



FSMA Observer Programme Information Booklet

2021



PNA Observer Agency

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Introduction

About the FSMA Observer Program

The FSM Arrangement was developed as a mechanism for domestic vessels of the PNA to access the fishing resources of other Parties. It was signed on the 30 Nov 1994 and came into force on the 23 Sep 1995. The FSM Arrangement aims to:

- provide access for domestic vessels to Parties' waters on terms no less favourable than those granted to distant water fishing nations;
- secure maximum sustainable economic benefits from tuna resources; promote greater participation by nationals of Parties in fisheries and assist in development of national fisheries industries; and
- allow access to vessels on terms consistent with Palau Arrangement.

The FSM Arrangement provides that the Parties shall establish an observer programme for the purposes of implementing and achieving the objectives of the Arrangement. In the context of the FSMA, the activities of observers shall include monitoring the level of compliance with the provisions of this Arrangement and reporting of their findings to the Administrator and the Home Party of the vessel.

About the PNA Observer Agency

In April 2011, PNA Ministers agreed to the establishment of the PNA Observer Agency (POA). PNA Ministers agreed that the POA will assume responsibility for the FSMA Observer Programme, and the administration of the FSM Arrangement will be transferred to the CEO of the PNAO. After considering a number of service delivery options, PNA agreed in May 2012 to outsource the administration of the POA to a commercial service provider, and to select a preferred provider through an open tender process. MRAG Asia Pacific Pty Ltd has been contracted to administer the POA.

The POA has been established to support Parties' long term strategic interest in maintaining an independent scientific observer program of the highest quality. Data and information collected by observers is critical to the effective management of the fishery and accurate compliance reporting is essential in underpinning the integrity and effectiveness of the management arrangements. The POA aims to support these objectives by providing high quality observer services on behalf of the Parties based on strong regional coordination and meeting the needs Parties, vessel owners and observers.

The focus of the POA is on coordinating placements for the FSMA observer programme. The POA's role is operational and focuses on the 'nuts and bolts' tasks involved in running the FSMA observer programme. The main tasks include:

- a) Coordinating with Parties to identify available observers from national programs;
- b) Facilitating observer contracts;
- c) Coordinating flight arrangements and ticketing for observers;
- d) Facilitating accommodation for observers
- e) Coordinating and facilitating allowances for observers for at sea and in transit.
- f) Facilitating application for visas
- g) Coordinating placement of observers onboard vessels
- h) Administering financial arrangements
- i) Developing and administering a Code of Conduct for observers
- j) Facilitating insurance for observers

- k) Managing the provision of technical and safety equipment
- l) Coordination of debriefing and data management.

About the WCPFC Regional Observer Programme (ROP)

The ROP is established under the WCPF Convention and aims to, amongst other things, collect verified catch data, and to monitor the implementation of the conservation and management measures adopted by the Commission. The arrangements for the ROP are set out in CMM 2018-05 (see Annex 1).

Importantly, CMM 2018-01 requires that vessels fishing in waters under the jurisdiction of two or more coastal States shall carry an observer from the Commission's ROP. It also requires CCMs to 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. CCMs are encouraged to provide the data gathered by the observers for use in the various analyses conducted by the Commission.

Data collected by observers under the ROP are important in contributing to stock assessments, assessing the impact of the fishery on non-target species and monitoring compliance with CMMs.

About this Booklet

This booklet sets out the main operational arrangements relating to the placement of observers on FSMA vessels through the POA, as well as other information on the management of the fishery. The PNA Office and MRAG Asia Pacific have prepared this guide and we hope that you find it to be a useful source of information.

If there is anything that you do not understand in this booklet, if you need further information, or if you want to discuss your specific observer placement arrangements, please contact the POA Observer Program Manager on +61422045737 or at obs@pnaobserver.com.

We would also like to hear your feedback about how useful this booklet is, and welcome your suggestions on ways we could improve it for next year. You can provide any comments you may have by emailing obs@pnaobserver.com.

Observer Program in the context of COVID-19

The requirement for 100% observer coverage on purse seine vessels has been temporarily suspended until 15th February 2021 due to COVID-19 restrictions. Arrangements to allow for the recommencement of observer coverage are currently under consideration with the intention to begin placing observers as soon as practical and safe after that date.

FSMA vessel operators will be provided with the full details of arrangements for the resumption of observer requirements onboard purse seine vessels when information has been released.

POA Operational Arrangements

This section provides an overview of the main operational arrangements for the placement of observers on FSMA vessels.

Coordinator Contacts

Program Coordinator

The Coordinator of the FSMA Observer program is David Byrom. All requests for observers and questions in relation to observer placements should be directed to David at:

David Byrom,
Observer Program Manager
Tel: +61 422045737
Email: dbyrom@mragsiapacific.com.au or obs@pnaobserver.com

Regional Coordinators/Placement Officers

The POA also has regional staff and placement officers in the main PNA transshipment ports. POA Offices include:

Pohnpei

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Requesting an observer

Observer requests should be submitted with **as much advance notice as possible** in order to arrange observers prior to the planned departure of the vessel from port, as well as reduce travel costs. **Ideally, observer requests should be submitted at least five (5) days in advance of the expected date of departure from port.** The expected date and port of return may not be known with certainty, although we ask you to provide your best guess for planning purposes. A template form for observer requests is provided under 'Forms' in this booklet.

Completed forms are to be returned via email to obs@pnaobserver.com.

Vessels requiring a Marine Stewardship Council (MSC) Chain of Custody (CoC) trained observer to verify the eligibility of MSC product under the PNA's Group Chain of Custody scheme will need to specify this in their observer request.

Observer Selection

Where a new observer is required, POA Coordinators will source a suitable, available observer to undertake the placement. All observers used by the POA will be PNA nationals, drawn from national pools of PIRFO accredited observers. Observer selection will be compliant with WCPFC and other relevant requirements.

Suitable observers for FSMA vessel placements will initially be sought from the most cost effective port (e.g. observers will be sought from the port of departure where they meet relevant requirements). If an appropriate observer is not available from the port of departure, an observer will be sought from the next most cost effective port, and so on until a suitable, available observer is located. This process will help minimise travel and other operational costs. POA Coordinators will liaise with PNA national coordinators in the selection of observers to ensure coordination between programs. Where possible, experienced observers with a strong track record of excellence in data collection and conduct will be used. An observer's previous work history will be an important consideration in observer selection.

Travel and Accommodation

After identifying a suitable observer, POA Coordinators will arrange for travel and accommodation where necessary for the observer to the port of embarkation. Travel will be arranged by the most cost effective, economy class route and will be paid directly by the POA.

The POA has arrangements with accommodation providers in relevant ports. These arrangements will cover accommodation and meals and will be paid directly by the POA.

Where necessary, POA Coordinators will also arrange travel and accommodation for the observer back to their home port after disembarkation from the vessel.

Assistance in coordinating visas for observers, where necessary, will be provided by the POA.

Observer briefing and placement

Observers will be briefed on the upcoming trip by a POA Coordinator. Briefing will include expected trip details (vessel name, expected date and port of departure, expected date and port of return), as well as any specific sampling requirements.

At the port of embarkation, POA coordinators will arrange for a formal placement meeting to be undertaken involving a Placement Officer, the Vessel Master, the observer and a translator where required. The Placement Officer will run through a checklist including checking the availability and quality of accommodation provided for the observer, and outlining the obligations on both the observer and vessel operators. The Vessel Master and observer will be required to acknowledge their understanding of their obligations.

Code of Conduct

Ensuring a high standard of observer behaviour at all times while on deployment is essential to maintaining the professionalism and integrity of the observer program. Observers on FSMA trips will be subject to the POA Observer Code of Conduct (see “Code of Conduct” below). This code sets out the standards of behaviour expected of observers while on deployment, as well as investigation and disciplinary procedures.

Please also take note of Circular No: 2017-08 included in this booklet. Consumption of alcohol by Observers onboard FSMA RAL is strictly prohibited.

Vessel operators will be encouraged to provide feedback about the observer’s performance while on the vessel through the ‘Vessel Feedback Form’ under ‘Forms’ below. Through this form, vessel operators are also able to report any alleged breaches of the Code of Conduct for further investigation by the Programme Coordinator.

Communication

Regular and predictable reporting by observers while at sea is important to monitor well-being as well as plan disembarkation logistics. For this reason, observers on FSMA trips are required to maintain weekly communication with POA Coordinators. Access to vessel communications equipment to allow for the observer to submit weekly reports and undertake other communications will be discussed and agreed with the Vessel Master during the placement meeting. Observers will also carry a two-way satellite communication device issued by the POA.

Calipers and safety equipment

In 2021, vessels will be asked to retain observer scientific calipers on board the vessel. Retaining calipers on the vessel avoids logistical problems associated with transporting calipers around the region and the possibility of delays associated with caliper unavailability. The POA will also arrange for each observer to be issued a safety pack containing an inflatable life jacket, personal locator beacon, strobe light and satellite 2-way communication device.

Length of deployment

Ideally, observers will be deployed for a **maximum of 60 days or 3 trips** after which debriefing must take place. Experience has shown that data quality submitted by observers can reduce after around 60 days on the same vessel.

In practice, observers will generally be disembarked at the completion of the trip in which the 60 day limit is reached, or after the 3rd trip if the combined trip length is less than 60 days. POA observer coordinators will use their judgement in circumstances where a trip ends close to the 60 day limit.

POA Coordinators will discuss with observers and vessel operators the circumstances around future deployments at the end of each trip (e.g. observer continuing on with the same vessel, debriefing and moving to another vessel).

Length of deployment may be adjusted during the COVID-19 pandemic based on operational factors and in consultation with Parties, observers and vessel operators.

Disembarkation/debriefing

Upon return to port, POA Coordinators will arrange for observer to be debriefed, as well as making any travel and accommodation arrangements necessary for repatriation. Where the observer disembarks the vessel after the trip end, POA Coordinators will work with vessel operators to place a new observer.

Observers will be required to submit written trip reports and data within 7 days of returning to port and will be debriefed as soon as possible.

Data confidentiality

MRAG AP recognises the importance of maintaining confidentiality and security of data collected by observers on fishing vessels. The POA takes all reasonable steps to ensure the security of all confidential vessel information within its possession.

All observers working on behalf of the POA will be required to maintain confidentiality of all data collected, as well as other information such as fishing locations and fishing techniques. The information will not be divulged in any manner whatsoever without the prior written consent of the Observer Program Manager. Data collected on board will not be discussed or made available to the fishing master, captain or crew while on board. Disclosing confidential information will result in disciplinary proceedings under the POA Observer Code of Conduct.

Payments to observers

The fees paid by FSMA vessels to the POA are designed to cover all costs associated with observer placements. This means that direct payments by vessel operators to observers for advances, travel or accommodation should not be necessary. The POA will arrange for costs to be paid directly to the observer or relevant service provider. This is designed to ensure financial independence between the vessel and the observer, and to remove any perception, whether justified or otherwise, that the observer is not acting independently of the vessel.

Payments by vessels to observers are strictly prohibited, unless under exceptional circumstances and approved in writing by the POA Manager. Vessel representatives should report any attempt by an observer to solicit a cash payment or other gratuity, and likewise observers will be encouraged to report any attempt by the vessel crew or agents to provide unauthorised direct payments.

Continual Improvement/performance monitoring and reporting

A strong focus of the POA is on continual improvement. Opportunities to improve service delivery and strengthen program outputs are continually assessed.

The POA will continue to monitor operational performance against a framework of indicators, covering all aspects of the program. This includes overall indicators such as the average number of sea days per trip, the number of sea days each year by observer nationality, as well as specific indicators across deployment/logistics, data collection, debriefing/data quality and Code of Conduct issues amongst others.

The outputs of performance monitoring will be used to better plan and deliver observer deployments over time, as well as report annually on the performance of the POA to the Parties.

Both observers and FSMA vessels will also have the opportunity to provide direct feedback on trips. Observer's feedback on the trip will primarily be picked up through the debriefing process. Vessels will be provided with a dedicated form to provide feedback on the observer's performance, as well as report any suspected breaches of the Code of Conduct for further investigation.

Additional Information

Additional information on operational arrangements for the POA is available from dbyrom@mragsiapacific.com.au.

PNA Observer Agency

Observer Code of Conduct



1. SCOPE

- 1.1 The Code of Conduct will apply for the duration of the observer trip inclusive of travel periods from the Observer's home base to point of embarkation and travel from the point of disembarkation back to the Observer's home base.

2. PROFESSIONALISM

- 2.1 Observers shall behave in a professional manner at all times and shall refrain from engaging in illegal activities or other behaviour that would adversely affect the integrity or reputation of the observer programme.
- 2.2 A Fisheries Observer shall report objectively any suspected irregularities observed and submit an authentic verifiable data package and trip report.

3. BRIBES / GIFTS / GRATUITIES

- 3.1 A Fisheries Observer shall not accept any gratuity or gift that would place the observer in a compromising position. Gratuities and gifts include, but are not limited to, money, fish products, sponsored travel trips and particularly **alcoholic beverages**.
- 3.2 Any offer that may be perceived as a bribe, even when presented in a joking or non-serious manner, shall be reported immediately or as soon as possible to the Observer Program Coordinator.

4. USE OF ALCOHOL AND DRUGS

- 4.1 Observers are strictly prohibited from consuming or being under the influence of alcoholic beverages or illegal drugs while onboard the vessel. Betel nut is not to be carried onto or chewed on the vessel.
- 4.2 Observers shall always ensure that they arrive to board the vessel in a healthy condition, and are not in any way under the influence of any illegal substances or alcohol.

5. CONFLICT OF INTEREST

- 5.1 Observer shall report in writing to the Observer Program Coordinator any conflicts of interest as soon as they become aware of the conflict. A conflict of interest includes participation in activities or relationships with other persons, resulting in the impairment or possible impairment of a person's objectivity in performing the contract work.

6. CONFIDENTIALITY OF INFORMATION

- 6.1 All information collected by the Observer during the course of their trip is the property of the Parties to the Nauru Agreement.

- 6.2 Observers shall ensure that all information obtained in the course of their work is kept secure and treated as strictly confidential at all times on board and on shore. The information should not be divulged in any manner whatsoever without the prior written consent of the Observer Program Manager.
- 6.3 Data collected on board will not be discussed or made available to the fishing master, captain or crew.
- 6.4 All collected data, photographs and literature shall be turned over to the Observer Program Manager at the completion of a trip.
- 6.5 Observers must not post any photo or information relating to their work on any social media outlet. Photographs taken onboard vessels or depicting vessel officers or crew must never been posted on social media.

7. AUTHORITY

- 7.1 Observers are not law enforcement officers and have no enforcement powers.
- 7.2 Observers will not give any directions or notices outside their observer responsibilities to the captain/master or to any member of the crew. Observers will not collect or seek any material or information from vessels other than that which they are directed to collect.
- 7.3 Observers have no authority to apprehend or direct fishing operations of the vessel or give operational advice to the vessel such as whether fishing activity is in breach of regulations. The observer should however be open to the captain and crew about their duties.
- 7.4 Observers are not authorised to sign documents onboard vessels and must not sign vessel documents unless directed to do so by the Observer Program Manager.
- 7.5 Observers are not authorised to disqualify catch from MSC certification, only the PNAO is authorised to make that decision.

8. WORK SAFETY

- 8.1 Observers will undertake a medical examination for fitness for duty before departing from their home port to board a vessel.
- 8.2 Observers will maintain a healthy and safe work routine. Whilst ensuring that they complete their prescribed duties, they will exercise appropriate caution and safe work practices in relation to their own safety and that of the crew.
- 8.3 Observers must wear an inflatable life vest at all times when on the open deck of the vessel.

