheries Commission (WCPFC):

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;

Concerned that IUU fishing activities in the Convention area undermine the effectiveness of the conservation measures adopted by the WCPFC.

Conscious of the need to address, as a matter of priority, the issue of vessels conducting IUU fishing activities from the Eastern High Seas Pocket (the 'E-HSP');

Determined to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to vessels in the E-HSP, without prejudice to further measures adopted in respect of CCMs and non-CCMs under the relevant WCPFC instruments;

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

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

Noting that 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;

Noting further that Article 30(2)(c) of the Convention requires the Commission to ensure that conservation and management measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States Parties, and territories and possessions;

Adopts, in accordance with Article 10 of the Convention:

AREA OF APPLICATION

1. The E-HSP is the area of high seas bounded by the Exclusive Economic Zones of the Cook Islands to the west, French Polynesia to the east and Kiribati to the north. For the purposes of this

WCPFC13 draft Summary Report Attachment K

measure, the precise co-ordinates (geodetic information) shall be that used by the WCPFC vessel monitoring system (VMS) the co-ordinates is attached (Attachment A). A map showing the E-HSP is attached (Attachment B).

REPORTING

Vessel sightings

2. CCMs shall encourage their flagged vessels operating in the E-HSP to report sightings of any fishing vessel to the Commission Secretariat. Such information should include: date and time (UTC), position (true degrees), bearing, markings, speed (knots), and vessel type. Vessels should ensure this information is transmitted to the Secretariat within 6 hours of a sighting event taking place.

VMS

3. Adjacent coastal States/Territories shall receive continuous near real-time VMS data pursuant to paragraph 22 of the Commission's Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes; and through a standing request under paragraph 5 of these Rules and Procedures.
4. Flag States shall monitor their vessels operating in the E-HSP, using at minimum the WCPFC VMS, to ensure compliance with this measure.

VESSEL LIST

5. The Commission Secretariat shall maintain a 'live list' of all fishing vessels present in the E-HSP, based on near-real time VMS information. This list will be made available to Commission Members through the WCPFC website.

TRANSHIPMENT

6. All transshipment activities are prohibited in the E-HSP from 1st January 2019.

COMPLIANCE

7. Vessels found to be non-compliant with this measure shall be dealt with in accordance with CMM 2010-06, and any other applicable measures adopted by the Commission

IMPLEMENTATION AND REVIEW OF MEASURE

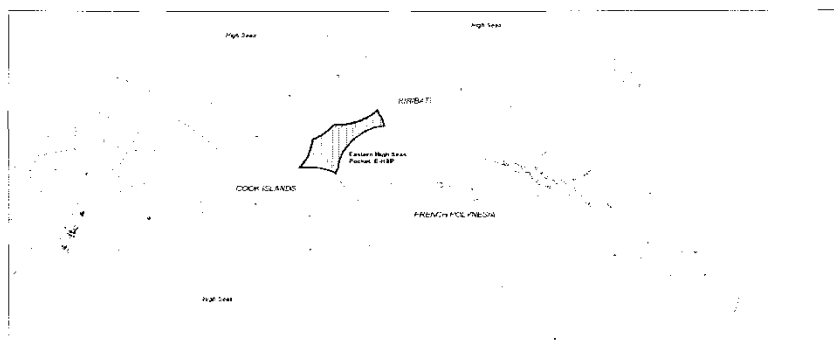
8. The Secretariat shall prepare a report on the implementation and compliance of this measure to TCC each year.
9. The measures described above shall be reviewed every two years, in conjunction with the relevant advice from the Technical and Compliance Committee (TCC). This review shall consider, inter alia, whether the measure is having the intended effect and the extent to which all CCMs and fishing sectors are contributing to achieving the Commission's conservation objectives.
10. This measure shall not constitute a precedent and is restricted to the E-HSP.
11. This measure shall replace CMM2010-02, and shall remain in force until such time as the Commission adopts an alternative measure for the E-HSP.

