**DRAFT SCOPE OF WORK FOR THE TRANSHIPMENT INFORMATION ANALYSIS IN SUPPORT OF THE REVIEW OF CMM 2009-06**

**Background**

1. Transhipment is defined to mean “the unloading of all or any of the fish onboard a fishing vessel to another fishing vessel either at sea or in port” (WCPFC Convention Article 1 (h)). Article 29 (1) of WCPFC Convention states, as a general rule, “in order to support efforts to ensure accurate reporting of catches, the members of the Commission shall encourage their fishing vessels, to the extent practicable, to conduct transhipment in port.” Recognizing this point, the Commission adopted CMM 2009-06 which requires that there shall be no transhipment on the high seas except where a CCM has determined, in accordance with certain guidelines (para 37) that it is impracticable for certain vessels to operate without being able to tranship on the high seas and has advised the Commission of such (para 34).
2. CMM 2009-06 also operationalizes a number of Article 29 requirements including:

* reiterating Article 29(2) and confirming that transshipment at a port or in an area within the waters under the national jurisdiction of a member of the Commission, shall take place in accordance with national laws (CMM 2009-06, paragraph 4);
* elaborating on procedures prefaced in Article 29(3), through establishing reporting procedures for CCMs to submit data on the quantity and species transhipped both in port and at sea (CMM 2009-06 paragraph 10 -12);
* establishing terms and conditions for transhipments in areas beyond national jurisdiction (Article 29(4) and Annex III (4)) including required reporting and the requirement to have a regional observer programme observer present to monitor and verify high seas transhipments (CMM 2009-06, para 14 – 17 and 35); and
* establishing procedures in accordance with Article 29(5) to support the Commissions adoption of specific exemptions for existing operations, from the prohibition on transhipment at sea by purse seine vessels (CMM 2009-06 25 – 32).

1. In December 2018, and affirming TCC14’s recommendation, the Commission agreed to conduct a review of the existing transshipment measure, CMM 2009-06, in 2019 (Review). Paragraph 380 of the WCPFC15 Summary Report states:

*The Commission agreed to conduct a review of the existing transshipment measure (CMM 2009-06) in 2019, with the review to commence through an electronic intersessional working group, with the group led by two co-chairs, from RMI and the United States.*

1. WCPFC transshipment IWG (TSIWG) participants agreed on 30 September 2019, on the Terms of Reference (TOR) for a review of CMM 2009-06 on Transshipment. The stated objectives of the Review in the TOR are to:

*a. Assess CMM 2009-06’s scope and effectiveness in regulating and monitoring transshipment activity in a manner consistent with the Convention, and*

*b. Recommend amendments or other actions, if any, related to CMM 2009-06 to improve the regulation and monitoring of transshipment activities.*

One of the key inputs to the IWG process towards meeting these objectives will be an analysis of relevant information held by the Commission and public sources, that will be completed prior to 2021.[[1]](#footnote-1) The TS-IWG will use the Analysis to inform its review of CMM 2009-06. The methodology for the TS-IWG’s review of the Analysis will be developed and for consideration by the TS-IWG in 2020.

**Scope of the Analysis**

1. The TOR describes the Analysis task as the following:

*The transshipment information analysis will compile all relevant information during the period from the entry into force of CMM 2009-06 to the end of 2018 and provide an analysis to include, but not limited to, volume of transshipments by flag state, location of transshipment hot spots, nature and coverage of independent monitoring of transshipment events (including associated data flows), volume, gear type and type of fish transshipped by flag state, number, location and frequency of transshipment outside the Convention Area of fish caught under the Convention, implementation challenges, and an assessment of CCM submission of advance notifications and reporting as required by CMM 2009-06, as set out in the Compliance Monitoring Reports or other reports complied by the Commission (e.g., for the TCC).*

1. Data for the Analysis will be compiled from information held by the Commission and from public sources, and will include information related to all identifiable transshipment activity in the Pacific. All information used in the Analysis shall comply with the 2007 and 2009 WCPFC Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission. Outcomes of the analyses above shall also be presented in accordance with the 2007 and 2009 WCPFC Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission.