9. CONDUCT

- 9.1 During travel to the point of embarkation and from the point of disembarkation to their home base, observers will conduct themselves in a professional manner. They will comply with national immigration, customs and quarantine laws and their behaviour and activities will comply with national laws.
- 9.2 Observers will attempt at all times to have a professional and courteous relationship with the captain/master and crew, but will not be required to compromise their duties as an observer, their independence from the vessel operators and crew or their health and safety.

- 9.3 Observers will respect all vessel property, private property and any other equipment on board the vessel, including documents, charts, logs and plans of the vessel, as well as the personal property and effects of the crew.
- 9.4 Observers will at all times maintain high levels of personal hygiene and dress standards appropriate for the conditions.
- 9.5 Observer duties should be conducted in a way that does not unduly hinder or interfere with the proper functioning of the vessel for fishing operations or navigation purposes, and that mitigates adverse effects on the quality of product retained by the vessel.
- 9.6 Observers shall respect the safety and sanitary rules of the ship.
- 9.7 Observers shall not have any personal or intimate relationships whilst on board the vessel.
- 9.8 Observers shall not use any vessel communication system for private or business use without the permission of the captain/master of the vessel (Observer communications costs will be paid by the observer or provider by arrangement with the captain/master)
- 9.9 Observers shall comply with requirements established in the laws and regulations of the flag State which exercises jurisdiction over the vessel to which the observer is assigned.
- 9.10 Observers must respect any instructions from the captain, port authority, immigration, customs or quarantine officer when arriving in port.

10. BREACHES, DISPUTES, PENALTIES AND APPEAL

- 10.1 All reported serious breaches of this Code of Conduct will be investigated by the Observer Program Coordinator. A written copy of the reported breach will be provided to the WCPFC Secretariat. All parties involved in the reported breach will be given the opportunity to provide statements. Where appropriate, the reported breach may be dealt with through mediation or conciliation, led by the Observer Program Coordinator or his delegate. Where a dispute is unable to be resolved, the POA will arrange to appoint an appropriately qualified independent person to hear the facts of the dispute and make a final judgement. All parties will be given the opportunity to make submissions to the independent adjudicator.
- 10.2 The penalties for a breach of this Code of Conduct may include repayment of costs to the POA or reimbursement for damages caused, suspension and/or termination.
- 10.3 Observers found to have breached this Code of Conduct while travelling to the vessel, or upon embarkation are unable to undertake their duties, will have their contract terminated and may be liable for all costs associated with their travel and or any advance payments.
- 10.4 Observers found to have breached this Code of Conduct while on board the vessel may have their contracts terminated. Observers will be responsible for the costs of any damages they may have caused whilst on the vessel.
- 10.5 Observers found to have breached this Code of Conduct while on a return journey to their home port after a trip will have their contract terminated and the observer may be asked to reimburse all travel costs. Observers will have any damage cost payments deducted from their termination salary.
- 10.6 At the discretion of the Observer Program Coordinator, if an observer is found to have committed a breach of the Code of Conduct the observer may be suspended for a minimum

of 6 months. If the observer is given another chance after the initial suspension is served and the Code of Conduct is breached a second time an automatic life disqualification will occur.

- 10.7 If an observer is served with a notice that breach of the Code of Conduct has been committed, the observer will have the right to an appeal.
- 10.8 The outcomes of any investigation will be reported to the vessel flag state and home party, as well as to the WCPFC Secretariat.

Rights and Responsibilities

All parties involved in the FSMA observer program have defined rights and responsibilities set out in the FSM Arrangement and WCPFC CMM 2018-05. The main rights and responsibilities are set out below.

FSM Arrangement

The obligations on FSMA Regional Access License vessels in relation to observers are outlined in Annex V, Part 7 of the FSMA Arrangement:

ANNEX V, PART 7

OBSERVERS

20. The operator and each member of the crew of the vessel shall allow and assist any person duly identified as an observer to:

- (a) board the vessel for scientific, compliance, monitoring and other functions;
- (b) have full access to and the use of facilities and equipment on board the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish on board and areas which may be used to hold, process, weigh and store fish;
- (c) collect samples;
- (d) have full access to the vessel's records, including its logs and documentation for the purpose of inspection and copying;
- (e) have reasonable access to navigation equipment, charts, and radios;
- (f) gather any other information relating to fisheries in the Arrangement Area without interfering unduly with the lawful operation of the vessel;
- (g) disembark at the point and time notified by the Administrator; and
- (h) carry out all duties safely, and no operator or crew member of the vessel shall assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an observer in the performance of his or her duties.

21. The operator shall provide the observer, while on board the vessel, at no expense to the Parties or the Administrator, with full insurance cover and with food, accommodation and medical facilities equivalent to those provided to officers of the vessel.

22. The operator of the vessel from which any fish taken in the Arrangement Area is offloaded shall allow, or arrange for, and assist any person authorized for this purpose by the Parties to have full access to any place where such fish is off-loaded, to collect samples and to gather any other information relating to fisheries in the Arrangement Area.

WCPFC CMM 2018-05

Additional guidelines in relation to the rights and responsibilities of observers and of vessel operators, captains and crew operating under the WCPFC ROP are set out in CMM 2018-05.

Observers

Guidelines on the Rights and Responsibilities of Observers

In accordance with Annex III Article 3, and article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The following guidelines for the Rights and Responsibilities of Observers shall apply to observers placed on a vessel under the Commission ROP.

1. The rights of observers shall include:

- a) Full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish on board, and areas which may be used to hold, process, weigh, and store fish.
- b) Full access to the vessel's records including its logs and documentation for the purpose of records inspection and copying, reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.
- c) Access to and use of communications equipment and personnel, upon request, for entry, transmission, and receipt of work related data or information.
- d) Access to additional equipment, if present, to facilitate the work of the observer while on board the vessel, such as high powered binoculars, electronic means of communication, etc.
- e) Access to the working deck during net or line retrieval and to specimens (alive or dead) in order to collect and remove samples.
- f) Notice by the vessel captain of at least fifteen (15) minutes before hauling or setting procedures, unless the observer specifically requests not to be notified.
- g) Access to food, accommodations, medical facilities, and sanitary facilities of a reasonable standard equivalent to those normally available to an officer on board the vessel.
- h) The provision of adequate space on the bridge or other designated area for clerical work and adequate space on the deck for observer duties.
- i) Freedom to carry out their duties without being assaulted, obstructed, resisted, delayed, intimidated or interfered with in the performance of their duties.

2. The responsibilities of observers shall include:

- a) Being capable of performing the duties set out by the Commission.
- b) Acceptance and compliance with agreed upon confidentiality rules and procedures with respect to the fishing operations of the vessels and of the vessel owners.
- c) Maintenance of independence and impartiality at all times while on duty in the ROP.
- d) Compliance with the ROP protocols for observers carrying out ROP duties on board a vessel.

- e) Compliance with the laws and regulations of the CCM that exercises jurisdiction over the vessel.
- f) Respecting the hierarchy and general rules of behavior that apply to all vessel personnel.
- g) Performance of duties in a manner that does not unduly interfere with the lawful operations of the vessel and in carrying out their functions they shall give due consideration to the operational requirements of the vessel and shall communicate regularly with the captain or master of the vessel.
- h) Familiarity with the emergency procedures aboard the vessel, including the locations of life rafts, fire extinguishers, and first aid kits.
- i) Communicating regularly with the vessel captain on relevant observer issues and duties.
- j) Observance of ethnic traditions of the crew and customs of the flag State of the vessel.
- k) Adherence to the applicable Code of Conduct for observers. l) Promptly writing and submitting reports to the Commission or national programme in accordance with procedures adopted by the Commission.

Vessel operators, captains and crew

Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew

In accordance with Annex III, Article 3, and Article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The following Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew shall apply when an observer is placed under the Commission ROP.

Rights and responsibilities of vessel operators and captains

1. The rights of vessel operators and captains shall include:

- a) Expectation that a reasonable period of prior notice of the placement of an ROP observer shall be given.
- b) Expectation that the observer will comply with the general rules of behaviour, hierarchy, and laws and regulations of the CCM of the Commission that exercises jurisdiction over the vessel.
- c) Timely notification from the observer provider on completion of the observer's trip of any comments regarding the vessel operations. The captain shall have the opportunity to review and comment on the observer's report, and shall have the right to include additional information deemed relevant or a personal statement.
- d) Ability to conduct lawful operations of the vessel without undue interference due to the observer's presence and performance of necessary duties.
- e) Ability to assign, at his or her discretion, a vessel crew member to accompany the observer when the observer is carrying out duties in hazardous areas.

2. The responsibilities of vessel operators and captains shall include:

- a) Accepting onboard the vessel any person identified as an observer under the ROP when required by the Commission.
- b) Informing the crew of the timing of the ROP observer boarding as well as their rights and responsibilities when an ROP observer boards the vessel.

- c) Assisting the ROP observer to safely embark and disembark the vessel at an agreed upon place and time.
- d) Giving notice to the ROP observer at least fifteen (15) minutes before the start of a set or haul onboard, unless the observer specifically requests not to be notified.
- e) Allow and assist the ROP observer to carry out all duties safely.
- f) Allowing ROP observer full access to the vessel's records including vessel logs and documentation for the purpose of records inspection and copying.
- g) Allowing reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.
- h) Permitting access to additional equipment, if present, to facilitate the work of the ROP observer while onboard the vessel, such as high powered binoculars, electronic means of communication, etc.
- i) Allow and assist the ROP observer to remove and store samples from the catch.
- j) The provision to the ROP observer, while onboard the vessel, at no expense to the observer or the ROP observer's provider or government, with food, accommodation, adequate sanitary amenities, and medical facilities of a reasonable standard equivalent to those normally available to an officer onboard the vessel.
- k) The provision to the ROP observer, while onboard the vessel, insurance coverage for the duration of the observer's time onboard the vessel.
- l) Allow and assist full access to and use of all facilities and equipment of the vessel that the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas which may be used to hold, process, weigh, and store fish.
- m) Ensuring the ROP observer is not assaulted, obstructed, resisted, delayed, intimidated, interfered with, influenced, bribed or is attempted to be bribed in the performance of their duties.

Rights and responsibilities of vessel crew

3. The rights of vessel crew shall include:

- a) Expectation that the ROP observer will comply with the general rules of behaviour, hierarchy, and laws and regulations of the CCM that exercises jurisdiction over the vessel.
- b) Expectation that a reasonable period of prior notice of the placement of a ROP observer shall be given by the Captain.
- c) Reasonable expectation of privacy in crew personal areas.
- d) Ability to carry out duties associated with normal fishing operations without undue interference due to the ROP observer's presence and performance of their necessary duties.

4. The responsibilities of the vessel crew shall include:

- a) Not assaulting, obstructing, resisting, intimidating, influencing, or interfering with the ROP observer or impeding or delaying observer duties.
- b) Compliance with regulations and procedures established under the Convention and other guidelines, regulations, or conditions established by the CCM that exercises jurisdiction over the vessel.
- c) Allowing and assisting full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas that may be used to hold, process, weigh, and store fish.
- d) Allow and assist the ROP observer to carry out all duties safely.
- e) Allow and assist the ROP observer to remove and store samples from the catch.

- f) Compliance with directions given by the vessel captain with respect to the ROP observer's duties.



Parties to the Nauru Agreement

PNA Office - P.O. Box 3992
Majuro, Marshall Islands (MH) 96960

Phone: (692) 625-7626/7627 Fax: (692) 625-7628

10 October 2017

Circular No: 2017-08

To: FSMA RAL Vessel Operators

SUBJECT: Consumption of alcohol by observers on FSMA vessels prohibited

Dear FSMA Regional Access License holder,

I am writing to advise that PNA Regional Observers on FSMA RAL vessels are not permitted under their terms of contract to consume alcohol while onboard FSMA RAL vessels.

Please strongly advise your Captains that provision of alcohol to observers is forbidden and that gifts of alcohol to observers could be interpreted as attempted bribery. Any report of alcohol being given to, or consumed onboard by observers will be investigated fully and may result in compliance action, and/or, delays to the vessel departure to fishing grounds.

Please note that alcohol consumption onboard is a real threat to observer safety and we take this matter seriously. Your cooperation in ensuring observers do not have access to alcohol while onboard is greatly appreciated.

For further information or clarification, please do not hesitate to contact:

i. Ludwig Kumoru, CEO, PNA Office
Email: ludwig@pnatuna.com

ii. David Byrom, Observer Program Manager
Email: dbyrom@mragsiapacific.com.au

Thank you for your understanding and cooperation.

Yours sincerely,

Ludwig Kumoru

Chief Executive Officer/FSM Arrangement Administrator

Forms

Observer Request Form

This form may be completed by fishing vessels with a FSMA Regional Access Licence seeking an observer from the PNA Observer Agency (POA)

PNA Observer Agency

Observer Request Form



Instructions:

This form is to be completed by fishing vessels with a FSMA Regional Access Licence seeking an observer from the PNA Observer Agency (POA). Observer requests should be submitted with as much advance notice as possible in order to arrange observers prior to the planned departure of the vessel from port. Ideally, observer requests should be submitted at least seven (7) days in advance of the expected date of departure from port. The expected date and port of return may not be known with certainty, although we ask you to provide your best guess for planning purposes. Completed forms are to be returned via email to obs@pnaobserver.com.

Observer Request Details:

Vessel details

Name of Vessel:	
Flag of Vessel:	
Home Party:	
Vessel Phone #(s):	
Vessel Email:	

Trip details

Port of Departure:	
Expected Date of Departure:	
Expected Port of Return:	
Expected Date of Return:	
Is an MSC Chain of Custody Observer Required?	(Yes/No)

Details of person making request

Name of person/position:	
Signature:	
Date:	

Vessel Feedback Form

This form is intended to allow for FSMA Vessels to provide feedback to the PNA Observer Agency (POA) on the performance of observers placed on their vessels. The purpose of the form is to allow the POA to monitor the performance of observers over time and to support continuous improvement of the program.

PNA Observer Agency

Vessel Feedback Form



This form is intended to allow for FSMA vessel operators to provide feedback to the PNA Observer Agency (POA) on the performance of observers placed on their vessels. The purpose of the form is to allow the POA to monitor the performance of observers over time, to allow vessel operators to report suspected breaches of the Observer Code of Conduct that require investigation and to support continuous improvement of the program. Completed forms should be submitted to obs@pnaobserver.com.

Vessel Name:

Vessel License No.:

Vessel Captain (or Company representative):

Date observer boarded vessel:

Date observer disembarked vessel:

Observer Name:

1. How would you rate the observer's conduct in relation to their responsibilities as an observer?

☐ Excellent ☐ Good ☐ Moderate ☐ Poor ☐ Very Poor

2. How did the observer adjust to living conditions on the vessel?

☐ Excellent ☐ Good ☐ Moderate ☐ Poor ☐ Very Poor

3. How did the observer relate to officers?

☐ Excellent ☐ Good ☐ Moderate ☐ Poor ☐ Very Poor

4. How did the observer relate to the crew?

☐ Excellent ☐ Good ☐ Moderate ☐ Poor ☐ Very Poor

5. Did the observer allow for the free operation of the vessel?

☐ Excellent ☐ Good ☐ Moderate ☐ Poor ☐ Very Poor

6. How would you rate the observer's performance in relation to safety?

☐ Excellent ☐ Good ☐ Moderate ☐ Poor ☐ Very Poor

☐ Excellent
 ☐ Good
 ☐ Moderate
 ☐ Poor
 ☐ Very Poor

This image shows a blank sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Email:

[illegible]**Captain or Company Representative**

WCPFC CMMs

The main WCPFC Conservation and Management Measures (CMMs) relevant to the WCPFC ROP and to the purse seine fishery are reproduced, for reference, at Annex 1. These include:

- CMM 2008-03 – Sea turtles
- CMM 2009-02 – High seas FAD closures and catch retention
- CMM 2011-03 – Protection of Cetaceans from purse seine fishing operations
- CMM 2019-04 – Sharks
- CMM 2012-04 – Protection of whale sharks from purse seine fishing operations
- CMM 2013-05 - Daily catch and effort reporting
- CMM 217-03 - Protection of WCPFC ROP Observers
- CMM 2018-01 – Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean
- CMM 2018-05 – Regional Observer Program
- CMM 2019-05 – Mobulids and Manta Rays

The full list of WCPFC CMMs is available at <http://www.wcpfc.int/conservation-and-management-measures>.