Attachment A: EHSP-SMA Coordinates as at April 2012

Coordinates of the Eastern High Seas Pocket - Special Management Area
These coordinates are without prejudice to any negotiations or work on current boundaries and are subject to change as boundaries are resolved.

LONGITUDE	LATITUDE		
-155.495308	-11.375548	-160.011413	-14.890788
-155.498321	-11.391248	-159.926847	-14.750107
-155.375667	-11.6652	-159.87787	-14.621808
-155.144789	-12.031226	-159.79653	-14.407807
-155.087069	-12.286791	-159.75968	-14.275899
-155.011312	-12.527927	-159.711458	-14.113648
-154.988916	-12.541928	-159.682425	-13.98575
-155.011131	-12.528155	-159.655144	-13.863674
-155.4405	-12.58823	-159.621745	-13.726376
-155.8398	-12.7045	-159.619708	-13.634445
-156.3396	-12.96024	-159.616001	-13.561895
-156.748	-13.26971	-159.614094	-13.509574
-157.0805	-13.57845	-159.561966	-13.476838
-157.4277	-13.99567	-159.464666	-13.417237
-157.6434	-14.37697	-159.323121	-13.349332
-157.7986	-14.73752	-159.212807	-13.287211
-157.9131	-15.11709	-159.104174	-13.209011
-157.962	-15.46605	-158.983445	-13.143509
-158.039622	-15.653761	-158.882253	-13.049931
-158.122829	-15.877123	-158.744371	-12.94646
-158.127739	-15.869203	-158.649624	-12.872332
-158.231024	-15.803568	-158.560938	-12.795621
-158.36955	-15.745447	-158.495677	-12.723884
-158.496828	-15.694038	-158.424306	-12.639442
-158.661362	-15.634953	-158.333838	-12.548261
-158.821586	-15.583395	-158.2853	-12.45563
-159.026918	-15.539192	-158.071642	-12.43816
-159.190663	-15.503491	-157.8908	-12.42376
-159.372631	-15.472738	-157.747379	-12.436771
-159.548569	-15.453715	-157.631174	-12.428707
-159.736692	-15.448871	-157.4611	-12.39678
-159.90316	-15.449959	-157.229515	-12.356368
-160.083542	-15.463548	-157.039477	-12.306157
-160.226654	-15.480612	-156.866471	-12.243143
-160.365423	-15.495182	-156.665366	-12.174288
-160.451319	-15.514117	-156.495214	-12.106995
-160.406016	-15.448192	-156.3648	-12.01769
-160.316351	-15.338878	-156.25113	-11.967768
-160.217964	-15.213622	-156.113903	-11.894359
-160.156932	-15.110787	-156.012144	-11.844092
-160.074995	-14.978629	-155.895851	-11.761728
		-155.77415	-11.668355
		-155.686884	-11.572012
		-155.593209	-11.478779
		-155.495308	-11.375548

Attachment B: Eastern High Seas Pocket





**COMMISSION
THIRTEENTH REGULAR SESSION**

Denarau Island, Fiji
5 – 9 December, 2016

**CONSERVATION AND MANAGEMENT MEASURE TO ESTABLISH
A MULTI-ANNUAL REBUILDING PLAN FOR PACIFIC BLUEFIN TUNA**

Conservation and Management Measure 2016-04

The Western and Central Pacific Fisheries Commission (WCPFC):

Recognizing that WCPFC6 adopted Conservation and Management Measure for Pacific bluefin tuna (CMM 2009-07) and the measure was revised five times since then (CMM 2010-04, CMM 2012-06, CMM 2013-09, CMM 2014-04 and CMM 2015-04) based on the conservation advice from the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC) on this stock;

Noting with concern the latest stock assessment provided by ISC Plenary Meeting in July 2016, indicating the following:

