

**PALAU ARRANGEMENT FOR THE  
MANAGEMENT OF THE WESTERN PACIFIC  
TUNA FISHERY -  
MANAGEMENT SCHEME  
(LONGLINE VESSEL DAY SCHEME)**

*(AMENDED OCTOBER 2016)*

***PALAU ARRANGEMENT FOR THE MANAGEMENT OF THE  
WESTERN PACIFIC TUNA FISHERY -  
MANAGEMENT SCHEME (LONGLINE VESSEL DAY SCHEME)***

*Article 1*

Enhancing the management of longline fishing vessel effort in the waters of the Parties in order to:

- i) promote optimal utilization, conservation and management of tuna resources;
- ii) maximize economic returns, employment generation and export earnings from sustainable harvesting of tuna resources;
- iii) support the development of domestic locally based longline fishing industries;
- iv) secure an equitable share of fishing opportunities and equitable participation in the tropical longline fisheries for the Parties;
- v) increase control of the tropical longline fishery for the Parties;
- vi) enhance data collection and monitoring of the fishery;
- vii) promote effective and efficient administration, management and compliance; and
- viii) encourage collaboration between the Parties.

*Definitions*

1.1 In this Management Scheme:

- (i) *ALC* means Automatic Location Communicator or Mobile Transceiver Unit (MTU).
- (ii) *Adjusted PAE*, in relation to a Party, means that Party's PAE as adjusted pursuant to Article 6 or 9.
- (iii) *Artisanal vessel* means a vessel used for fishing by indigenous inhabitants of a Party where they are entitled by custom or law to fish, where-
  - (a) such vessel, equipment and method used, is in accordance with their customary traditions or is small-scale and individually operated; and
  - (b) the fish

taken by such vessel are for household consumption, barter, or domestic market trade in accordance with the legislation of that Party.

- (iv) *Fishing activities* includes the following:
- (a) setting and hauling the longline, catching, taking or harvesting fish;
    - steaming to or from the fishing ground, setting and hauling the longline;
    - includes waiting time between setting and hauling, and steaming to the next fishing ground for the purpose of setting and hauling, either within the same zone or the next;
  - (b) attempting to setting and hauling the longline, catch, take or harvest fish;
  - (c) searching for, catching, taking or harvesting fish, including but not limited to steaming to or from the fishing ground, setting and hauling the longline, waiting between setting and hauling, and steaming to the next fishing ground for the purpose of setting and hauling, either within the same zone or the next;
  - (d) placing and searching for associated electronic equipment such as radio beacons, or any other equipment used in the control, support or assistance of fishing operations of any description;
  - (e) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish for any purpose;
  - (f) any operations at sea directly in support of, or in preparation for, any activity described in paragraphs (a) to (e);
  - (g) use of any vessel in connection with any activity described in paragraphs (a) to (f), except for emergencies involving the health and safety of the crew or the safety of a vessel.
- (v) *Fishing day* means any calendar day, or part of a calendar day, during which a longline vessel is in the waters of a Party outside of a port.
- (vi) *Length overall*, in relation to a vessel, means the distance in metres (with an accuracy of two decimal places) in a straight line between the foremost point of the bow and the aftermost point of the stern, provided that the bow shall be taken to include the watertight hull structure, forecastle, stem and forward bulwark, and the stern shall be taken to include the watertight hull structure.
- (vii) *Longline* means a line that is deployed horizontally and to which branch lines and hooks are attached to target pelagic species.
- (viii) *Management Year* means a period of one calendar year (1 January to 31 December).
- (ix) *Palau Arrangement* means the Palau Arrangement for the Management of the Western Pacific Tuna Fishery.
- (x) *Party Allowable Effort (PAE)*, in relation to a Party, means the total number of fishing days for a Management Year allocated to that Party and presented to the Parties each year.
- (xi) *Total Allowable Effort (TAE)* means the maximum number of fishing days by all licensed longline vessels in the waters of the Parties to the Palau Arrangement in any Management Year.
- (xii) *VDS Register* means the register established and maintained pursuant to Article 7.

- (xiii) *VDS Register Registration Period* means the period from 1 January to 31 December, or such alternative period as the Parties may agree.

## *Article 2*

### *Objectives and description*

2.1 This Management Scheme is made pursuant to the Palau Arrangement for the management of longline fishing effort of the Western and Central Pacific. The objective of this Management Scheme is to enhance the management of longline fishing vessel effort in the waters of the Parties by encouraging collaboration between all Parties, and:

- i) promote optimal utilization, conservation and management of tuna resources;
- ii) maximize economic returns, employment generation and export earnings from sustainable harvesting of tuna resources;
- iii) support the development of domestic locally based longline fishing industries;
- iv) secure an equitable share of fishing opportunities and equitable participation in the tropical longline fisheries for the Parties;
- v) increase control of the tropical longline fishery for the Parties;
- vi) enhance data collection and monitoring of the fishery;
- vii) promote effective and efficient administration, management and compliance; and
- viii) encourage collaboration between the Parties.