In order for vessel operators to greater understand the information observers are tasked to collect, the WCPFC Handbook of Conservation Management Measures and Resolutions for WCPFC Regional Observer Programmes can be viewed at <https://www.wcpfc.int/doc/observer-guide-wcpfc-cmms-booklet-2019/observer-guide-wcpfc-cmms-booklet-2019>

Marine Stewardship Council (MSC) Chain of Custody (CoC)

The PNA hold the MSC Fishery and Group Chain of Custody (CoC) certification for purse seine free school skipjack from PNA waters. The scheme requires absolute physical separation of eligible free school skipjack and associated tuna catches, and monitoring of this compliance is based on standard observer forms and regular duties.

Existing observers are being progressively qualified as MSC endorsed observers and SPC observer training now includes a MSC CoC module as a standard part of the observer's qualification.

To participate in a PNA MSC trip, the company is required to join the PNA Group arrangement through a MOU, appoint a staff member in their company who is responsible for MSC training of the vessel captain and crews, posting a MSC flow scheme card in the wheel house, and other measures to meet the CoC requirements.

The MSC officer has a responsibility to ensure the vessel and crew are MSC eligible, request in advance a MSC trip number and the placement of a MSC trained observer, maintain MSC records and report on MSC catches during the trip.

The placement officer shall, upon placement of a MSC observer, note whether the vessel is otherwise MSC eligible (e.g. trained crew and trip number). This is part of the internal audit process.

The MSC qualified observer monitors the trip in a normal manner but shall note in observer records if COC is broken for any hold or load. Should this occur, it should be reported upon arrival to port and MSC eligibility may be lost, upon PNAO assessment of the risk.

For further information about the PNA's Group Chain of Custody arrangements, please contact Maurice Brownjohn at maurice@pnatuna.com.

Other Useful information

Other information and documents that might be useful to FSMA vessel operators is included at Annex 2. This includes:

- WCPFC Guidelines for the Safe Release of Encircled Animals, including Whale Sharks;
- WCPFC ROP Vessel Safety Checklist Guidelines

Useful Contacts and Links

PNA Members

Federated States of Micronesia National Oceanic Resource Management Authority PO BOX PS-122 Palikir, Pohnpei 96941 Tel: (691) 320.2700 or 5181 Fax: (691) 320.2383 E. info@norma.fm	Kiribati Ministry of Fisheries & Marine Resources Development P.O. Box 64 Bairiki, Tarawa, Kiribati Tel: (686) 21099 Fax: (686) 21172 http://www.mfmr.gov.ki/
Marshall Islands Marshall Islands Marine Resources Authority P.O. Box 860, Delap, Majuro MH 96960 Tel: (692) 625 8262/5632 Fax: (692) 625 5447 Email: info@mimra.com	Nauru Nauru Fisheries & Marine Resources Authority P.O. BOX 449 Republic of Nauru Tel: (674) 557 3733/557 3135 https://sites.google.com/site/naurufisheries/
Palau Bureau of Oceanic Fisheries Management PO Box 117 Koror, Palau 96940 Tel. (680) 488-3125 Fax. (680)488-3555 Email: bmr@palaunet.com	Papua New Guinea National Fisheries Authority Deloitte Tower, 11th Flr, Douglas St P.O. Box 2016 Port Moresby National Capital District, Papua New Guinea Tel: (675) 309 0444 / 309 0461 Fax: (675) 320 2061 nfa@fisheries.gov.pg
Solomon Islands Ministry of Fisheries and Marine Resources P.O. Box G13 Honiara (677) 28 604	Tuvalu Ministry of Natural Resources & Environment Vaiaku Funafuti Telephone: (688) 20827 Facsimile: (688) 20826

Regional Agencies

PNA Office PO Box 3992 Majuro, Marshall Islands MH 96960 Tel: +692 625 7626/7627 Fax: +692 625 7628 www.pnatuna.com	WCPFC Kaselehlle Street PO Box 2356 Kolonia Pohnpei State, 96941 Federated States of Micronesia Phone +691 320 1992/1993 Fax: +691 320 1108 www.wcpfc.int	FFA PO Box 629 Honiara Solomon Islands Tel: +(677) 21124 Fax: +(677) 23995 E-mail: info@ffa.int www.ffa.int	SPC BP D5 98848 Noumea New Caledonia Email: spc@spc.int Phone: +687 26 20 00 Fax: +687 26 38 18 www.spc.int
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Annex 1: WCPFC CMMs

CMM 2008-03 – Sea turtles



FIFTH REGULAR SESSION

8-12 December 2008

Busan, Korea

CONSERVATION AND MANAGEMENT OF SEA TURTLES

Conservation and Management Measure 2008-03

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

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

Recognizing the ecological and cultural significance of all species of sea turtles in the western and central Pacific Ocean (WCPO);

Further recognizing that the five marine turtle species in the WCPFC Convention Area are threatened or critically endangered;

Considering the adverse effects of fishing for highly migratory fish stocks on some populations of sea turtles in the WCPO through capture, injury and mortality;

Recalling that the United Nations Food and Agriculture Organization (FAO) endorsed Guidelines to Reduce Sea Turtle Mortality in Fishing Operations at its twenty-sixth Session of the Committee on Fisheries, held in March 2005, and recommended their implementation by regional fisheries bodies and management organizations;

Noting that recent international scientific studies using large circle hooks in shallow-set pelagic longline fishing targeting swordfish show, when compared to conventional hooks, significantly lower sea turtle catch rates without undue adverse effects on catch rates of target species;

Further noting that scientific studies indicate circle hooks' further mitigative effects for sea turtles and other incidentally caught species in terms of post-release mortality, as the hooking locations tend to be such that resultant injuries are less severe than with conventional hooks;

Further noting that regardless of what hook type is used, international scientific studies using finfish bait show when compared to squid bait, significantly lower sea turtle catch rates in

shallow-set pelagic longline swordfish fisheries;

Acknowledging that relatively simple proactive and reactive efforts on the part of fishermen can serve to both avoid sea turtle interactions and minimize the adverse consequences of such interactions when they occur;

Noting that shallow set longline fisheries also pose significant risks to vulnerable seabird populations in higher latitudes it necessary to achieve a balance in mitigation requirements across species vulnerable to longline interactions;

Recognizing that the Inter-American Tropical Tuna Commission (IATTC) adopted, at its 75th meeting, a *Resolution to Mitigate the Impact of Tuna Fishing Vessels on Sea Turtles* that includes mandatory provisions to apply to purse seine and longline vessels;

Recalling Article 22 of the Convention, which provides for cooperation with other organizations, particularly the IATTC, with a view to avoiding duplication of, and achieving consistency in, conservation and management measures;

Adopts, in accordance with Articles 5 and 10 of the Convention, that:

1. Commission Members, Cooperating non-Members and participating Territories (CCMs) will implement, as appropriate the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations and to ensure the safe handling of all captured sea turtles, in order to improve their survival.
2. Beginning in 2009, CCMs shall report to the Commission in Part 2 of their annual reports the progress of implementation of the FAO Guidelines and this measure, including information collected on interactions with sea turtles in fisheries managed under the Convention.
3. All data collected by the WCPFC Regional Observer Program (ROP), shall be reported to the Commission as provided in paragraph 2 above or as agreed to under other Commission data collection provisions.
4. CCMs shall require fishermen on vessels targeting species covered by the Convention to bring aboard, if practicable, any captured hard-shell sea turtle that is comatose or inactive as soon as possible and foster its recovery, including giving it resuscitation, before returning it to the water. CCMs shall ensure that fishermen are aware of and use proper mitigation and handling techniques, as described in WCPFC guidelines to be developed and provided to all CCMs by the Secretariat.
5. CCMs with purse seine vessels that fish for species covered by the Convention shall:
 - a. Ensure that operators of such vessels, while fishing in the Convention Area:
 - i. To the extent practicable, avoid encirclement of sea turtles, and if a sea turtle is encircled or entangled, take practicable measures to safely release the turtle.

- ii. To the extent practicable, release all sea turtles observed entangled in fish aggregating devices (FADs) or other fishing gear.
 - iii. If a sea turtle is entangled in the net, stop net roll as soon as the turtle comes out of the water; disentangle the turtle without injuring it before resuming the net roll; and to the extent practicable, assist the recovery of the turtle before returning it to the water.
 - iv. Carry and employ dip nets, when appropriate, to handle turtles.
- b. Require that operators of such vessels record all incidents involving sea turtles during fishing operations and report such incidents to the appropriate authorities of the CCM.
 - c. Provide the results of the reporting under paragraph 5(b) to the Commission as part of the reporting requirement of paragraph 2.
 - d. Provide to the Commission the results of any research related to the development of modified FAD designs to reduce sea turtle entanglement and take measures to encourage the use of designs found to be successful at such reduction.

6. CCMs with longline vessels that fish for species covered by the Convention shall ensure that the operators of all such longline vessels carry and use line cutters and de-hookers to handle and promptly release sea turtles caught or entangled, and that they do so in accordance with WCPFC guidelines that are to be developed and provided to all CCMs by the Secretariat. CCMs shall also ensure that operators of such vessels are, where appropriate, required to carry and use dip-nets in accordance with these WCPFC guidelines.

7. Starting on 1 January 2010, CCMs with longline vessels that fish for swordfish in a shallow-set manner¹ shall:

- a. Ensure that the operators of such vessels, while in the Convention Area, are required to employ or implement at least one of the following three methods to mitigate the capture of sea turtles:
 - i. Use only large circle hooks, which are fishing hooks that are generally circular or oval in shape and originally designed and manufactured so that the point is turned perpendicularly back to the shank. These hooks shall have an offset not to exceed 10 degrees.
 - ii. Use only whole finfish for bait.
 - iii. Use any other measure, mitigation plan² or activity that has been reviewed by the Scientific Committee (SC) and the Technical and Compliance Committee (TCC)

¹ “Shallow-set” fisheries are generally to be considered those in which the majority of hooks fish at a depth shallower than 100 meters; however, pursuant to paragraph 7(c) CCMs are to establish and enforce their own operational definitions.

and approved by the Commission to be capable of reducing the interaction rate (observed numbers per hooks fished) of turtles in swordfish shallow-set longline fisheries.

- b. The requirements of paragraph 7(a) need not be applied to those shallow-set swordfish longline fisheries determined by the SC, based on information provided by the relevant CCM, to have minimal³ observed interaction rates of sea turtles over a three-year period and a level of observer coverage of at least 10% during each of those three years.
- c. For the purpose of implementing this paragraph (7), establish and enforce their own operational definitions of shallow-set swordfish longline fisheries, large circle hooks, and any measures under 7(a)(iii) or adopted by the Commission under paragraph 12, ensuring that they are as enforceable as possible, and report these definitions to the Commission in Part 2 of their annual reports.
- d. Provide for their longline vessels to record all incidents involving sea turtles during fishing operations and report such incidents to the appropriate authorities of the CCM.
- e. Provide the results of the reporting under paragraph 7(d) to the Commission as part of the reporting requirement of paragraph 2.

8. CCMs with longline fisheries other than shallow-set swordfish fisheries are urged to:

- a. Undertake research trials of circle hooks and other mitigation methods in those longline fisheries.
- b. Report the results of these trials to the SC and TCC, at least 60 days in advance of the annual meetings of these subsidiary bodies.

9. The SC and TCC will annually review the information reported by CCMs pursuant to this measure. Where necessary an updated suite of mitigation measures, specifications for mitigation measures, or recommendations for their application will be developed by these committees and provided to the Commission for its consideration and review.

10. This measure authorizes the Secretariat to obligate resources available to the Special Requirements Fund to be used to assist developing State Members and Territories in implementing the FAO Guidelines to Reduce Sea Turtle Mortality. These funds can be used to train and encourage fishers to adopt appropriate methods and technologies to reduce interactions with sea turtles and to mitigate their adverse effects.

11. The Commission urges CCMs to contribute to the Special Requirements Fund to support eligible members in their efforts to implement this measure, or to provide such support through bilateral arrangements.

² A mitigation plan details the actions that will be taken to achieve specified reductions in sea turtle interactions.

³ To be determined by SC5.

12. The Commission will regularly consider additional or new mitigation measures for other longline and purse seine fisheries, based on advice from the SC and TCC and on information provided by CCMs pursuant to this measure.

13. The Secretariat, in coordination with interested CCMs, shall develop guidelines for the handling of sea turtles and distribute them to CCMs no later than June 30, 2009.

14. Nothing in this measure shall prejudice the sovereignty and sovereign rights of coastal States, including for traditional fishing activities and the rights of traditional artisanal fishers, to apply alternative measures for the purpose of exploring, exploiting, conserving and managing sea turtles, including any national plans of action for the conservation and management of sea turtles, within areas under their national jurisdiction.



SIXTH REGULAR SESSION

Papeete, Tahiti, French Polynesia

7-11 December 2009

**CONSERVATION AND MANAGEMENT MEASURE ON THE APPLICATION OF
HIGH SEAS
FAD CLOSURES AND CATCH RETENTION**

Conservation and Management Measure 2009-02

Recalling that CMM 2008-01¹ provides for a FAD closure and catch retention by purse seine vessels in the area bounded by 20°N and 20°S;

Concerned to ensure clear rules for the application of the provisions relating to the FAD closure and catch retention;

Concerned to ensure compatibility of measures established for the high seas with those already adopted for areas under national jurisdiction in accordance with Article 8 (1);

Conscious that incomplete or inconsistent application of the elements of CMM 2008-01 will undermine the effectiveness of the Measure;

Recalling that the PNA have developed detailed Regulations for the implementation of FAD closures and catch retention in their EEZs;

Concerned at reports by the WCPFC Secretariat and Members about cases of inconsistent application of the two month FAD closure in the high seas in 2009;]]

Adopts, in accordance with Article 10 of the Convention, the following Measure to be read as a part of CMM 2008-01:

OBJECTIVES

1. The objectives of this Measure are:
 - a. to ensure consistent and robust application of FAD closures and catch retention in the high seas between 20°S and 20°N through the specification of minimum standards.
 - b. to apply high standards to the application of the FAD closure and catch retention in order to remove any possibility for the targeting of aggregated fish, or the discard of small fish.
2. Each CCM shall take the necessary measures to ensure that purse seine vessels flying its flag on the high seas comply with these rules in the application of the provisions of CMM 2008-01 relating to a FAD closure and catch retention.

