|  |  |
| --- | --- |
| **CMM 09-02 02**  **(iii) Spatial and temporal closures and restrictions on the use of FADs** | 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. |

| **Applicable CCMs** | **Requirements** | **2011 Assessment** | **2012 Implementation** | | **Potential issues** | **TCC Assessment** |
| --- | --- | --- | --- | --- | --- | --- |
| Australia | Flag CCM Requirement= Take measures to ensure that PS vessels on the high seas comply with the rules relating to the FAD closure. |  | YES (fully implemented) | Australia has banned the use of FADs in the Pacific Ocean north of 20°S and no Australian purse seine fishing occurred in the area bounded by 20°N and 20°S in 2012.  This is verifiable with Australian vessels VMS data. | **No issues detected** |  |
| China |  | YES (fully implemented) | Each purse seiner is duely advised in advance of the closure and retention. China Overseas Fisheries Association keeps close contact with the vessel owner throught the year, data on catch and VMS, ect, are collected in a timely manner. Purse vessels are not allowed to operate on highseas as stipulated in the fishing condition by PNA members | **No issues detected** |  |
| Ecuador |  | YES (fully implemented) | National Regulation No. 287 of August 2012 | **No issues detected** |  |
| Federated States of Micronesia |  | YES (fully implemented) | under the PNA 3IA measure,FSM had incorporated it into Fishing Agreements and also as a license condition and Also FSM has a FAD Management Plan | **No issues detected** |  |
| Indonesia |  | YES (fully implemented) | Indonesia already regulate by Ministry Regulation No.12 year 2012 on Fishing Business in HIgh Seas and Ministry Regulation No.30 year 2012 on FIshing Business in Fisheries Management Area of Republic of Indonesia | **No issues detected** |  |
| Japan |  | YES (fully implemented) |  | **No issues detected** |  |
| Kiribati |  |  |  | **Need additional information** |  |
| Korea (Republic of) |  | YES (fully implemented) |  | **No issues detected** |  |
| Marshall Islands |  | YES (fully implemented) |  | **No issues detected** |  |
| New Zealand |  | YES (fully implemented) | This is implemented through NZs High Seas Fishing Permitting regime | **No issues detected** |  |
| Papua New Guinea |  | YES (fully implemented) | PNG flagged vessels predominantly do not operte in the high seas areas. Incorporated into the license conditions. | **No issues detected** |  |
| Philippines |  | YES (fully implemented) | Thus Fisheries Administrative Order Number 236 was promulgated in May 31, 2010. Thus at SC7, a paper entitled Fisheries Observers Preliminary Assessment of Purse Seine / Ring Net Fishing in Philippine Major Fishing Grounds During the FAD Fishing Closure CY 2010 [WCPFC-SC7-2011/ST- IP-07], was presented by the Philippine delegation. Again, the second year implementation of this program was reported in SC8 as WCPFC-SC8-2012/ ST-IP-04 entitled “Analysis of Purse Seine/Ring Net Fishing Operations in Philippine EEZ”. The study reported fishing activities in 4 fishing grounds namely the Mindanao Sea in the Celebes (CEL), the southern portion of the Philippine Sea in the Pacific Seaboard (PAC), central-south Sulu Sea (SS) and the West Philippine Sea (WPS) particularly in the Kalayaan Group of Islands. The Celebes and Pacific were the most frequented fishing grounds, obviously because of their proximity/accessibility from the fleet’s homeport in General Santos. Only the Pacific seaboard is covered by the convention area. As for the 2012 experience, a Report will be presented during the SC9.  Philippines also fully implemented FAO 245. | **No issues detected** |  |
| Solomon Islands |  | YES (fully implemented) | Solomon Islands flagged vessels comply with the 3-month FAD closure and catch rention 3IA Regulation. Solomon Islands flagged vessels are not permitted to fish during FAD closures | **No issues detected** |  |
| El Salvador |  | YES (fully implemented) | El Salvador's FAD Management Plan submitted to the Commission on 27 Mar 2012 covers the implementation of CMM 2009-02 | **No issues detected** |  |
| Tuvalu |  |  |  | **Need additional information** |  |
| Chinese Taipei |  | YES (fully implemented) | 1. Observers are deployed on our tuna purse seiners to monitor the implementation of FAD closure and catch retention. 2. Operators of tuna purse seiners are required to submit discard report to the WCPFC as well as the observer on board as per our regulations. 3. Tuna purse seiners are prohibited from FAD fishing from start of July, 2012 to the end of September, 2012. 4. Though tuna purse seiners operating in PNA EEZ are not required to submit discard reports to the WCPFC as per this CMM, we have requested those discard reports to be submitted to the Secretariat. | **No issues detected** |  |
| United States of America |  | N/A | The U.S. has domestic regulations that implement the catch retention and FAD prohibitions required under CMM 2008-01 (see section 120) and published a final rule to implement specific provisions of CMM 2009-02 on December 3, 2012, which went into effect on 2 January 2013. Although these provisions were not implemented in 2012, the provisions became effective 2 January 2013. Regulations can be found under 50 CFR Part 300.                                                From CMR 2012: On 30 June 2010, the U.S. submitted a letter to the Secretariat to satisfy the decision the Commission took at WCPFC6, to permit some flexibility in the implementation of the measure for CCMs who had domestic regulations compatible, to, the PNA rules (paragraph 272 of the WCPFC6 report). The U.S. has domestic regulations that implement the catch retention and FAD prohibitions required under CMM 2008-01 (see attachment 7) and intends to implement specific provisions of CMM 2009-02 that are not Applicable to the U.S. Although these provisions were not implemented in 2011, the U.S. is in the process of developing regulations to implement elements of CMM 2009-02.  (Pt 2 2012) | **No issues detected** |  |
| Vanuatu |  | YES (fully implemented) | All vanuatu flagged purse seiners operate within the PNA water and are subject to  PNA observer requirements | **No issues detected** |  |
| European Union |  | YES (fully implemented) | All vessels that operated during FAD closure had an observer on board (PNA/Kiribati) | **No issues detected** |  |