2.2 Through this Management Scheme, the Parties shall seek to limit the level of fishing by longline vessels in their waters to the levels of total allowable effort agreed by the Parties to the Palau Arrangement.

2.3 At the beginning of the Management Scheme, the Parties will meet to set the TAE for the first Management Year and may set the TAEs for the subsequent two Management Years. Prior to the end of each Management Year, the Parties will meet to set the TAE for the subsequent Management Year if it has not been set. The Parties may set the TAE each year for up to three years in advance.

### **Longline VDS Committee**

2.4 Oversight of this management scheme will be the responsibility of a Longline Vessel Days Scheme Committee (LLVDSC) comprising a nominee of each of the Parties to the Palau Arrangement. The LLVDSC will be a sub-committee of the Palau Arrangement Parties and be subject to their absolute control. The LLVDSC will meet as required and be subject to the following general procedures:

- i. The LLVDSC will appoint a Chair and vice Chair for a period of no more than 3 years. At the end of the Chair's term the vice Chair will assume the Chair's role. Initial and ongoing appointments will be made in a manner that provides for the terms of the Chair and vice Chair to be staggered to provide continuity of experience.
- ii. The LLVDSC may consider, discuss and make recommendation to any meeting of the Parties to the Palau Arrangement on any matter related to the administration and operation of the VDS, and make decisions on matters delegated to them by the Parties to the Palau Arrangement.

### *Meeting procedures*

- iii. The committee can adopt meeting procedures as it sees fit from time to time bearing in mind that in establishing the LLVDSC it is the intention of the Parties to the Palau Arrangement that it operate in a manner that is as informal as is practical in order to conduct its business efficiently. In the event of any dispute over meeting procedures and in the absence of any otherwise agreed meeting procedures the meeting procedures that apply to the meetings of the Forum Fisheries Committee will apply. The Administrator will maintain a record of meeting procedures as agreed to from time to time.

### *Observers*

- iv. Observer status will only be granted to government officials representing members of the Forum Fisheries Agency. Any member wishing to attend as an observer will provide advice to the Chair of their intention to attend any meeting. As meetings of the LLVDSC will be informal and may be called at short notice, there may be no general notice of intended meetings to observers.

### *Guests*

- v. Any other person may be invited by the LLVDSC to attend certain sessions of the VDSC as a guest, on an agenda item by agenda item basis.

### *Confidentiality*

- vi. Other than for the purposes of official reporting within government observers and guests shall be bound to keep any matter discussed by the LLVDSC confidential other than where agreed on a case by case basis by the Chair.

### *Meeting agenda and record*

- vii. An agenda shall be prepared for each meeting. A record of each meeting shall be kept by the Administrator and cleared by the LLVDSC before it concludes any meeting. The record shall be brief and only record the broad points of discussion by the LLVDSC, along with any viewpoint expressly requested by any LLVDSC member to be formally recorded, and the precise outcome of any discussions whether they be in the form of a recommendation to a meeting of the Parties to the Palau Arrangement, or a decision.

## **Annual meeting of Parties to the Palau Arrangement**

2.5 The annual meeting of the Parties to the Palau Arrangement will consider matters relating to the administration of the Longline VDS. In particular, but without limiting the matters the meeting can consider, it will be a function of the annual meeting to:

- i) Consider any matter referred to it for decision by the LLVDSC.
- ii) Receive a briefing from the Administrator on catch and effort levels and any observed or potential increase in average effective fishing effort for each fishing day since the introduction of the vessel day scheme (effort creep):
  - a. In respect of any observed effort creep the Parties shall take the necessary management action to ensure such effort creep is not detrimental to the fishery.
  - b. Options for management action by the Parties may include controls on vessel length, vessel capacity, number of hooks deployed or any other necessary measure.
- iii) Receive a briefing from the Administrator on any transfer of fishing days between Parties. In respect of any deliberation on this matter the Parties will take into account

the need to ensure that such transfers are not detrimental to the fishery or the fishery management scheme.

- iv) Set the TAE in accordance with the provisions of this Management Scheme.
- v) Consider the need to establish procedures to consult with distant water fishing nations, fishing parties, fishing organizations, and other relevant organizations and provide direction to the Administrator in that respect.
- vi) Determine controls on high seas fishing to be applied to fishing parties operating under the Vessel Days scheme or other arrangements, treaties or agreements.

### *Article 3*

#### *Non-application to certain longline vessels*

The scheme shall not apply to artisanal vessels.