¹ Conservation and Management Measure for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean

Rules for FAD Closure

3. The definition of a FAD in footnote 1 to CMM 2008-01 shall be interpreted as including:
“any object or group of objects, of any size, that has or has not been deployed, that is living or non-living, including but not limited to buoys, floats, netting, webbing, plastics, bamboo, logs and whale sharks floating on or near the surface of the water that fish may associate with”
4. During the FAD closure period specified in CMM 2008-01, no purse seine vessel shall conduct any part of a set within one nautical mile of a FAD. That is, at no time may the vessel or any of its fishing gear or tenders be located within one nautical mile of a FAD while a set is being conducted.
5. The operator of a vessel shall not allow the vessel to be used to aggregate fish, or to move aggregated fish including using underwater lights and chumming.
6. A FAD and/or associated electronic equipment shall not be retrieved by a vessel during the period of a FAD closure unless:
 - a. the FAD and/or associated electronic equipment are retrieved and kept on board the vessel until landed or until the end of the closure; and
 - b. the vessel does not conduct any set either for a period of seven (7) days after retrieval or within a fifty (50) mile radius of the point of retrieval of any FAD.
7. In addition to paragraph 6, vessels shall not be used to operate in cooperation with each other in order to catch aggregated fish. No vessel shall conduct any set during the prohibition period within one nautical mile of a point where a FAD has been retrieved by another vessel within twenty four (24) hours immediately preceding the set.

Rules for Catch Retention

8. Where the operator of a vessel determines that fish should not be retained on board for reasons related to the size, marketability, or species composition, the fish shall only be released before the net is fully pursed and one half of the net has been retrieved.
9. Where the operator of a vessel determines that fish should not be retained on board because they are “unfit for human consumption”, the following definitions shall be applied:
 - a. “unfit for human consumption” includes, but is not limited to fish that:
 - i. is meshed or crushed in the purse seine net; or
 - ii. is damaged due to shark or whale depredation; or
 - iii. has died and spoiled in the net where a gear failure has prevented both the normal retrieval of the net and catch and efforts to release the fish alive; and
 - b. “unfit for human consumption” does not include fish that:
 - i. is considered undesirable in terms of size, marketability, or species composition; or

- ii. is spoiled or contaminated as the result of an act or omission of the crew of the fishing vessel.
- 10. Where the operator of a vessel determines that fish should not be retained on board because it was caught during the final set of a trip when there is insufficient well space to accommodate all fish caught in that set, the fish may only be discarded if:
 - a. the vessel master and crew attempt to release the fish alive as soon as possible;
 - b. no further fishing is undertaken after the discard until the fish on board the vessel has been landed or transhipped.
- 11. Fish shall not be discarded from the vessel until after an observer has estimated the species composition of the fish to be discarded.
- 12. The operator of the vessel shall submit[to the Executive Director a report that includes the following information within forty-eight 48 hours after any discard:
 - a. Name, flag and WCPFC Identification Number of the vessel;
 - b. Name and nationality of master;
 - c. Licence number;
 - d. Name of observer on board;
 - e. Date, time and location (latitude/longitude) that discarding occurred;
 - f. Date, time, location (latitude/longitude) and type (drifting FAD, anchored FAD, free school etc) of the shot;
 - g. Reason that fish were discarded (including statement of retrieval status if fish were discarded in accordance with paragraph 6);
 - h. Estimated tonnage and species composition of discarded fish;
 - i. Estimated tonnage and species composition of retained fish from that set;
 - j. If fish were discarded in accordance with paragraph 10, a statement that no further fishing will be undertaken until the catch on board has been unloaded; and
 - k. Any other information deemed relevant by the vessel master.
- 13. The operator of the vessel shall also provide a hard copy of the information described in para 12 to the WCPFC Observer on board.



Tumon, Guam, USA 26-30 March 2012

**CONSERVATION AND MANAGEMENT MEASURE FOR PROTECTION OF
CETACEANS FROM PURSE SEINE FISHING OPERATIONS**

Conservation and Management Measure 2011-03

The Western and Central Pacific Fisheries Commission;

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

Recognising the ecological and cultural significance of cetaceans in the Western and Central Pacific Ocean (WCPO);

Mindful that cetaceans are particularly vulnerable to being encircled by purse seine nets, due to the propensity of tuna to form schools around them, or for toothed cetaceans to be attracted to the same prey as tuna;

Committed to ensuring that potential impacts on the sustainability of cetaceans from accidental mortality through purse seine operations are mitigated;

Required, by Articles 5(d) and (e) of the Convention, to adopt management arrangements for cetaceans as non-target and associated or dependent species, as they are incidentally caught by purse-seine fisheries in the WCPO.

Acknowledging that the conservation of these species depends on co-operative and coordinated activity at the international level, and that Regional Fisheries Management Organisations play an integral role in mitigating the impacts of fishing on these species;

Alarmed by observer reports on fishing activities by vessels flagged to Members, Co-operating Non-Members and Participating Territories that indicate a number of instances of interactions with these species, and instances of misreporting of such interactions in logbooks;

Adopts the following Conservation and Management Measure in accordance with Article 10 of the Convention:

1. CCMs shall prohibit their flagged vessels from setting a purse seine net on a school of tuna associated with a cetacean in the high seas and exclusive economic zones of the Convention Area, if the animal is sighted prior to commencement of the set.
2. CCMs shall require that, in the event that a cetacean is unintentionally encircled in the purse seine net, the master of the vessel shall:
 - (a) ensure that all reasonable steps are taken to ensure its safe release. This shall include stopping the net roll and not recommencing fishing operation until the animal has been released and is no longer at risk of recapture; and
 - (b) report the incident to the relevant authority of the flag State, including details

of the species (if known) and number of individuals, location and date of such encirclement, steps taken to ensure safe release, and an assessment of the life status of the animal on release (including, if possible, whether the animal was released alive but subsequently died).

3. In taking steps to ensure the safe release of the cetacean as required under paragraph 2(a), CCMs shall require the master of the vessel to follow any guidelines adopted by the Commission for the purpose of this measure.
4. In applying steps under paragraphs 2(a) and 3, the safety of the crew shall remain paramount.
5. CCMs shall include in their Part 1 Annual Report any instances in which cetaceans have been encircled by the purse seine nets of their flagged vessels, reported under paragraph 2(b).
6. The Secretariat shall report on the implementation of this conservation and management measure on the basis of observer reports, as part of the Annual Report on the Regional Observer Programme.
7. This Conservation and Management Measure shall enter into force on January 1, 2013.



**COMMISSION
SIXTEENTH REGULAR SESSION**
Port Moresby, Papua New Guinea
5 – 11 December 2019

CONSERVATION AND MANAGEMENT MEASURE FOR SHARKS

Conservation and Management Measure 2019-04

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (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);

Recognizing the economic and cultural importance of sharks in the western and central Pacific Ocean (WCPO), the biological importance of sharks in the marine ecosystem as key predatory species, the vulnerability of certain shark species to fishing pressure, and the need for measures to promote the long-term conservation, management and sustainable use of shark populations and fisheries;

Recognizing the need to collect data on catch, effort, discards, and trade, as well as information on the biological parameters of many species, to enable effective shark conservation and management;

Recognizing further that certain species of sharks and rays, such as basking shark and great white shark, have been listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Adopts, in accordance with Article 5, 6 and 10 of the Convention, that:

I. Definitions

1. (1) Sharks: All species of sharks, skates, rays and chimaeras (Class Chondrichthyes)
- (2) Full utilization: Retention by the fishing vessel of all parts of the shark excepting head, guts, vertebrae and skins, to the point of first landing or transshipment
- (3) Finning: Removing and retaining all or some of a shark's fins and discarding its carcass at sea

II. Objectives and Scope

2. The objective of this Conservation and Management Measure (CMM) is, through the application of the precautionary approach and an ecosystem approach to fisheries management, to ensure the long-term conservation and sustainable use of sharks.
3. This CMM shall apply to: (i) sharks listed in Annex 1 of the 1982 Convention and (ii) any other sharks caught in association with fisheries managed under the WCPF Convention.
4. This measure shall apply to the high seas and exclusive economic zones of the Convention Area.
5. Nothing in this measure shall prejudice the sovereignty and sovereign rights of coastal States, including for traditional fishing activities and the rights of traditional fishers, to apply alternative measures for the purpose of exploring, exploiting, conserving and managing sharks, including any national plan of action for the conservation and management of sharks, within areas under their national jurisdiction. When Commission Members, Cooperating Non-Members, and Participating Territories (CCMs) apply alternative measures, the CCMs shall annually provide to the Commission, in their Part 2 Annual Report, a description of the measures.

III. FAO International Plan of Action for the Conservation and Management of sharks

6. CCMs should implement, as appropriate, the FAO International Plan of Action for the Conservation and Management of Sharks (IPOA). For implementation of the IPOA, each CCM should, as appropriate, include its National Plan of Action for sharks in Part 2 Annual Report.

IV. Full utilization of shark and prohibition of finning

7. CCMs shall take measures necessary to require that all sharks retained on board their vessels are fully utilized. CCMs shall ensure that the practice of finning is prohibited.
8. In order to implement the obligation in paragraph 7, in 2020, 2021 and 2022, CCMs shall require their vessels to land sharks with fins naturally attached to the carcass.
9. Notwithstanding paragraph 8, in 2020, 2021 and 2022, CCMs may take alternative measures as listed below to ensure that individual shark carcasses and their corresponding fins can be easily identified on board the vessel at any time:
 - (1) Each individual shark carcass and its corresponding fins are stored in the same bag, preferably biodegradable one;
 - (2) Each individual shark carcass is bound to the corresponding fins using rope or wire;
 - (3) Identical and uniquely numbered tags are attached to each shark carcass and its corresponding fins in a manner that inspectors can easily identify the matching of the carcass and fins at any time. Both the carcasses and fins shall be stored on board in the same hold. Notwithstanding this requirement, a CCM may allow its fishing vessels to store the carcasses and corresponding fins in different holds if the fishing vessel maintains a record or logbook that shows where the tagged fins and correspondingly

tagged carcasses are stored, in a manner that they are easily identified by inspectors.

10. In case that a CCM wishes to allow its fishing vessels operating on the high seas to use any measure other than the three alternatives in paragraph 9 (1) – (3), it shall present it to TCC. If TCC endorses it, it shall be submitted to the subsequent annual meeting for endorsement.
11. All CCMs shall include in their Part 2 Annual Report information on the implementation of the measures in paragraph 8 or paragraph 9 as applicable for review by TCC. The report by CCMs shall contain a detailed explanation of implementation of paragraph 8 or paragraph 9 as applicable including how compliance has been monitored. CCMs are encouraged to report to TCC any enforcement difficulties that they encountered in the case of the alternative measures and how they have addressed risks such as monitoring at sea, species substitution, etc. The TCC in 2023 shall, taking into account these reports, advise the Commission on the effectiveness of the measures set out in paragraph 9 as alternatives to the obligation contained in paragraph 7, and recommend measures for consideration and possible adoption at the 2023 annual meeting of the Commission.
12. CCMs shall take measures necessary to prevent their fishing vessels from retaining on board (including for crew consumption), transshipping, and landing any fins harvested in contravention of this CMM.
13. CCMs shall take measures necessary to ensure that both carcasses and their corresponding fins are landed or transshipped together, in a manner that allows inspectors to verify the correspondence between an individual carcass and its fins when they are landed or transshipped.

V. Minimizing bycatch and practicing safe release

14. For longline fisheries targeting tuna and billfish, CCMs shall ensure that their vessels comply with at least one of the following options:
 - (1) do not use or carry wire trace as branch lines or leaders; or
 - (2) do not use branch lines running directly off the longline floats or drop lines, known as shark lines. See **Annex 1** for a schematic diagram of a shark line.
15. The implementation of the measures contained in paragraph 14 above shall be on a vessel by vessel or CCM basis. Each CCM shall notify the Commission of its implementation of paragraph 14 by March 31, 2021 and thereafter whenever the selected option is changed.
16. For longline fisheries targeting sharks, CCMs shall develop and report their management plans in their Part 2 Annual Report.
17. The Commission shall adopt and enhance bycatch mitigation measures and develop new or amend, if necessary, existing Shark Safe Release Guidelines¹ to maximize the survival of sharks that are caught and are not to be retained. Where sharks are unwanted bycatch they should be released alive using techniques that result in minimal harm, taking into account the safety of the crew. CCMs should encourage their fishing vessels to use any Commission adopted guidelines for

¹ The Commission adopted at WCPFC15 Best Handling Practices for the Safe Release of Sharks (other than Whale Sharks and Mantas/Mobulids)

the safe release and handling of sharks.

18. CCMs shall ensure that sharks that are caught and are not to be retained, hauled alongside the vessel before being cut free in order to facilitate a species identification. This requirement shall only apply when an observer or electronic monitoring camera is present, and should only be implemented taking into consideration the safety of the crew and observer.
19. Development of new WCPFC guidelines or amendment to existing guidelines for safe release of sharks should take into account the health and safety of the crew.

VI. Species specific requirements

20. Oceanic whitetip shark and silky shark
 - (1) CCMs shall prohibit vessels flying their flag and vessels under charter arrangements to the CCM from retaining on board, transshipping, storing on a fishing vessel or landing any oceanic whitetip shark, or silky shark, in whole or in part, in the fisheries covered by the Convention.
 - (2) CCMs shall require all vessels flying their flag and vessels under charter arrangements to the CCM to release any oceanic whitetip shark or silky shark that is caught as soon as possible after the shark is brought alongside the vessel, and to do so in a manner that results in as little harm to the shark as possible, following any applicable safe release guidelines for these species.
 - (3) Subject to national laws and regulations, and notwithstanding (1) and (2), in the case of oceanic whitetip shark and silky shark that are unintentionally caught and frozen as part of a purse seine vessels' operation, the vessel must surrender the whole oceanic whitetip shark and silky shark to the responsible governmental authorities or discard them at the point of landing or transshipment. Oceanic whitetip shark and silky shark surrendered in this manner may not be sold or bartered but may be donated for purpose of domestic human consumption.
 - (4) Observers shall be allowed to collect biological samples from oceanic whitetip sharks and silky shark caught in the Convention Area that are dead on haulback in the WCPO, provided that the samples are part of a research project of that CCM or the SC. In the case that sampling is conducted as a CCM project, that CCM shall report it in their Part 2 Annual Report.
21. Whale shark
 - (1) CCMs shall prohibit their flagged vessels from setting a purse seine on a school of tuna associated with a whale shark if the animal is sighted prior to the commencement of the set.
 - (2) CCMs shall prohibit vessels flying their flag and vessels under charter arrangements to the CCM from retaining on board, transshipping, or landing any whale shark caught in the Convention Area, in whole or in part, in the fisheries covered by the Convention.
 - (3) For fishing activities in Parties to Nauru Agreement (PNA) exclusive economic zones, the prohibition in paragraph (1) shall be implemented in accordance with the Third Arrangement implementing the Nauru Agreement as amended on 11 September 2010.
 - (4) Notwithstanding sub-paragraph (1) above, for fishing activities in exclusive economic

zones of CCMs north of 30 N, CCMs shall implement either this measure or compatible measures consistent with the obligations under this measure. When CCMs apply compatible measures, the CCMs shall annually provide to the Commission, in their Part 2 Annual Report, a description of the measure.

- (5) CCMs shall require that, in the event that a whale shark is incidentally encircled in the purse seine net, the master of the vessel shall:
 - (a) ensure that all reasonable steps are taken to ensure its safe release.; and
 - (b) report the incident to the relevant authority of the flag State, including the number of individuals, details of how and why the encirclement happened, where it occurred, steps taken to ensure safe release, and an assessment of the life status of the whale shark on release.
- (6) In taking steps to ensure the safe release of the whale shark as required under sub-paragraph (5)(a) above, CCMs shall encourage the master of the vessel to follow the WCPFC Guidelines for the Safe Release of Encircled Whale Sharks (WCPFC Key Document SC-10)².
- (7) In applying steps under sub-paragraphs (1), (5)(a) and (6), the safety of the crew shall remain paramount.
- (8) The Secretariat shall report on the implementation of this paragraph on the basis of observer reports, as part of the Annual Report on the Regional Observer Programme.

