



CCSBT-CC/1610/15

## Potential Transshipment Memorandum of Understanding (MoU) with the WCPFC

### Introduction and Background

At CC9 the Compliance Committee requested that the CCSBT Secretariat approach the Western and Central Pacific Fisheries Commission (WCPFC) to ascertain the possibility of implementing a transshipment Memorandum of Understanding (MoU) between the CCSBT and the WCPFC for High Seas transshipments involving SBT within the WCPFC Convention Area.

During 2015 the CCSBT Secretariat commenced dialogue with the WCPFC Secretariat regarding the possibility of developing such a MoU, noting there are quite substantive differences between the CCSBT's and the WCPFC's transshipment measures. However, no MoU was drafted.

At CC10 it was agreed that the CCSBT Secretariat should continue its dialogue with WCPFC to try to develop a draft proposed transshipment MoU to present to CC11, providing any such proposal maintains CCSBT's current at-sea transshipment standards.

### Progress Update

During 2016, the CCSBT and WCPFC Secretariats continued progressing this item. The CCSBT initially drafted a MoU based on the same structure/model as the current transshipment MoUs that the CCSBT has in place with both ICCAT<sup>1</sup> and IOTC<sup>2</sup>.

After reviewing the draft MoU proposed by the CCSBT Secretariat, the WCPFC Secretariat proposed developing an alternative Memorandum of Cooperation (MoC) drawing from both an existing MoC that the WCPFC has with the IATTC<sup>3</sup> for the cross-endorsement of WCPFC and IATTC approved observers, and the 2009 MoU between the CCSBT and the WCPFC.

The CCSBT and WCPFC Secretariats have now agreed a draft proposed (MoC) based on this alternative model, and this draft<sup>4</sup> is provided for CCSBT Members' consideration at **Attachment A**. The draft MoC will be provided for WCPFC Members' consideration at the Twelfth Regular Session of the Technical and Compliance Committee (TCC), being held between 21 and 27 September 2016.

### Conclusion

Members are invited to:

- Consider the attached draft MoC, and
- Provide any feedback/ proposed amendments, or a recommendation to the Extended Commission concerning agreement to the MoC.

### Prepared by the Secretariat

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<sup>1</sup> Indian Ocean Tuna Commission

<sup>2</sup> International Commission for the Conservation of Atlantic Tunas

<sup>3</sup> Inter-American Tropical Tuna Commission

<sup>4</sup> "Memorandum of Cooperation (MoC) on the Endorsement of WCPFC Regional Observer Programme Observers for Observing Transshipments of Southern Bluefin Tuna on the High Seas of the WCPFC Convention Area"

**MEMORANDUM OF COOPERATION (MoC) ON THE ENDORSEMENT OF WCPFC  
REGIONAL OBSERVER PROGRAMME OBSERVERS FOR OBSERVING  
TRANSSHIPMENTS OF SOUTHERN BLUEFIN TUNA ON THE HIGH SEAS OF THE  
WCPFC CONVENTION AREA**

**between**

**THE COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF HIGHLY  
MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN**

**and**

**THE COMMISSION FOR THE CONSERVATION OF SOUTHERN BLUEFIN TUNA**

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) and the Commission for the Conservation of Southern Bluefin Tuna (CCSBT):

**UNDERSTANDING** that the CCSBT and the WCPFC have overlapping jurisdictions for transshipment monitoring in the western and central Pacific Ocean;

**CONSIDERING** the Memorandum of Understanding between the WCPFC and the CCSBT signed in 2009;

**NOTING** that the CCSBT has adopted a Resolution<sup>1</sup> for tuna longline fishing vessels with freezing capacity (LSTLVs) that applies globally to all transshipments involving Southern Bluefin Tuna (SBT);

**ALSO NOTING** that the WCPFC has adopted a Conservation and Management Measure on the regulation of transshipment (CMM 2009-06) that applies to all transshipments in the WCPFC Convention Area of all highly migratory fish stocks covered by the Convention, and a Conservation and Management Measure for the Regional Observer Programme (CMM 2007-01) that establishes the Regional Observer Programme (ROP);