|  |  |
| --- | --- |
| **CMM 09-02 12**  **(ii) Catch and effort reporting for target species** | 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. |

| **Applicable CCMs** | **Limit/Reporting Requirements** | **2011 Assessment** | **2012 Implementation** | | **Potential issues** | | **TCC Assessment** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| China | Reporting requirements = high seas PS discard reports to ED 48hrs after any discard. |  | YES (fully implemented) | Each purse seiner is duely advised in advance of the closure and retention. China Overseas Fisheries Association keeps close contact with the vessel owner throught the year, data on catch and VMS, ect, are collected in a timely manner.   Purse vessels are not allowed to operate on highseas as stipulated in the fishing condition by PNA members (from CMM 2008-01 para.23) | **No issues detected** |  | |
| Ecuador |  | YES (fully implemented) | National Regulation No. 287 of August 2012 | **No issues detected** |  | |
| Indonesia |  | YES (fully implemented) | Indonesia already regulate by Ministry Regulation No. 12 year 2012 on Fishing Business in High Seas and Ministry Regulation No. 30 year 2012 on Fishing Business in Fisheries Management Area of Republic of Indonesia | **No issues detected** |  | |
| Federated States of Micronesia |  | YES (fully implemented) | under the PNA 3IA measure,FSM had incorporated it into Fishing Agreements and also as a license condition and Also FSM has a FAD Management Plan. | **No issues detected** |  | |
| Japan |  | YES (fully implemented) |  | **No issues detected** |  | |
| Kiribati |  |  |  | **Need additional information** |  | |
| Korea (Republic of) |  | YES (fully implemented) |  | **No issues detected** |  | |
| Marshall Islands |  | YES (fully implemented) |  | **No issues detected** |  | |
| New Zealand |  | YES (fully implemented) | This is implemented through NZs High Seas Fishing Permitting regime | **No issues detected** |  | |
| Papua New Guinea |  |  | PNG flagged vessels predominantly do not operate in the high seas areas.  Incorporated into the license conditions for purse seine vessels. | **Need additional information** |  | |
| Philippines |  | YES (fully implemented) | Thus Fisheries Administrative Order Number 236 was promulgated in May 31, 2010. Thus at SC7, a paper entitled Fisheries Observers Preliminary Assessment of Purse Seine / Ring Net Fishing in Philippine Major Fishing Grounds During the FAD Fishing Closure CY 2010 [WCPFC-SC7-2011/ST- IP-07], was presented by the Philippine delegation. Again, the second year implementation of this program was reported in SC8 as WCPFC-SC8-2012/ ST-IP-04 entitled “Analysis of Purse Seine/Ring Net Fishing Operations in Philippine EEZ”. The study reported fishing activities in 4 fishing grounds namely the Mindanao Sea in the Celebes (CEL), the southern portion of the Philippine Sea in the Pacific Seaboard (PAC), central-south Sulu Sea (SS) and the West Philippine Sea (WPS) particularly in the Kalayaan Group of Islands. The Celebes and Pacific were the most frequented fishing grounds, obviously because of their proximity/accessibility from the fleet’s homeport in General Santos. Only the Pacific seaboard is covered by the convention area. As for the 2012 experience, a Report will be presented during the SC9.  Philippines also fully implemented FAO 245. | **No issues detected** |  | |
| El Salvador |  | YES (fully implemented) |  | **No issues detected** |  | |
| Tuvalu |  |  |  | **Need additional information** |  | |
| Chinese Taipei |  | YES (fully implemented) | 1. Observers are deployed on our tuna purse seiners to monitor the implementation of FAD closure and catch retention. 2. Operators of tuna purse seiners are required to submit discard report to the WCPFC as well as the observer on board as per our regulations. 3. Tuna purse seiners are prohibited from FAD fishing from start of July, 2012 to the end of September, 2012. 4. Though tuna purse seiners operating in PNA EEZ are not required to submit discard reports to the WCPFC as per this CMM, we have requested those discard reports to be submitted to the Secretariat. | **No issues detected** |  | |
| United States of America |  | N/A | The U.S. has domestic regulations that implement the catch retention and FAD prohibitions required under CMM 2008-01  The U.S. published regulation (found under 50 CFR Part 300), effective 3 August 2009 for fishing restrictions and observer requirements in purse seine fisheries for 2009-2011 and turtle mitigation requirements in purse seine fisheries. An Interim Final Rule was published 30 December 2011 requiring specific provisions for purse seine vessels regarding FAD closures and catch retention. All U.S. regulations can be found at www.ecfr.gov. | **No issues detected** |  | |
| Vanuatu |  | YES (fully implemented) | Vanuatu has developed a catch retention plan to comply with this measure. | **No issues detected** |  | |
| European Union |  | YES (fully implemented) |  | **No issues detected** |  | |