VII. Reporting requirements

22. Each CCM shall submit data on the WCPFC Key Shark Species³ for Data Provision in accordance with Scientific Data to be Provided to the Commission (WCPFC Key Document Data-01).
23. CCMs shall advise the Commission (in their Part 2 Annual Report) on implementation of this CMM in accordance with Annex 2.

VIII. Research

24. CCMs shall as appropriate, support research and development of strategies for the avoidance of unwanted shark captures (e.g. chemical, magnetic and other shark deterrents), safe release guidelines, biology and ecology of sharks, identification of nursery grounds, gear selectivity, assessment methods and other priorities listed under the WCPFC Shark Research Plan.
25. The SC shall periodically provide advice on the stock status of key shark species for assessment and maintain a WCPFC Shark Research Plan for the assessment of the status of these stocks. If possible, this should be done in conjunction with the Inter-American Tropical Tuna

² Originally adopted on 8 December 2015. The title of this decision was amended through the Commission decision at WCPFC13, through adopting the SC12 Summary Report which contains in paragraph 742: “SC12 agreed to change the title of ‘Guidelines for the safe release of encircled animals, including whale sharks’ to ‘Guidelines for the safe release of encircled whale sharks’.”

³ The WCPFC Key Shark Species for Data Provision are designated per the Process for Designating WCPFC Key Shark Species for Data Provision and Assessment (WCPFC Key Document SC-08) and are listed in Scientific Data to be Provided to the Commission (WCPFC Key Document Data-01).

Commission.

IX. Capacity building

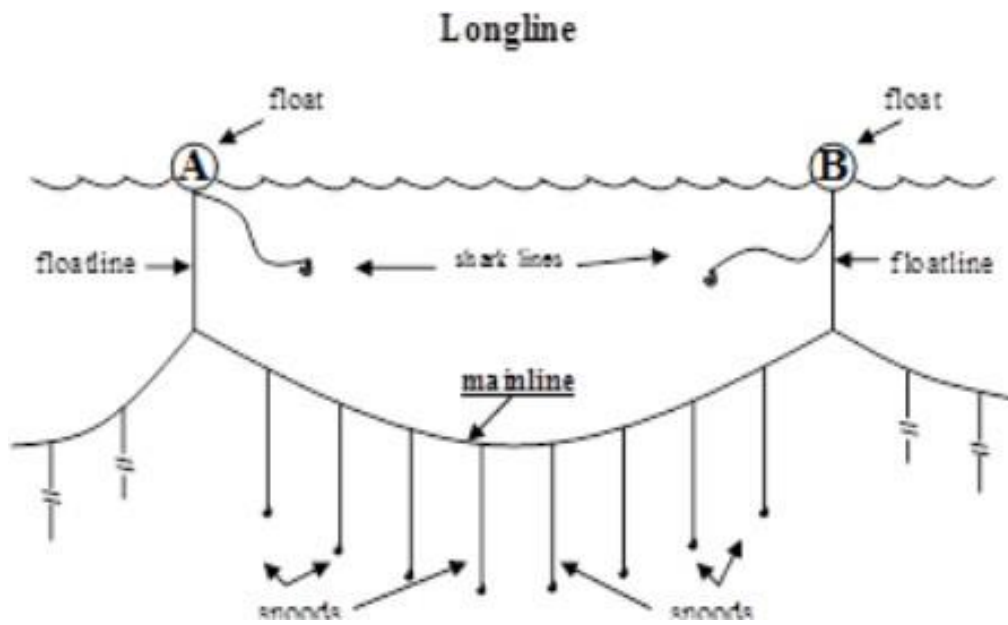
26. The Commission should consider appropriate assistance to developing State Members and participating Territories for the implementation of the IPOA and collection of data on retained and discarded shark catches.
27. The Commission shall consider appropriate assistance to developing State Members and participating Territories for the implementation of this measure, including supplying species identification guides for their fleets and guidelines and training for the safe release of sharks, and including, in accordance with Article 7 of the Convention, in areas under national jurisdiction.

X. Review

28. On the basis of advice from the SC and/or the TCC, the Commission shall review the implementation and effectiveness of this CMM, including species specific measures, taking into account, *inter alia*, any recommendation from the SC or TCC, in 2023, and amend it as appropriate.
29. This CMM shall become effective on November 1st 2020⁴ and shall replace CMM2010-07, 2011-04, 2012-04, 2013-08, and 2014-05 at that time.

⁴ This CMM shall not apply to Indonesia before November 1st 2021. Until then, all the existing CMMs related to sharks and rays shall apply to Indonesia.

Annex 1: Schematic diagram of a shark line



Annex 2: Template for reporting implementation of this CMM

Each CCM shall include the following information in Part 2 of its annual report:

1. Description of alternative measures in para 5, if applicable
2. Results of their assessment of the need for a National Plan of Action and/or the status of their National Plans of Action for the Conservation and Management of Sharks, as appropriate
3. Details of National Plan of Action, as appropriate, for implementation of IPOA Sharks in para 6 that includes:
 - (1) details of NPOA objectives; and
 - (2) species and fleet covered by NPOA as well as catches thereby
 - (3) measures to minimize waste and discards from shark catches and encourage the live release of incidental catches of sharks;
 - (4) work plan and a review process for NPOA implementation
4. With respect to para 9:
 - (1) Whether sharks or shark parts are retained on board their flag vessels, and if so, how they are handled and stored
 - (2) In case that CCMs retain sharks and choose to apply a requirement for fins to be naturally attached to carcasses
 - Their monitoring and enforcement systems relating to this requirement
 - (3) In case that CCMs retain sharks and choose to apply measures other than a requirement for fins to be naturally attached to carcasses
 - Their monitoring and enforcement systems relating to this requirement
 - A detailed explanation of why the fleet has adopted its fin-handling practice;
5. The management plan in para 16 that includes:
 - (1) specific authorizations to fish such as a license and a TAC or other measure to limit the catch of shark to acceptable levels;
 - (2) measures to avoid or reduce catch and maximize live release of species whose retention is prohibited by the Commission;
6. A report on sampling programs for oceanic whitetip sharks and silky shark as a CCM project as referred to in para 20 (4)
7. Estimated number of releases of oceanic whitetip shark and silky shark caught in the Convention Area, including the status upon release (dead or alive), through data collected from observer programs and other means.
8. Description of compatible measures as referred to in para 21 (4)
9. Any instances in which whale sharks have been encircled by purse seine nets of their flagged vessels, including the details required under para 21 (5)(b).---

CMM 2012-04 – Protection of whale sharks from purse seine fishing operations



**COMMISSION
NINTH REGULAR
SESSION Manila,
Philippines
2-6
December
2012**

CONSERVATION AND MANAGEMENT MEASURE FOR PROTECTION OF WHALE SHARKS FROM PURSE SEINE FISHING OPERATIONS

Conservation and Management Measure 2012-04

*The Western and Central Pacific Fisheries
Commission;*

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

*Recognising the ecological and cultural significance of whale sharks in the Western and
Central
Pacific Ocean
(WCPO);*

*Mindful that whale sharks are particularly vulnerable to exploitation including from
fishing;*

*Concerned about the potential impacts of purse seine operations on the sustainability of
whale sharks;*

*Required, by Article 5(d) and (e) of the Convention, to adopt management arrangements for
whale sharks as non-target and associated or dependent species, as they are incidentally
caught by purse-seine fisheries in the WCPO.*

*Acknowledging that the conservation of whale sharks depends on co-operative and
coordinated activity at the international level, and that Regional Fisheries Management*

Organisations play an integral role in mitigating the impact of fishing on these species;

Alarmed by observer reports on fishing activities by vessels flagged to Members, Co-operating Non-Members and Participating Territories that indicate a number of instances of interactions with whale sharks and instances of misreporting of these interactions in logbooks;

Noting that the Parties to the Nauru Agreement (PNA) have prohibited the purse seine vessels fishing in their exclusive economic zones from conducting sets on or around whale sharks;

Recalling that Article 8 of the Convention requires compatibility of conservation management measures established for the high seas and those adopted for areas under national jurisdiction;

Adopts the following Conservation and Management Measure in accordance with Article 10 of the Convention:

1. This measure shall apply to the high seas and exclusive economic zones of the Convention Area. CCMs shall prohibit their flagged vessels from setting a purse seine on a school of tuna associated with a whale shark if the animal is sighted prior to the commencement of the set.

2. For fishing activities in PNA exclusive economic zones, the prohibition shall be implemented in accordance with the Third Arrangement implementing the Nauru Agreement as amended on 11 September 2010.

3. Notwithstanding Paragraph 1 above, for fishing activities in exclusive economic zones of CCMs north of 30° N, CCMs shall implement either this measure or compatible measures consistent with the obligations under this measure and report the measures taken in the Part 2 report.

4. CCMs shall require that, in the event that a whale shark is not deliberately encircled in the purse seine net, the master of the vessel shall:

(a) ensure that all reasonable steps are taken to ensure its safe release.; and

(b) report the incident to the relevant authority of the flag State, including the number of individuals, details of how and why the encirclement happened, where it occurred, steps taken to ensure safe release, and an assessment of the life status of the whale shark on release (including whether the animal was released alive but subsequently died).

4. In taking steps to ensure the safe release of the whale shark as required under paragraph 4(a), CCMs shall require the master of the vessel to follow any guidelines adopted by the Commission for the purpose of this measure.

5. In applying steps under paragraphs 1, 4(a) and 5, the safety of the crew shall remain paramount.

6. CCMs shall advise in their Part 1 Annual Report of any instances in which whale sharks have been encircled by the purse seine nets of their flagged vessels, including the details required under paragraph 4(b).

7. The Secretariat shall report on the implementation of this conservation and management measure on the basis of observer reports, as part of the Annual Report on the Regional Observer Programme.

8. This Conservation and Management Measure shall enter into force on January 1, 2014.



COMMISSION TENTH REGULAR SESSION

Cairns, Australia 2-6 December 2013

**CONSERVATION AND MANAGEMENT MEASURE ON DAILY CATCH AND EFFORT
REPORTING**

Conservation and Management Measure 2013-05

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

Concerned that full and accurate data from fishing vessels is required to inform stock assessment and other scientific evaluation;

Noting that operational level catch and effort data provides significant value to scientific assessment;

Noting that members of the Secretariat of the Pacific Community cooperate to ensure consistent reporting frameworks for vessels licensed to fishing in their EEZs through a regional log sheet (“SPC/FFA Regional logsheet”) that is amended from time to time to ensure consistency with all current requirements of the WCPFC “Scientific data to be provided to the Commission”;

Further noting the requirements in Article 8 of the Convention for the Commission to take measures for high seas fisheries that are compatible with those that apply in EEZs;

Desiring to ensure consistent levels of reporting and usefulness of data for all vessels fishing in the Convention Area;

Adopts in accordance with Article 10 of the WCPFC Convention:

1. Each CCM shall ensure that the master of each vessel flying its flag in the Convention Area shall complete an accurate written or electronic log of every day that it spends at sea on the high seas of the Convention Area as follows:

- a. for days with fishing operations, the log must be completed by recording the effort and catch at the end of each fishing operation (i.e. end of a purse-seine set, end of a longline -haul, or at the end of the day in the case of all other fishing methods); or
- b. for days with no fishing operations but where any other „fishing effort¹“ occurred, then the relevant activities (e.g. “SEARCHING”, “DEPLOY/RETRIEVE FAD”) must be entered in the log at the end of the day; or
- c. for days with no fishing operations and no other „fishing effort¹“, the main activity of the day must be entered in the log at the end of the day.

¹ according to Article 1(d) of the Convention

2. Information recorded for each day with fishing operations shall, at a minimum, include the following:
 - a. The information specified in sections 1.3 to 1.6 of ANNEX 1 of the Scientific Data to be Provided to the Commission;
 - b. Catch information about other species not listed in those sections, but required to be reported by CCMs under other Commission decisions such as, inter alia, key shark species according to FAO species codes.
 - c. Interaction information about other species not listed in those sections, but required to be reported by CCMs under other Commission decisions such as, inter alia, key cetaceans, seabirds and sea turtles.
3. Each CCM shall require the master of each vessel flying its flag in the Convention Area provides an accurate and unaltered original or copy of the required information to its national authority within 15 days of the end of a trip or transshipment, or within the period specified by any existing national requirement for the provision of such information.
4. Each CCM shall require the master of each vessel flying its flag in the Convention Area to keep an accurate and unaltered original or copy of the required information pertaining to the current trip on board the vessel at all times during the course of a trip.
5. Non-compliance with this measure shall be considered in accordance with CMM 2010-06 or its successor.
6. This CMM is without prejudice to existing or additional reporting requirements.



**COMMISSION
FOURTEENTH REGULAR SESSION**

Manila, Philippines
3 – 7 December, 2017

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

Conservation and Management Measure 2017-03¹

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;

¹ This measure revises and replaces CMM 2016-03. The only change made was to delete footnote 1.

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 ROP.
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
 - 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.

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

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 Centre ³, 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.

³ <http://sarcontacts.info/>

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:

- 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
FIFTEENTH REGULAR SESSION**
Honolulu, Hawaii, USA
10 – 14 December 2018

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

Conservation and Management Measure 2018-01*

PREAMBLE

The Western and Central Pacific Fisheries Commission (WCPFC):

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

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

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

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

* Version issued 2 May 2019

Recognizing further the interactions that occur between the fisheries for bigeye, yellowfin, and skipjack tuna;

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

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

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

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

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

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

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

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

Acknowledging that the Commission has adopted CMM 2014-06 on Establishing a Harvest Strategy for Key Fisheries and Stocks in the Western and Central Pacific Ocean and a Work Plan to guide the development of key components of a Harvest Strategy, including the

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

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

PURPOSE

1. Pending the establishment of harvest strategies, and any implementing CMM, the purpose of this measure is to provide for a robust transitional management regime that ensures the sustainability of bigeye, skipjack, and yellowfin tuna stocks.

PRINCIPLES FOR APPLICATION OF THE MEASURE

Compatibility

2. Conservation and management measures established for the high seas and those adopted for areas under national jurisdiction shall be compatible in order to ensure conservation and management of bigeye, skipjack, and yellowfin tuna stocks in their entirety. Measures shall ensure, at a minimum, that stocks are maintained at levels capable of producing maximum sustainable yield, pending agreement on target reference points as part of the harvest strategy approach, as qualified by relevant environmental and economic factors including the special requirements of developing States in the Convention Area as expressed by Article 5 of the Convention.

Area of Application

3. This Measure applies to all areas of high seas and all EEZs in the Convention Area except where otherwise stated in the Measure.
4. Coastal states are encouraged to take measures in archipelagic waters and territorial seas which are consistent with the objectives of this Measure and to inform the Commission Secretariat of the relevant measures that they will apply in these waters.

Small Island Developing States

5. With the exception of paragraphs 16-25, 31, 33-38, and 50-54, nothing in this Measure shall prejudice the rights and obligations of those small island developing State Members and Participating Territories in the Convention Area seeking to develop their domestic fisheries.
6. For the avoidance of doubt, where the term “SIDS” is used throughout this measure, the term includes Participating Territories. The term “CCM” means Members, Cooperating Non-Members and Participating Territories.

7. In giving effect to this CMM, the Commission shall pay attention to:
 - (a) the geographical situation of a small island developing State which is made up of non-contiguous groups of islands having a distinct economic and cultural identity of their own but which are separated by areas of high seas;
 - (b) the special circumstances of a State which is surrounded by the exclusive economic zones of other States and has a limited exclusive economic zone of its own; and
 - (c) the need to avoid adverse impacts on subsistence, small-scale and artisanal fishers.