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| **Information Related to Transshipment Activity in the Pacific**  *The Analysis will involve compilation and analysis of the following information during the period from the entry into force of CMM 2009-06 to the end of 2018:*   * For each of the following categories – 1) fish transshipped on the high seas inside the Convention Area; 2) fish transshipped at sea within coastal State CCM EEZs; 3) fish transshipped in port (prior to first point of landing) inside the Convention Area; and 4) fish transshipped at sea outside the Convention Area of fish caught under the Convention – the following information should be compiled and analyzed by offloading (including gear type) and receiving vessels by flag State by calendar year. * date * location (by latitude and longitude); * port location (where applicable); * number of transshipment events; and * volume of fish transshipped * date, port location (both inside and outside the Convention Area) and landing data of fish caught under the Convention from each receiving and offloading vessel by flag State broken down by calendar year; * All transshipment notifications, declarations and observer reports received from offloading and receiving vessels (or their flag State authorities) by flag State by calendar year; * All information and data held by the Commission received from the IATTC Secretariat related to transshipments that took place at sea within the WCPFC-IATTC Overlap Area or WCPFC Convention Area involving fish caught under the Convention by offloading vessels (by gear type) and receiving vessels that operated under the IATTC ROP with an IATTC observer embarked by flag State by calendar year; * All information held by the Commission received from flag State CCMs who have determined, in accordance with certain guidelines, that it is impracticable for certain vessels to operate without being able to transship on the high seas and advised the Commission of such. * [existing] requirements for observer reporting of transhipment events * [Without creating an additional reporting burden for CCMs, for those analyses above, the non-public domain data and information held by the WCPFC Secretariat will include but not be limited to;   - Transhipment Notice and Declarations  - Observer reports of transshipment  - VMS  - High Seas Boarding and Inspection  -Annual Reports Part 2  -When relevant, operational level catch and effort data and ROP observer data ] |