- (1) SSB fluctuated throughout the assessment period (1952–2014), (2) SSB steadily declined from 1996 to 2010, and (3) the decline appears to have ceased since 2010, although the stock remains near the historic low (2.6% of unfished SSB);
- The 2014 estimated recruitment was relatively low, and the average recruitment for the last five years may have been below the historical average;
- The fishery exploitation rate in 2011-2013 exceeded all biological reference points evaluated by the ISC except F_{MED} and F_{LOSS} .
- Since the early 1990s, the WCPO purse seine fisheries, in particular those targeting small fish (age 0-1) have had an increasing impact on the spawning stock biomass, and in 2014 had a greater impact than any other fishery group.
- The projection results indicate that: (1) the probability of SSB recovering to the initial rebuilding target ($SSB_{MED1952-2014}$) by 2024 is 69% or above the level prescribed in the WCPFC CMM 2015-04 if low recruitment scenario is assumed and WCPFC CMM 2015-04 and IATTC Resolution C-14-06 continue in force and are fully implemented; and (2) a 10% reduction in the catch limit for fish smaller than 30 kg would have a larger effect on recovery than a 10% reduction in the catch limit for fish larger than 30 kg; and

- Catching a high number of smaller juvenile fish can have a greater impact on future spawning stock biomass than catching the same weight of larger fish;
- ISC recommends defining SSBMED as the median point estimate for a fixed period of time, either, 1952-2012 or 1952-2014, and further stated that SSBMED is estimated to be 41,069 t for the period of 1952-2012 and 40,994 t for 1952-2014.

Recognizing the requirement to adopt reference points for conservation and management of Pacific bluefin tuna; and

Further recalling that paragraph (4), Article 22 of the WCPFC Convention, which requires cooperation between the Commission and the IATTC to reach agreement to harmonize CMMs for fish stocks such as Pacific bluefin tuna that occur in the convention areas of both organizations;

Adopts, in accordance with Article 10 of the WCPFC Convention that:

General Provision

1. The Commission Members, Cooperating Non-Members and participating Territories (hereinafter referred to as CCMs) recognize that the management objectives of the WCPFC are to maintain or restore fish stocks at levels capable of producing MSY and shall implement a provisional Multi-Annual Rebuilding Plan for Pacific bluefin tuna to rebuild the stock by adopting and achieving step-wise rebuilding targets.. This stepwise rebuilding approach will be as follows:

- a. Starting in 2015, CCMs agree to rebuild the stock with the initial goal of rebuilding the SSB to the historical median (the median point estimate for 1952-2014) within 10 years with at least 60% probability.
- b. Implementation and progress of this plan shall be reviewed based on the results of stock assessments and SSB projections to be conducted by ISC in 2018 and every two years thereafter. For this purpose, the ISC is requested to update the SSB projections for the harvest scenarios previously recommended by the WCPFC, along with any additional scenarios recommended by the Northern Committee. This CMM shall be amended if necessary upon such review.
- c. In 2017, CCMs shall agree on a second rebuilding target, to be reached by 2030 (not necessarily the ultimate rebuilding target).
- d. CCMs shall revise or adopt conservation and management measures to achieve the second rebuilding target that would become effective after the initial goal is met.

2. The Northern Committee shall consider and develop reference points and harvest control rules for the long-term management of Pacific bluefin tuna at its meeting in 2017.

Management measures

3. CCMs shall take measures necessary to ensure that:

(1) Total fishing effort by their vessel fishing for Pacific bluefin tuna in the area north of the 20° N shall stay below the 2002–2004 annual average levels.

(2) All catches of Pacific bluefin tuna less than 30 kg shall be reduced to 50% of the 2002–2004 annual average levels. Any overage of the catch limit shall be deducted from the catch limit for the following year.