GENERAL PROVISIONS

Charter Arrangements

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

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

Overlap Area

10. Where flag CCMs choose to implement IATTC measures in the overlap area, any calculation of limits for the Convention Area (excluding the overlap area) that are done on the basis of historical catch or effort levels, shall exclude historical catch or effort within the overlap area. Notwithstanding decisions on application of catch and/or effort limits, all other provisions of this measure apply to all vessels fishing in the overlap area.

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

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

Bigeye

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

Skipjack

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

Yellowfin

14. Pending agreement on a target reference point the spawning biomass depletion ratio ($SB/SB_{F=0}$) is to be maintained at or above the average $SB/SB_{F=0}$ for 2012-2015.
15. The Commission at its 2019 annual session shall review and revise the aims set out in paragraphs 12 to 14 in light of advice from the Scientific Committee.

PURSE SEINE FISHERY

FAD Set Management

16. A three (3) months (July, August and September) prohibition of deploying, servicing or setting on FADs shall be in place between 0001 hours UTC on 1 July and 2359 hours UTC on 30 September each year for all purse seine vessels, tender vessels, and any other vessels operating in support of purse seine vessels fishing in exclusive economic zones and the high seas in the area between 20°N and 20°S.¹
17. In addition to the three month FAD closure in paragraph 16, except for those vessels flying the Kiribati flag when fishing in the high seas adjacent to the Kiribati exclusive economic zone,² and Philippines' vessels operating in HSP1 in accordance with Attachment 2, it shall be prohibited to deploy, service or set on FADs in the high seas for two additional sequential months of the year. Each CCM shall decide which two sequential months (either April – May

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

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

or November – December) shall be closed to setting on FADs by their fleets in the high seas for 2018, 2019 and 2020 and notify the Secretariat of that decision by March 1, 2018.[#]

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

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

Non-entangling FADs

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

- The floating or raft part (flat or rolled structure) of the FAD can be covered or not. To the extent possible the use of mesh net should be avoided. If the FAD is covered with mesh net, it must have a stretched mesh size less than 7 cm (2.5 inches) and the mesh net must be well wrapped around the whole raft so that there is no netting hanging below the FAD when it is deployed.
- The design of the underwater or hanging part (tail) of the FAD should avoid the use of mesh net. If mesh net is used, it must have a stretched mesh size of less than 7 cm (2.5 inches) or tied tightly in bundles or “sausages” with enough weight at the end to keep the netting taut down in the water column. Alternatively, a single weighted panel (less than 7 cm (2.5 inches) stretched mesh size net or solid sheet such as canvas or nylon) can be used.

20. To reduce the amount of synthetic marine debris, the use of natural or biodegradable materials for FADs should be promoted. The use of non-plastic and biodegradable materials in the construction of FADs is encouraged.

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

22. The Commission at its 2020 annual session, based on specific guidelines defined by the FAD Management Options Intersessional Working Group and advice from SC16 and TCC16 shall consider the adoption of measures on the implementation of non-entangling and/or biodegradable material on FADs.

Instrumented Buoys

23. A flag CCM shall ensure that each of its purse seine vessels shall have deployed at sea, at any one time, no more than 350 drifting Fish Aggregating Devices (FADs) with activated

instrumented buoys. An instrumented buoy is defined as a buoy with a clearly marked reference number allowing its identification and equipped with a satellite tracking system to monitor its position. The buoy shall be activated exclusively on board the vessel. A flag CCM shall ensure that its vessels operating in the waters of a coastal State comply with the laws of that coastal State relating to FAD management, including FAD tracking.

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

Zone-based purse seine effort control

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

High seas purse seine effort control³

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

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

28. The limits set out in Attachment 1, Table 2 do not confer the allocation of rights to any CCM and are without prejudice to future decisions of the Commission. By 2020 the Commission shall agree on hard effort or catch limits in the high seas of the Convention Area and a framework for the allocation of those limits in the high seas amongst all Members and Participating Territories that adequately take into account Articles 8, 10 (3) and 30 of the Convention. The Commission shall also consider options as to how CCMs would use their limits.

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

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

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

Catch retention: Purse Seine Fishery

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

- a) when, in the final set of a trip, there is insufficient well space to accommodate all fish caught in that set, noting that excess fish taken in the last set may be transferred to and retained on board another purse seine vessel provided this is not prohibited under applicable national law; or
- b) when the fish are unfit for human consumption for reasons other than size; or
- c) when serious malfunction of equipment occurs.

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

Monitoring and Control: Purse Seine Fishery

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

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

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

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

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

Research on Bigeye and Yellowfin

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

LONGLINE FISHERY

39. As an interim measure, CCMs listed in Attachment 1, Table 3 shall restrict the level of bigeye catch to the levels specified in Table 3. Where the limits in Table 3 have been exceeded, any overage of the catch limit by a CCM listed in Table 3 shall be deducted from the catch limit for the following year for that CCM.

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

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

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

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

44. By 2020 the Commission shall agree on hard limits for bigeye and a framework to allocate those limits amongst all Members and Participating Territories that adequately take into account Articles 8, 10 (3) and 30 of the Convention.

CAPACITY MANAGEMENT FOR PURSE SEINE AND LONGLINE VESSELS

Purse Seine Vessel Limits

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

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

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

Limits on Longline Vessels with Freezing Capacity

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

Limits on ice-chilled longline vessels landing fresh fish

48. CCMs, other than Small Island Developing States and Indonesia⁷, shall not increase the number of their ice-chilled longline vessels targeting bigeye tuna and landing exclusively fresh fish above the applicable level under CMM 2013-01, or above the number of licenses under established limited entry programmes applying during the operation of CMM 2013-01.⁸

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

OTHER COMMERCIAL FISHERIES

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

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

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

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

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

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

DATA PROVISION REQUIREMENTS

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

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

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

REVIEW AND FINAL PROVISIONS

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

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

57. This measure replaces CMM 2017-01. This measure shall come into effect on 13 February 2019 and remain in effect until 10 February 2021 unless earlier replaced or amended by the Commission.

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

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

Attachment 1

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

Coastal CCMs' EEZ/Group	Effort in Vessel days/Catch limit	Comment
PNA	44,033 days	This limit will be managed cooperatively through the PNA Vessel Day Scheme.
Tokelau	1000 days	
Cook Islands	1,250 days	These CCMs are developing joint arrangements which may incorporate measures such as pooling and transferability of limits between EEZs.
Fiji	300 days	
Niue	200 days	
Samoa	150 days	
Tonga	250 days	
Vanuatu	200 days	
Australia	30,000 mt SKJ 600 mt BET 600 mt YFT	
French Polynesia	0	
Indonesia	*	
Japan	1500 days	
Korea	*	
New Zealand	40,000 mt SKJ	
New Caledonia	20,000 mt SKJ	
Philippines	*	
Chinese Taipei	*	
United States **	558 days	
Wallis and Futuna	*	

* Limits not notified to the Commission

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

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

CCM	EFFORT LIMIT (DAYS)
CHINA	26
ECUADOR	**
EL SALVADOR	**
EUROPEAN UNION	403
INDONESIA	(0)
JAPAN	121
NEW ZEALAND	160
PHILIPPINES	#
REPUBLIC OF KOREA	207
CHINESE TAIPEI	95
USA	1270
** subject to CNM on participatory rights	

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

Bigeye catch limits by flag	
CCMs	Catch Limits
CHINA	8,224
INDONESIA	5,889*
JAPAN	18,265
KOREA	13,942
CHINESE TAIPEI	10,481
USA	3,554
*Provisional and maybe subject to revision following data analysis and verification	
Japan will make an annual one-off transfer of 500 metric tonnes of its bigeye tuna catch limit to China.	

Attachment 2: Measure for Philippines

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

AREA OF APPLICATION

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

REPORTING

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

The report shall be in the following format:

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

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

OBSERVER

5. The fishing vessels covered by this measure shall employ a WCPFC Regional Observer on board during the whole duration while they operate in HSP-1 SMA in accordance with the provisions of CMM 2018-05.
6. Regional Observers from other CCMs shall be given preference/priority. For this purpose, the Philippines and the Commission Secretariat shall inform the CCMs and the Adjacent Coastal State of the deployment needs and requirements at 60 days prior expected departure. The Secretariat and the CCM that has available qualified regional observer shall inform the Philippines of the readiness and availability of the Regional Observer at least 30 days prior to the deployment date. If none is available, the Philippines is authorized to deploy regional observers from the Philippines.

VESSEL LIST

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

MONITORING OF PORT LANDINGS

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

COMPLIANCE

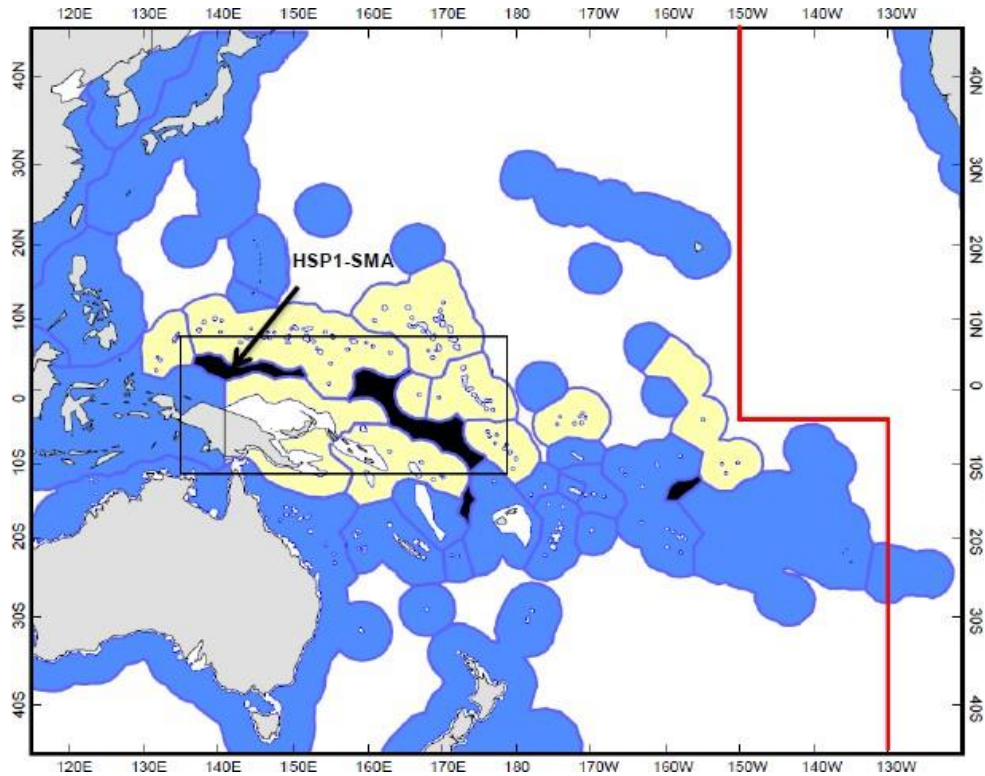
9. All vessels conducting their fishing activities pursuant to this Attachment to CMM 2018-01 shall comply with all other relevant CMMs. Vessels found to be non-complaint with this decision shall be dealt with in accordance with CMM 2010-06, and any other applicable measure adopted by the Commission.

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

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



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

CMM 2018-05 For the Regional Observer Program



COMMISSION FIFTEENTH REGULAR SESSION

Honolulu, Hawaii, USA

10 – 14 December 2018

CONSERVATION AND MANAGEMENT MEASURE FOR THE REGIONAL OBSERVER PROGRAMME

Conservation and Management Measure 2018-05¹

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

Recalling Article 28(1) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC Convention), which requires the Commission to develop a Regional Observer Programme to, among other things, collect verified catch data, and to monitor the implementation of the conservation and management measures adopted by the Commission;

Further recalling Article 28(7) of the WCPFC Convention, which requires the Commission to develop procedures and guidelines for the operation of the Regional Observer Programme;

Cognizant of Conservation and Management Measure 2006-07, which established the procedures to develop the WCPFC Regional Observer Programme;

Adopts, in accordance with Article 10 of the WCPFC Convention the following Conservation and Management Measure for the establishment of the WCPFC Regional Observer Programme (Commission ROP).

Establishment of the Commission ROP

1. There is hereby established the Commission ROP, which shall be coordinated by the Secretariat of the Commission.
2. The ROP shall be implemented on a phased basis. The implementation schedule is attached as Annex C.
3. The Secretariat of the Commission shall provide an annual report to the Commission with regard to the Commission ROP and on other matters relevant to the efficient operation of the programme.

¹ This measure updates and revises CMM 2007-01, and as was agreed by the Commission at WCPFC15 (2018).

Objectives of the Commission ROP

4. The objectives of the Commission ROP shall be to collect verified catch data, other scientific data, and additional information related to the fishery from the Convention Area and to monitor the implementation of the conservation and management measures adopted by the Commission.

Scope of the Commission ROP

5. The Commission ROP shall apply to the following categories of fishing vessels authorized to fish in the Convention Area in accordance with the Commission's Conservation and Management Measure 2004-01 (or its replacement CMM):

- i) vessels fishing exclusively on the high seas in the Convention Area, and
- ii) vessels fishing on the high seas and in waters under the jurisdiction of one or more coastal States and vessels fishing in the waters under the national jurisdiction of two or more coastal States.

Functions of observers

6. The functions of observers operating under the Commission ROP shall include collecting catch data and other scientific data, monitoring the implementation of the conservation and management measures adopted by the Commission and any additional information related to the fishery that may be approved by the Commission. When a vessel is operating on the same fishing trip both in waters under the national jurisdiction of its flag State and in the adjacent high seas, an observer placed under the Commission ROP shall not undertake any of these functions in waters under national jurisdiction of the flag State without the consent of the flag State.

Obligations of CCMs of the Commission

7. Each CCM of the Commission shall ensure that fishing vessels fishing in the Convention Area, except for vessels that operate exclusively within waters under the national jurisdiction of the flag State, are prepared to accept an observer from the Commission ROP if required by the Commission.

8. Each CCM of the Commission shall be responsible for meeting the level of observer coverage as set by the Commission.

9. CCMs shall source observers for their vessels as determined by the Commission.

10. CCMs shall explain to the vessel captain, observer duties relevant to appropriate measures adopted by the Commission.

11. CCMs shall take advantage of the information collected by observers for the purpose of investigations under Convention Articles 23 and 25, and shall cooperate in the exchange of such information, including by proactively requesting, responding to, and facilitating the fulfilment of requests for, copies of observer reports in accordance with standards adopted by the Commission, as applicable.

Role of the Commission and its subsidiary bodies

12. The Commission shall, through its subsidiary bodies within their respective mandates, monitor and supervise the implementation of the ROP, develop the priorities and objectives of the ROP, and assess the results of the ROP. The Commission may provide further direction concerning the operation of the ROP, as necessary. The Commission shall ensure the administration and coordination of the ROP is adequately resourced. The Commission may enter into contracts for the provision of the ROP.

Role of the Secretariat

13. Consistent with Article 15(4), the role of the Secretariat will be to:

a) coordinate ROP activities, including, *inter alia*:

- i) maintaining the ROP Manual and the ROP Observer Workbook;
- ii) so that existing national programmes and sub-regional programmes participating in the ROP maintain standards as adopted by the Commission;
- iii) receiving communications and providing reports on the ROP's operation to the Commission (and its subsidiary bodies); including target and achieved coverage levels;
- iv) coordinating ROP activities with other RFMOs as directed and appropriate;
- v) facilitating the use of authorized observers in the ROP;
- vi) monitoring observer trainers and observer training courses for ROP observers to promote the maintenance of standards adopted by the Commission;
- vii) that the ROP addresses the data and monitoring requirements of the Commission's CMMs;
- viii) that appropriate information and data for the monitoring of the implementation of CMMs as adopted by the Commission are collected, compiled, stored and disseminated by the ROP in accordance with procedures adopted by the Commission;
- ix) managing and administering observers for special situations as directed by the Commission;
- x) support staff necessary to effectively administer the ROP; and
- xi) maintain on the Commission website an up-to-date list of the National Observer Coordinators and their contact information, and copies of, or links to, each ROP provider's code of conduct for its observers.

b) authorize observer providers to the ROP.