**RECALLING** paragraph 86 (a) of the Final Report of the Preparatory Conference for the Establishment of the Commission for the Conservation of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean of 7 December 2004, which recognises the need to establish an understanding between the WCPFC and the CCSBT clarifying that, because the CCSBT has competence with respect to Southern Bluefin Tuna throughout its migratory range, the WCPFC recognises that the CCSBT is the appropriate body to develop and implement Southern Bluefin Tuna conservation and management measures;

**CONFIRM** the following conditions for the endorsement of WCPFC ROP observers to operate on authorised vessels that are involved in High Seas transshipments of Southern Bluefin Tuna (*Thunnus maccoyii*) in the WCPFC Convention Area:

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<sup>1</sup> Resolution on establishing a program for transshipment by large-scale fishing vessels (hereafter referred to as the “CCSBT Transshipment Resolution”)

1. The CCSBT and the WCPFC recognise the importance of facilitating mutual cooperative participation between the Members of both Commissions.
2. Fishing vessels may fish for, retain, transship or land Southern Bluefin Tuna in the WCPFC Convention Area only if they are included on the WCPFC Record of Fishing Vessels and the CCSBT Record of Authorised Fishing Vessels on the date that these activities occur. Carrier Vessels may only receive and transport Southern Bluefin Tuna transshipments in the WCPFC Convention Area if they are included on the WCPFC Record of Fishing Vessels and the CCSBT Record of Authorised Carrier Vessels on the date that these activities occur.
3. CCSBT endorsement of a WCPFC ROP observer to monitor transshipments of Southern Bluefin Tuna in the High Seas of the WCPFC Convention Area will occur only when the CCSBT Secretariat agrees that the WCPFC ROP observer has met the necessary requirements for observing transshipments of Southern Bluefin Tuna as specified in the CCSBT's Transshipment Resolution. The CCSBT Secretariat will provide the WCPFC Secretariat with a list of ROP observers that have been endorsed by the CCSBT for observing transshipments in accordance with this MoC. The list of CCSBT-endorsed ROP observers will be updated by the CCSBT Secretariat whenever changes (*e.g.* additions/deletions) occur.
4. Each Secretariat will identify the transshipment data and information requirements for its Commission and will ensure that ROP observers will be able to meet all such requirements with respect to vessels to which this MoC applies.
5. If a transshipment involving Southern Bluefin Tuna occurs in the High Seas of the WCPFC Convention Area, the relevant transshipment observer data and information requirements of each Commission will be met by the WCPFC ROP observers that have been endorsed by the CCSBT. The data and information collected will be provided to both the CCSBT and the WCPFC Secretariats, in accordance with procedures of each respective Commission, and will be considered to be held by each respective Commission.
6. Data and information collected by a WCPFC ROP observer endorsed by the CCSBT may be used for compliance purposes and in legal proceedings.
7. The Secretariats of each Commission may assist in facilitating the training of observers to meet requirements for endorsement by the CCSBT, with a view towards developing a core group of ROP observers who may be assigned to carrier vessels operating on the High Seas in the WCPFC Convention Area to meet the requirements of both the CCSBT and WCPFC with respect to observing at-sea transshipments.
8. Endorsement of a WCPFC ROP observer by the CCSBT Secretariat does not affect the application of domestic legislation and procedures of coastal CCMs<sup>2</sup> of the WCPFC or Members/Cooperating Non-Members of the CCSBT.
9. A WCPFC ROP observer endorsed by the CCSBT remains under the control of the respective national or subregional observer programme and will be made available to fulfil duties in the WCPFC Convention Area subject to approval of such programmes.

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<sup>2</sup> CCMs means Members, Cooperating Non-Members and Participating Territories

10. This MoC is subject to periodic review, and may be modified as agreed by both Commissions. Either Commission may terminate this MOC with three months' notice of such intention to the other Commission.

11. This MoC will commence from the date of signature<sup>3</sup>.

Signed on behalf of the WCPFC and the CCSBT:

Chair of the WCPFC  
Date:

Chair of the CCSBT  
Date:

DRAFT

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<sup>3</sup> If the signature dates differ, this MoC will commence from the more recent date of signature.