4. CCMs shall take measures necessary to ensure that all catches of Pacific Bluefin tuna 30kg or larger shall not be increased from the 2002-2004 annual average levels¹. Any overage of the catch limit shall be deducted from the catch limit for the following year. However, in 2017, 2018, 2019, and 2020 CCMs may use part of the catch limit for Pacific bluefin tuna smaller than 30 kg stipulated in paragraph 3 (2) above to catch Pacific bluefin tuna 30 kg or larger in the same year. In this case, the amount of catch 30 kg or larger shall be counted against the catch limit for Pacific bluefin tuna smaller than 30 kg. CCMs shall not use the catch limit for Pacific bluefin tuna 30 kg or larger to catch Pacific bluefin tuna smaller than 30 kg. The ISC is requested to review the implications of this special provision in terms of PBF mortality and stock rebuilding probabilities in 2020. Based on that review, in 2020 the Northern Committee will determine whether it should be continued past 2020, and if so, recommend changes to the CMM as appropriate.

5. An emergency rule shall be considered in 2017 which stipulates specific rules all CCMs shall comply with when drastic drops in recruitment are detected.

6. CCMs shall report their 2002–2004 baseline fishing effort and <30 kg and ≥30 kg catch levels for 2013 and 2014, by fishery, as referred to in paragraphs 3 and 4, to the Executive Director by 31 July 2015. CCMs shall also report to the Executive Director by 31 July each year their fishing effort and <30 kg and ≥30 kg catch levels, by fishery, for the previous 3 year, accounting for all catches, including discards. The Executive Director will compile this information each year into an appropriate format for the use of the Northern Committee.

7. CCMs shall intensify cooperation for effective implementation of this CMM, including juvenile catch reduction.

8. CCMs, in particular those catching juvenile Pacific bluefin tuna, shall take measures to monitor and obtain prompt results of recruitment of juveniles each year.

9. Consistent with their rights and obligations under international law, and in accordance with domestic laws and regulations, CCMs shall, to the extent possible, take measures necessary to prevent commercial transaction of Pacific bluefin tuna and its products that undermine the effectiveness of this CMM, especially measures prescribed in the paragraph 3 and 4 above. CCMs shall cooperate for this purpose.

10. CCMs shall cooperate to establish a catch documentation scheme (CDS) to be applied to Pacific bluefin tuna as a matter of priority.

11. CCMs shall also take measures necessary to strengthen monitoring and data collecting system for Pacific bluefin tuna fisheries and farming in order to improve the data quality and

¹ This may apply to Japan starting from July 1, 2017

timeliness of all the data reporting;

12. CCMs shall report to Executive Director by 31 July annually measures they used to implement paragraphs 3, 4, 6, 8, 9, 11 and 14 of this CMM. CCMs shall also monitor the international trade of the products derived from Pacific bluefin tuna and report the results to Executive Director by 31 July annually. The Northern Committee shall annually review those reports CCMs submit pursuant to this paragraph and if necessary, advise a CCM to take an action for enhancing its compliance with this CMM.

13. The WCPFC Executive Director shall communicate this Conservation Management Measure to the IATTC Secretariat and its contracting parties whose fishing vessels engage in fishing for Pacific bluefin tuna and request them to take equivalent measures in conformity with this CMM.

14. To enhance effectiveness of this measure, CCMs are encouraged to communicate with and, if appropriate, work with the concerned IATTC contracting parties bilaterally.

15. The provisions of paragraphs 3 and 4 shall not prejudice the legitimate rights and obligations under international law of those small island developing State Members and participating territories in the Convention Area whose current fishing activity for Pacific bluefin tuna is limited, but that have a real interest in fishing for the species, that may wish to develop their own fisheries for Pacific bluefin tuna in the future.

16. The provisions of paragraph 15 shall not provide a basis for an increase in fishing effort by fishing vessels owned or operated by interests outside such developing coastal State, particularly Small Island Developing State Members or participating territories, unless such fishing is conducted in support of efforts by such Members and territories to develop their own domestic fisheries.

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