Role of coastal States

14. Each CCM shall nominate a WCPFC National Observer Coordinator, who shall be the contact point on matters related to the ROP, and keep the Secretariat informed of any changes to the Coordinator and his/her contact information.

Guiding principles for operation of the Commission ROP

15. The Commission ROP shall operate in accordance with the following principles:
- a) The Commission ROP shall consist of independent and impartial observers qualified in accordance with criteria approved by the Commission;
 - b) Vessels that operate principally in coastal waters, but occasionally venture on to the adjacent high seas or into the waters under the jurisdiction of a neighboring State, if they so agree, may carry observers of their own nationality provided those observers have been authorized by the Secretariat;²
 - c) The Commission ROP shall be organized in a flexible manner that takes into account the nature of the fishery from the Convention Area and any other relevant factors the Commission may consider appropriate;
 - d) To ensure cost effectiveness and to avoid duplication, the Commission's ROP shall be coordinated, to the maximum extent possible, with other regional, sub- regional and national observer programmes; and to this extent the Commission may enter into contracts or appropriate arrangements for the provision of the ROP.
 - e) The Commission ROP shall provide a sufficient level of coverage as approved by the Commission to ensure that the Commission receives appropriate data and information on catch levels and any additional information related to the fisheries within the Convention Area, taking into account the characteristics of the fisheries;
 - f) Observers shall not unduly interfere with the lawful operations of the vessel and in carrying out their duties shall give due consideration to the operational requirements of the vessel and to the extent practicable minimize disruption to the operation of vessels fishing in the Convention Area; Observers shall comply with the Guidelines in **Annex A** — Guidelines for the Rights and Responsibilities of Observers.
 - g) The Commission ROP shall be operated to ensure that observers shall not be unduly obstructed in the discharge of their duties. To this extent, CCMs of the Commission shall ensure that vessel operators comply with the Guidelines in **Annex B** — Guidelines for the Rights and Responsibilities of Vessel Operators, Captains and Crew.
 - h) The Commission ROP shall ensure the security and confidentiality of non- aggregated data and other information which the Commission deems to be of a confidential nature; the release of data and other information collected by the Commission ROP shall be in accordance with guidelines set out in the Commission's Rules and Procedures for Access to, and Dissemination of, Data Compiled by the Commission.

² See TCC2 Summary Report, para 54ii: "the need to integrate existing national and regional observer programmes into the Commission programme and "to allow CCMs to continue to deploy national observers on vessels that principally operate in coastal waters and that occasionally extend their fishing operations on to the high seas."

Guidelines on the Rights and Responsibilities of Observers

In accordance with Annex III Article 3, and article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The following guidelines for the Rights and Responsibilities of Observers shall apply to observers placed on a vessel under the Commission ROP.

1. The rights of observers shall include:

- a) Full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish on board, and areas which may be used to hold, process, weigh, and store fish.
- b) Full access to the vessel's records including its logs and documentation for the purpose of records inspection and copying, reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.
- c) Access to and use of communications equipment and personnel, upon request, for entry, transmission, and receipt of work related data or information.
- d) Access to additional equipment, if present, to facilitate the work of the observer while on board the vessel, such as high powered binoculars, electronic means of communication, etc.
- e) Access to the working deck during net or line retrieval and to specimens (alive or dead) in order to collect and remove samples.
- f) Notice by the vessel captain of at least fifteen (15) minutes before hauling or setting procedures, unless the observer specifically requests not to be notified.
- g) Access to food, accommodations, medical facilities, and sanitary facilities of a reasonable standard equivalent to those normally available to an officer on board the vessel.
- h) The provision of adequate space on the bridge or other designated area for clerical work and adequate space on the deck for observer duties.
- i) Freedom to carry out their duties without being assaulted, obstructed, resisted, delayed, intimidated or interfered with in the performance of their duties.

2. The responsibilities of observers shall include:

- a) Being capable of performing the duties set out by the Commission.
- b) Acceptance and compliance with agreed upon confidentiality rules and procedures with respect to the fishing operations of the vessels and of the vessel owners.
- c) Maintenance of independence and impartiality at all times while on duty in the ROP.

- d) Compliance with the ROP protocols for observers carrying out ROP duties on board a vessel.
- e) Compliance with the laws and regulations of the CCM that exercises jurisdiction over the vessel.
- f) Respecting the hierarchy and general rules of behavior that apply to all vessel personnel.
- g) Performance of duties in a manner that does not unduly interfere with the lawful operations of the vessel and in carrying out their functions they shall give due consideration to the operational requirements of the vessel and shall communicate regularly with the captain or master of the vessel.
- h) Familiarity with the emergency procedures aboard the vessel, including the locations of life rafts, fire extinguishers, and first aid kits.
- i) Communicating regularly with the vessel captain on relevant observer issues and duties.
- j) Observance of ethnic traditions of the crew and customs of the flag State of the vessel.
- k) Adherence to the applicable Code of Conduct for observers.
- l) Promptly writing and submitting reports to the Commission or national programme in accordance with procedures adopted by the Commission.

Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew

In accordance with Annex III, Article 3, and Article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The following Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew shall apply when an observer is placed under the Commission ROP.

Rights and responsibilities of vessel operators and captains

1. The rights of vessel operators and captains shall include:

- a) Expectation that a reasonable period of prior notice of the placement of an ROP observer shall be given.
- b) Expectation that the observer will comply with the general rules of behavior, hierarchy, and laws and regulations of the CCM of the Commission that exercises jurisdiction over the vessel.
- c) Timely notification from the observer provider on completion of the observer's trip of any comments regarding the vessel operations. The captain shall have the opportunity to review and comment on the observer's report, and shall have the right to include additional information deemed relevant or a personal statement.
- d) Ability to conduct lawful operations of the vessel without undue interference due to the observer's presence and performance of necessary duties.
- e) Ability to assign, at his or her discretion, a vessel crew member to accompany the observer when the observer is carrying out duties in hazardous areas.

2. The responsibilities of vessel operators and captains shall include:

- a) Accepting onboard the vessel any person identified as an observer under the ROP when required by the Commission.
- b) Informing the crew of the timing of the ROP observer boarding as well as their rights and responsibilities when an ROP observer boards the vessel.
- c) Assisting the ROP observer to safely embark and disembark the vessel at an agreed upon place and time.
- d) Giving notice to the ROP observer at least fifteen (15) minutes before the start of a set or haul onboard, unless the observer specifically requests not to be notified.
- e) Allow and assist the ROP observer to carry out all duties safely.
- f) Allowing ROP observer full access to the vessel's records including vessel logs and documentation for the purpose of records inspection and copying.
- g) Allowing reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.
- h) Permitting access to additional equipment, if present, to facilitate the work of the ROP observer while onboard the vessel, such as high powered binoculars, electronic means of communication, etc.

- i) Allow and assist the ROP observer to remove and store samples from the catch.
- j) The provision to the ROP observer, while onboard the vessel, at no expense to the observer or the ROP observer's provider or government, with food, accommodation, adequate sanitary amenities, and medical facilities of a reasonable standard equivalent to those normally available to an officer onboard the vessel.
- k) The provision to the ROP observer, while onboard the vessel, insurance coverage for the duration of the observer's time onboard the vessel.
- j) Allow and assist full access to and use of all facilities and equipment of the vessel that the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas which may be used to hold, process, weigh, and store fish.
- m) Ensuring the ROP observer is not assaulted, obstructed, resisted, delayed, intimidated, interfered with, influenced, bribed or is attempted to be bribed in the performance of their duties, ensuring the ROP observer is not coerced or convinced to breach his/her responsibilities, and facilitating the observer's adherence to the applicable code of conduct.

Rights and responsibilities of vessel crew

3. The rights of vessel crew shall include:

- a) Expectation that the ROP observer will comply with the general rules of behavior, hierarchy, and laws and regulations of the CCM that exercises jurisdiction over the vessel.
- b) Expectation that a reasonable period of prior notice of the placement of a ROP observer shall be given by the Captain.
- c) Reasonable expectation of privacy in crew personal areas.
- d) Ability to carry out duties associated with normal fishing operations without undue interference due to the ROP observer's presence and performance of their necessary duties.

4. The responsibilities of the vessel crew shall include:

- a) Not assaulting, obstructing, resisting, intimidating, influencing, or interfering with the ROP observer or impeding or delaying observer duties, not coercing or convincing the ROP observer to breach his/her responsibilities, and facilitating the observer's adherence to the applicable code of conduct.
- b) Compliance with regulations and procedures established under the Convention and other guidelines, regulations, or conditions established by the CCM that exercises jurisdiction over the vessel.
- c) Allowing and assisting full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas that may be used to hold, process, weigh, and store fish.
- d) Allow and assist the ROP observer to carry out all duties safely.
- e) Allow and assist the ROP observer to remove and store samples from the catch.
- f) Compliance with directions given by the vessel captain with respect to the ROP observers duties.

Implementation programme for the Regional Observer Programme

1. When the measure enters into force, CCMs shall commence implementation of the ROP, in accordance with the measure adopted at WCPFC4, by using the sub-regional and national programmes already operational in the region. CCMs are encouraged to submit data from such programmes as soon as possible.
2. At the direction of the Commission, the IWG-ROP shall continue to develop the framework and important elements of the ROP (e.g. determination of minimum vessel size for observer coverage, training and accreditation of observers, roles and responsibilities of observers, data requirements, cost issues, and appropriate effort units for expressing coverage levels).
3. Arrangements in 2008 do not preclude future development of the ROP by the Commission.
4. No later than 31 December 2008:
 - Existing sub-regional programmes and national programmes shall be regarded as a part of the ROP, and shall continue unless otherwise determined by the Commission.
 - Data obtained through these observer programmes shall be submitted to the Commission and shall be considered Commission data.
5. During the period 1 January 2009–31 December 2010:
 - The Commission shall review the recommendations from the IWG-ROP, SC, and TCC and further develop, and refine as necessary, the ROP, including application of the ROP.
6. No later than 30 June 2012, CCMs shall achieve 5% coverage of the effort in each fishery under the jurisdiction of the Commission (except for vessels provided for in paras 9 and 10). In order to facilitate the placement of observers the logistics may dictate that this be done on the basis of trips.
7. At the 2012 annual sessions of the SC and TCC, the data generated by the ROP shall be reviewed and those subsidiary bodies shall make appropriate recommendations to the Commission. Based on the advice and recommendations of the SC and TCC, the Commission shall annually review the ROP and make adjustments as necessary. Among the elements of the ROP to be reviewed are the provisions of para 10 on vessels initially deferred from application of the ROP.
8. CCMs shall also be expected to meet any additional ROP observer obligations that may be included in any measure adopted by WCPFC, such as provisions of a catch retention measure, a FAD management measure or a transshipment measure. Such measures may include observer requirements for freezer longliners, purse seiners and/or carriers.

Special circumstances

9. Fishing vessels used exclusively to fish for fresh fish³ in the area north of 20 degrees north shall be accorded the following considerations:
 - i) At its 2008 annual session, the Northern Committee shall consider the implementation of the ROP adopted by the Commission by vessels fishing for fresh fish in the area north of 20 degrees north.
 - ii) At its 2010 annual session, the Northern Committee shall make recommendations to the Commission on the implementation of the ROP by fishing vessels fishing for fresh fish in the area north of 20 degrees north.
 - iii) The recommendations of the Northern Committee shall provide a date for implementation of the ROP by vessels fishing for fresh fish in the area north of 20 degrees north no later than 31 December 2014.
10. The implementation schedule for the following vessels shall be deferred:
 - i) small vessels, the minimum size of which shall be considered by the IWG-ROP for recommendation to the Commission in 2008.
 - ii) troll and pole-and-line vessels used for fishing for skipjack tuna or albacore (to be scheduled for review by the IWG-ROP).

³ For the purpose of this measure, “fresh fish” means highly migratory fish stocks that are live, whole or dressed/gutted, but not further processed or frozen.



**COMMISSION
SIXTEENTH REGULAR SESSION**
Port Moresby, Papua New Guinea
5 – 11 December 2019

**CONSERVATION AND MANAGEMENT MEASURE ON MOBULID RAYS CAUGHT IN
ASSOCIATION WITH FISHERIES IN THE WCPFC CONVENTION AREA**

Conservation and Management Measure 2019-05

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

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

Considering that the United Nations Food and Agriculture Organization (FAO) International Plan of Action for Sharks calls on States to cooperate through regional fisheries management organizations to ensure the sustainability of shark stocks;

Recognizing the ecological and cultural significance of sharks and rays in the western and central Pacific Ocean (WCPO);

Noting that manta and mobula rays are listed in Appendix I and Appendix II of the Convention on the Conservation of Migratory Species of Wild Animals and that the parties to that Convention have a range of obligations related to the conservation of such species;

Further noting that manta and mobula rays are also listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for which trade shall be closely controlled under specific conditions including, inter alia, that trade will not be detrimental to the survival of the species in the wild;

Acknowledging the 13th Regular Session of the Commission designated six species of manta and mobula rays as key shark species for assessment and called for the development of safe release guidelines for manta and mobula rays;

Further acknowledging the 14th Regular Session of the Commission adopted non-binding guidelines of best handling practices for the safe release of manta and mobulids for both purse

seine and longline fisheries;

Noting the recognition by the 12th Regular Session of the Scientific Committee of the impact on mobulids by WCPFC fisheries, ecological concern and data availability.

Noting that the 13th Regular Session of the Scientific Committee confirmed that as species of special interest, manta and mobula rays will have all required data collected under the Regional Observer Programme Minimum Standard Data Fields;

Concerned that the species of the family Mobulidae, which includes manta rays and mobula rays, are considered to be vulnerable to overfishing as they are slow-growing, experience late sexual maturity, have long gestation periods, and often give birth to only a few pups;

Also concerned about the possible impacts on these species by the different fisheries occurring from coastal areas to the high seas;

Adopts in accordance with Article 10 of the Convention, the following Conservation and Management Measure:

1. This Conservation and Management Measure (CMM) shall apply to all fishing vessels operating in the high seas and/or exclusive economic zones of the Convention area and flagged to Members, Cooperating Non-Members and Participating Territories (CCMs), and authorized to fish for highly migratory fish stocks in the Convention Area.
2. For the purpose of this CMM, “mobulid rays” means species of the family Mobulidae, which includes manta rays and mobula rays.
3. CCMs shall prohibit their vessels from targeted fishing or intentional setting on mobulid rays in the Convention Area.
4. CCMs shall prohibit their vessels from retaining on board, transshipping, or landing any part or whole carcass of mobulid rays caught in the Convention Area.
5. CCMs shall require their fishing vessels to promptly release alive and unharmed, to the extent practicable, mobulid rays as soon as possible, and to do so in a manner that will result in the least possible harm to the individuals captured. CCMs should encourage their fishing vessels to implement the handling practices detailed in Annex 1, while taking into consideration the safety of the crew.
6. Notwithstanding paragraph 4, in the case of mobulid rays that are unintentionally caught and landed as part of a purse seine vessel’s operation, the vessel must, at the point of landing or transshipment, surrender the whole mobulid ray to the responsible governmental authorities, or other competent authority, or discard them where possible. Mobulid rays surrendered in this manner may not be sold or bartered but may be donated for purposes of domestic human consumption.
7. CCMs shall advise the Commission (in Part 2 of their Annual Report) on implementation of this CMM.