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| **Specific Questions to be addressed by the Analysis**  *In line with the purpose and scope of the Review, and in considering and analysing the information related to transshipment activity in the Pacific, the Analysis should address the following questions for the period from the entry into force of CMM 2009-06 to the end of 2018:*   * What are the reported quantities and species of both at-sea (for high seas and EEZs separately) and in-port transshipments within the scope of CMM 2009-06? Are there any apparent spatial, temporal, or species trends over time? * Who are the flag States of the offloading and receiving vessels involved in at-sea and in-port transshipments in WCPFC? Are there any apparent spatial, temporal, or species trends over time? * What are the reported quantities, locations and frequency of at-sea transshipments inside the Convention Area? Are there any hotspots and/or apparent temporal trends? * What are the reported quantities, locations and frequency of at-sea transshipments outside the Convention Area? Are there any there any hotspots and/or apparent temporal trends? * What is the proportion of EEZ vs high seas catches of at-sea transshipments covered by CMM 2009-06? What proportion of transshipment in the Convention Area occurs in each of the high seas pockets, each year? What are the flag States of the offloading and receiving vessels that transship in the high seas pockets? Are there any apparent trends over time? * Are there discrepancies in the reported quantities, locations, or frequencies of transshipments between the available information sources (e.g. notifications, declarations, observer reports, annual reports, vessel monitoring systems)? * Do data from the available information sources indicate that unreported at-sea transshipment has or may have occurred in the Convention Area? Provide an evaluation of the validity of the available information. * What is the gear-type and species of fish transshipped? Are there any hotspots and/or apparent spatial, temporal, or species trends over time? * Are there discrepancies in the reported quantities, locations, or frequencies of transshipments between the available information sources (e.g. notifications, declarations, observer reports, annual reports, vessel monitoring systems)? * What challenges did flag States or vessels reported with implementing CMM 2009-06? * How do differences in vessel capacity affect the relative efficiency and costs of at sea and in port transshipment, by gear type? * What is the nature and coverage of independent monitoring of transshipment events (including associated data flows) reported to the WCPFC Secretariat? Are there any apparent trends over time?What information are transhipment observers reporting? Are there discrepancies in what is reported? * Are observers from different observer programs reporting similar transhipment data? * What is the potential utility, limitations and estimated costs to WCPFC of using tools to monitor at-sea transshipment activities such as AIS, VMS observer coverage, electronic monitoring and other technology data sources? And how can these data sources be used to support monitoring States implementation of their obligations? * What is the potential utility, limitations and estimated costs to WCPFC of implementing a specific carrier vessel ROP managed and administered by an independent organization similar to that in place in IOTC, ICCAT and IATTC? * What is the potential utility, limitations and estimated costs to WCPFC of implementing a specific carrier vessel ROP managed and administered by an independent organization similar to that in place in IOTC, ICCAT and IATTC? * What is the rate of CCM submission of advance notifications and reporting as required by CMM 2009-06, as set out in the Compliance Monitoring Reports or other reports complied by the Commission (e.g., for the TCC)? Are there any apparent trends over time? * What is the rate of compliance with requirements in CMM 2009-06, including requirements for all transshipment activities, by offloading and receiving vessel flag states? Are there any apparent trends over time? * Are there requirements in CMM 2009-06 that are not being achieved by a flag state? * What are the costs of transshipping at sea versus transshipping in port? * To what extent has the obligations under Article 29 of the Convention been achieved through the implementation of CMM 2009-06? * Are observers from different observer programs reporting similar transhipment data? * What are the main infringements recorded by Observers on at sea transshipment operations (both in Harvesting vessels and carriers). The proportion of infringements recorded in at sea transshipments is higher or lower than in Port State inspections and high seas inspections? * Are there any suspicions, notably from observers, that any of these infringements are related to IUU fishing? * Is there any estimated number of non-reported at sea transshipments? * What could be the implications of at sea transshipment in the development of developing countries Port state infrastructures and capabilities? * What does the available data indicate about the effectiveness of CMM 2009-06 in respect of the provision in Article 29 of the Convention that *“the members of the Commission shall encourage their fishing vessels, to the extent practicable, to conduct transhipment in port”* * Are there data gaps that impeded the effectiveness of regulating and monitoring transshipment activity, and what additional data should be collected to improve the effectiveness? |

**Methodology**

1. The completion of the Analysis by a Consultant will be overseen by the WCPFC Secretariat. The WCPFC Secretariat and the WCPFC Science Service Provider (SPC-OFP) are expected to provide data products and input to support the Analysis. All information used in the Analysis will comply with the 2007 and 2009 WCPFC Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission.
2. The Consultant is expected to undertake analyses of the available information related to Transshipment Activity in the Pacific and prepare a report which includes the following required analyses and products…

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| **Required Analyses and Products**  *Using the compiled information related to transshipment activity in the Pacific, the Analysis will produce, but will not be limited to, the following:*   * Heat maps of transshipment events by type of fish transshipped and calendar years. * Heat maps of transshipment events by gear type of offloading vessels and calendar year. * Table of yearly totals of CCM submission of advance notifications and reporting as required by CMM 2009-06. * Heat maps of landing ports for receiving vessels by calendar year. * Assess the information compiled, reviewed, and analyzed in this analyses. |

**Scheduling**

The commencement date for the Analysis is expected to be in the first quarter of 2020, subject to the successful completion of the selection of a consultant by the Secretariat. The consultant is expected to deliver a draft report by 15 July 2020 for comment by the IWG, with a final report due by August 15, 2020.

1. The United States provided a voluntary contribution to the Commission to support this transshipment information analysis (Analysis) in 2020. [↑](#footnote-ref-1)