8. CCMs shall ensure that fishers are aware of proper mitigation, identification, handling and releasing techniques and should encourage them to keep on board all necessary equipment for the safe release of mobulid rays. For this purpose, CCMs are encouraged to use the handling practices included as Annex 1.

9. CCMs are encouraged to investigate at-vessel and post-release mortality in mobulids including, but not exclusively, the application of satellite tagging programs to investigate the effectiveness of this measure and more effective methods of live release.

10. Observers shall be allowed to collect biological samples of mobulid rays caught in the WCPFC Convention Area that are dead at haul-back.

11. This measure will take effect on 1 January 2021.

BEST HANDLING PRACTICES FOR THE SAFE RELEASE OF MANTAS & MOBULIDS

Purse Seine

Do's:

- Release rays while they are still free-swimming whenever possible (e.g., back down procedure, submerging corks, cutting net).
- It is preferable that larger rays (>60 kg), that are too large to be lifted safely by hand are brailled out of the net and released using a purpose built large-mesh cargo net or canvas sling or similar device as recommended in document SC08-EB-IP-12 (Poisson *et al.* 2012, Good practices to reduce the mortality of sharks and rays caught incidentally by the tropical tuna purse seiners). It is preferable that release nets or devices are prepared prior to each set.
- It is preferable that small (<30 kg) and medium rays (30-60 kg) are handled by 2 or 3 people and carried by the sides of its wings or preferably using a purpose-built cradle/stretchers while ensuring the safety of the crew.
- When entangled in netting, carefully cut the net away from the animal and release to the sea as quickly as possible while ensuring the safety of the crew.

Don'ts:

- Do not leave a ray on deck until hauling is finished before returning it to the sea.
- Do not punch holes through the bodies of rays (e.g., to pass a cable or line through for lifting the ray).
- Do not gaff, drag, carry, lift or pull a ray by its “cephalic lobes” or tail or by inserting hooks or hands into the gill slits or the spiracles.

Longline

Do's:

- For small rays, gently bring on board and remove as much gear as possible by backing the hook out. If hooks are embedded, either cut the hook with bolt cutters or cut the line at the hook and gently return the animal to the sea.
- For medium to large rays (>30 kg), leave the animal in the water and use a dehooker to remove the hook or a long-handled line cutter to cut the gear as close to the hook as possible (ideally leaving <0.5 meters of line attached to the animal).

Don'ts:

- Do not hit or slam a ray against any surface to remove the animal from the line.
- Do not attempt to dislodge a deeply hooked or ingested hook by pulling on the branch line or using a dehooker.
- Do not attempt to lift medium to large (>30 kg) rays aboard vessel.
- Do not cut the tail.
- Do not gaff, drag, carry, lift or pull a ray by its “cephalic lobes” or tail or by inserting hooks or hands into the gill slits or the spiracles.

Additional recommendation:

- Knowing that any fishing operation may catch rays, several tools can be prepared in advance (e.g., canvas or net slings or stretchers for carrying or lifting, large mesh net or grid to cover hatches/hoppers in purse seine fisheries, long handled cutters and de-hookers in longline fisheries).

Annex 2: Other Useful Information

WCPFC Guidelines for the Safe Release of Encircled Animals, including Whale Sharks

WCPFC Guidelines for the Safe Release of Encircled Animals, including Whale Sharks

Summary

An Informal Small Group 3 (ISG3) meeting was held during the WCPFC SC8 in Busan, Korea on 8 August 2012. Fourteen (14) SC8 participants took part in the meeting and discussed the development of guideline for the safe release of encircled animals, including whale sharks. ISG3 reached the conclusion that it is currently not possible to determine the “best” practical method for the safe release of encircled animals. Additionally, there have been no scientific investigations as to the survival of whale sharks that have been caught or entangled in purse seines. Therefore, ISC3 recommended further research primarily to investigate the survival of encircled animals associated with various release techniques.

General principles

- Safety of the crew is a paramount consideration.
- When releasing encircled whale sharks, the stress the animal receives should be minimized to the extent possible.
- The following possible release methods should be used as general guidelines.
- The effectiveness of the following possible release methods has not been fully evaluated. Further scientific research is necessary in order to investigate survival after the release by various release methods. Therefore, CCMs are encouraged to conduct analysis on methods used by their purse seine vessels. In addition, the WCPFC could initiate a program of satellite tag deployments by experienced observers to assess survival of encircled animals associated with various release techniques.
- The appropriate release method should be chosen in a flexible manner depending on the circumstances and condition of the particular purse seine set, e.g. the size and orientation of the encircled animal, amount of fish in the purse seine set, weather conditions and brailing operation style.

Possible release methods

1. Cutting net
 - Experience indicates that cutting the net vertically (about 3-5 meters) is quick and efficient.
 - Caveat: Possible uncontrolled ripping of the net if under load from catch or currents, loss of entire catches and time to repair the net.
2. Passive removal or letting sharks go over corkline (ref. Japan proposal in WCPFC8-2011-DP-17, see Appendix 1)
 - Would be easy particularly for vessels sacking up with a skiff.
 - The manipulation of cork line is possible only if the vessel concentrates and loads catch using a brailing boom.
 - Very situation dependent and based on size and orientation of the animal.

- Caveat: If it takes a long time to roll a shark out of the net which may expose the sharks to excessive stress, Some loss of catch is possible during the operation.
- 3. Horizontally pulling sharks by the tail or a Sling Method, see Appendix 2)
 - Encircling the caudal peduncle of the shark with a smooth sling (non-abrasive material) that is attached to a heavy line and towboat. A second line is run from the skiff through the sling and back to the skiff. The skiff slowly moves the shark's tail/body next to the cork line and is gently led over the cork line. Lowering corks from brailing boom or releasing some corks from attachment to net skiff. Slowly towing shark horizontally by the tail until clear of corks when rope is released and sling falls away.
 - Caveat: This procedure could be traumatic although likely less traumatic for small and medium sharks (5-6 m maximum). Probably inappropriate for fish >6 m.





Note, animals should be kept in water at all times when using release methods 1-3.

- Brailing sharks
 - Could be very easy and quick. Appropriate length is probably less than 3 m.
 - Exposure time out of the water should be minimised
 - Caveat: sharks must be small enough to be scooped by brailing without stress

Release methods not recommended:

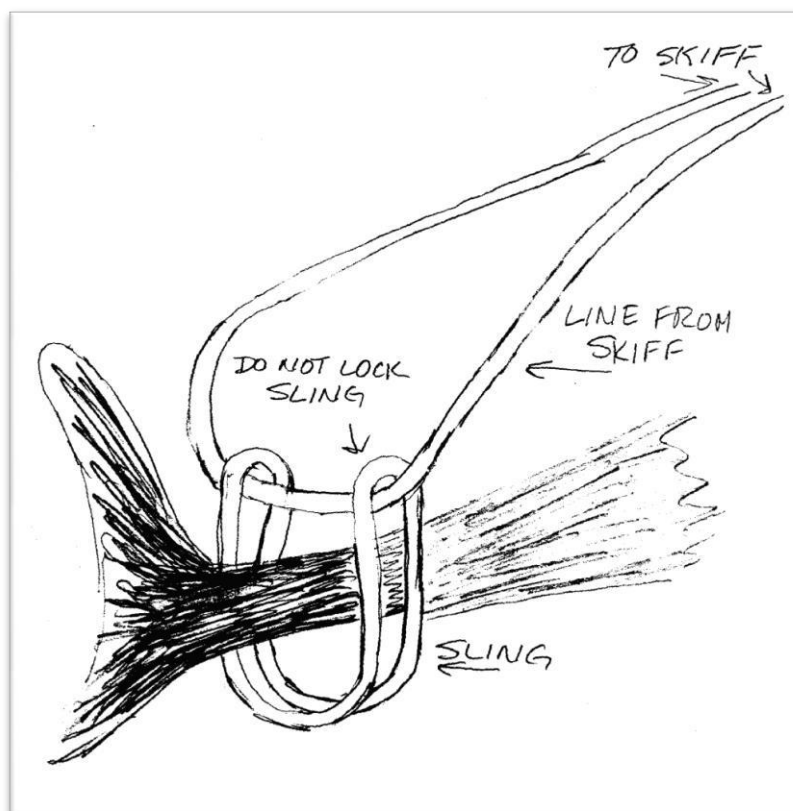
- Vertically lifting sharks by tail because internal organs may be damaged.
- Pulling sharks by a loop hooked around its gill or holes bored into a fin.

[Appendix 1] Proposed by Japan at SC7 (Guidelines for safe and live release of encircled non-target animals during purse-seine fishing operations)

<p>a). lead the head to approach nearest cork rope by rolling up the net under the ventral and tail side.</p>	
<p>b). Release cork rope from their head side.</p> <p>c). Roll up the net of the tail side to run the head on the cork line</p> <p>d). Control the net carefully to keep whale shark calm down because if they wriggle, their body could be entangled in the net</p>	 
<p>e). Wait for escaping from the net themselves (whale shark swim away from the net)</p>	

[Appendix 2]

Design and deployment of a release mechanism for mid- to small-sized whale sharks



WCPFC ROP Vessel Safety Checklist



WESTERN CENTRAL PACIFIC FISHERIES COMMISSION REGIONAL OBSERVER PROGRAMME VESSEL SAFETY CHECK GUIDELINES

VESSEL INFORMATION							
TYPE OF VESSEL	PS		LL		P&L		OTHER
NAME OF VESSEL						Vessel Size (Length)	
FLAG STATE						< 16 metres	
CALL SIGN OR WCPFC WIN NUMBER						16-25 metres	
FLAG STATE						26 -39 metres	
REGISTRATION NUMBER						40-65 metres	
OWNER/OPERATOR						> 65 metres	
MASTER /CAPTAIN							

VESSEL SAFETY CHECK (VSC)

ESSENTIAL ITEMS TO BE CHECKED	YES	NO	N/A	COMMENTS
1. VESSEL SURVEY DOCUMENTATION (CURRENT)				
2. CORRECT SIZE PERSONAL FLOATATION DEVICES AVAILABLE				
3. APPROVED LIFE RAFT OR LIFE BOATS UNDER CURRENT SURVEY AND ADEQUATE FOR NUMBER OF CREW				
4. EPIRBs (CURRENT SURVEY)				
5. DISTRESS SIGNALS AND FLARES				
6. FIRE FIGHTING EQUIPMENT IN GOOD ORDER				
7. FIRE EXTINGUISHERS (CURRENT CHECKED)				
8. MARINE RADIO HF SSB OR SUBSTITUTE COMMUNICATIONS				
9. NAVIGATION LIGHTS / VESSEL LIGHTS (WORKING ORDER)				
10. SOUND PRODUCING DEVICES OR BELL				
ADDITIONAL ITEMS TO BE CHECKED				
11. REGISTRATION DOCUMENTATION IN ORDER				
12. OTHER WORK RELATED VESSELS ON BOARD THAT COULD BE UTILISED IN CASE OF EMERGENCY				
13. NAUTICAL CHARTS AND NAVIGATION AIDS (GPS/RADAR)				
14. FIRST AID EQUIPMENT				
15. SANITATION				
16. PHONE				
17. EMAIL/FAX				
18. INSURANCE FOR OBSERVER WHILST ON BOARD				
19. VESSEL INSURANCE				
20. ROOM FOR CREW AND OBSERVER TO WORK SAFELY				

VESSEL AT THE TIME OF CHECKING IS CONSIDERED TO BE NOT SUITABLE FOR AN OBSERVER BOARDING ☐

VESSEL AT THE TIME OF CHECKING MEETS THE REQUIREMENTS FOR AN OBSERVER BOARDING ☐

NAME OF CHECKER _____ POSITION _____

SIGNED _____ DATE _____

EXPLANATION ON VSC REQUIREMENTS

The fields in this form are to be used as a guide when developing a Vessel Safety Checklist (VSC) for National Observer Programmes. If a National programme has a VSC in place then that should be used, however the fields in this form may be used to check safety, on whether an observer is safe to board the vessel.

1. VESSEL SURVEY DOCUMENTATION CURRENT Fishing Vessels and support vessels operating in the WCPFC must comply with their Flag State regulations and/or the Code of Practice for Safety. Ship surveys including condition, safety and security aspects of hull, machinery and on board safety equipment must be available to be viewed
2. CORRECT SIZE PERSONAL FLOATATION DEVICE AVAILABLE Life Jackets must be approved types and in good serviceable condition, Life Jackets of suitable sizes must be readily accessible for the observer and all crew. Life jackets will not be stored away or locked in cupboards or rooms.
3. APPROVED LIFE -Life rafts must be currently in survey and be adequate to carry the amount of crew including the observer on board the vessel.
4. EPIRBs International Standard 406 MHz EPIRB. The signal frequency (406 MHz) has been designated internationally for use only for distress. Check to see the frequency number and position of these EPIRBs, a few vessels may have the older relatively common type of 121.5/243 MHz emergency beacons, these became obsolete in late 2008
5. DISTRESS SIGNAL AND FLARES. Vessels should have on board appropriate pyrotechnics devices that will suitably operate in both day and night emergency situations
6. FIRE FIGHTING EQUIPMENT Fire fighting must be readily available, be able to work and be currently serviceable. Note that some small vessels may only have fire extinguishers on board.
7. MOUNTED FIRE EXTINGUISHER, Fire extinguishers must be readily available and be of the correct type. Portable extinguishers require periodic maintenance therefore the last inspection date when last tested or refilled should be available. All must be currently serviceable and if possible should be checked to ensure extinguishers have not been fully or partially discharged.
8. MARINE RADIO HF SSB(WORKING ORDER) Marine SSB (Single Side Band) is a means of communications for many fishing vessels. The radio must be capable of transmitting and receiving frequencies used for emergency marine communications as agreed by the International Telecommunication Union (ITU) or by the Flag State of the vessel.
9. NAVIGATION LIGHTS AND VESSEL LIGHTS Vessels must be able to display international standard navigation lights between sunset and sunrise and in conditions of reduced visibility. Internal and external vessel lighting must be fully operational. In the case of power failure, battery operated safety lights must be appropriately placed to ensure a safe exit from the vessel
10. SOUND PRODUCING SIGNALS OR BELLS Vessels must carry a sound producing device (whistle, horn, siren or bell) capable of a prolonged blast or ringing for distress signaling purposes.
11. REGISTRATION DOCUMENTATION IN ORDER Flag State Registration documentation papers must be on board and available to be viewed and must show registration number, boats name, country and port of registration.
12. OTHER WORK RELATED VESSELS Many vessels have auxiliary vessels that can be used in emergency situations. Note these.
13. NAUTICAL CHARTS AND NAVIGATION AIDS Vessel must have a set of appropriate, up to date nautical charts. Check to ensure that the Radar, GPS and any other navigational equipment is in good order and functioning.
14. FIRST AID EQUIPMENT The vessel must have adequate first aid facilities with current "use by dates" on all apparatus, drugs, dressings and other first aid paraphernalia.
15. SANITATION The vessel should have clean, well maintained sanitation and bathing facilities. Depending on the size of the vessel, observers may experience a lack of these facilities on board.
16. PHONE if the vessel has a satellite phone note the number for future reference.
17. EMAIL/FAX If the vessel has Fax or Email system note the numbers for future reference or emergencies.
18. INSURANCE FOR OBSERVERS ON BOARD - Observers must be covered by insurance before making a boarding

19. VESSEL INSURANCE– Check if vessel has insurance
20. ROOM FOR OBSERVER AND CREW TO WORK SAFELY, There must be adequate room on board the deck for the Observer and Crew to work in such a manner, so as to not hinder each other in their respective work duties.