### *Article 4*

#### *Obligation to limit fishing days*

Each Party shall take all necessary measures to ensure that the number of fishing days by longline vessels in its waters does not exceed that Party's PAE or Adjusted PAE in any Management Year.

### *Article 5*

#### *Calculation of fishing days*

5.1 The following provisions shall govern the calculation of a Party's use of its PAE or Adjusted PAE during a Management Year, and shall be applied by the Administrator:

- (i) If a longline vessel reports during any fishing day from positions in the waters of any Parties, that fishing day shall be deducted from the Parties' PAEs according to the actual times spent in their waters based on the best available information in accordance with procedures agreed by the Parties.
- (ii) every fishing day by a longline vessel with a length overall of less than or equal to 40 metres shall equate to a deduction of 0.8 of a fishing day;
- (iii) every fishing day by a longline vessel with a length overall greater than 40 metres shall equate to a deduction of 1.3 fishing days.
- (iv) there shall be no deduction of fishing days in respect of any period spent by a longline vessel within a port of a Party;
- (v) Notwithstanding (i), unlicensed vessels transiting the waters of the Parties shall not be included in the calculation or attribution of a fishing day.

### *Article 6*

#### *PAE Adjustments: transfers between Parties*

6.1 The Parties shall develop a scheme to facilitate the transfer of days between the Parties, and:

- (i) A Party may not agree to transfer to other Parties more than 100% of its PAE;

- (ii) A Party may not agree to transfer any part of its PAE which that Party has already used at the time the request is made.

6.2 A Party that proposes to transfer PAE pursuant to an agreement under Article 6.1 must provide a transfer notification to the Administrator, using the form set out in Schedule 1 and according to any transfer administration procedures that have been agreed by the Parties on the recommendation of the Administrator, no later than 31 January of the Management Year following the Management Year that the proposed transfer relates to. The transfer will be approved by the Administrator provided it meets the requirements of the Vessel Day Scheme.

6.3 If the Administrator is satisfied that the Parties have complied with the requirements of Articles 6.1 and 6.2, the Administrator shall adjust the PAE of the relevant Parties in accordance with the transfer notification.

## *Article 7*

### *Register of Longline Vessels*

7.1 The Administrator shall establish and maintain a Longline VDS Register under the Palau Arrangement Longline Fishery Vessel Day Scheme (the Longline VDS Register).

7.2 A longline vessel must be registered on the Longline VDS Register in order to undertake fishing activities pursuant to this Management Scheme. Each Party shall ensure that every licence of a longline vessel includes a condition that no fishing activity may be undertaken pursuant to the licence during any period when the vessel is not registered on the Longline VDS Register.

7.3 A Party may establish an alternative monitoring mechanism and ensure all fishing activities by its domestic longline vessels fishing in its exclusive economic zone under that monitoring mechanism are reported to PNA FIMS. Domestic longline vessels operating under such mechanism shall not be required to be on good standing on the FFA Vessel Register but must be registered on the Longline VDS Register.

7.4 A longline vessel may only be registered on the Longline VDS Register if:

- i. Subject to Article 7.3, the vessel has completed and submitted its annual application for the FFA Vessel Register;
- ii. Subject to Article 7.3, the vessel is in good standing on the FFA Vessel Register;
- iii. The Longline VDS Register registration fee, as set out in Schedule 2, has been paid except that domestic longline vessels operating under an alternative monitoring mechanism are exempted from fees; and
- iv. The Administrator is satisfied that the vessel will be able to comply with the requirements of this Management Scheme.

7.5 The Administrator must register a longline vessel on the Longline VDS Register if the requirements of Article 7.4 have been satisfied in relation to that vessel. Upon a longline vessel becoming registered on the Longline VDS Register, the Administrator must notify the vessel owner and the relevant Party of that fact, and of the commencement date of the registration. Subject to Article 7.7, the registration of a longline vessel on the Longline VDS Register shall remain in effect until the end of the Longline VDS Register registration period.

7.6 Annual payments to the Longline VDS Register may, where appropriate, be linked to the FFA Vessel Register and annual payments.

7.7 The Administrator must delete a vessel from the Longline VDS Register if:

- i The vessel owner requests the Administrator to delete the vessel from the Longline VDS Register; or,
- ii A Party requests that a vessel be deleted from the Longline VDS Register; or
- iii The Administrator is satisfied that the vessel has failed to comply with the requirements of this Management Scheme.

7.8 The Administrator shall not delete a longline vessel from the Longline VDS Register pursuant to Article 7.7 unless the Administrator first consults with the Parties about the proposed deletion, and no Party objects to the proposed deletion of the vessel from the Longline VDS Register. If the Administrator deletes a vessel from the Longline VDS Register, the Administrator must notify the vessel owner and any relevant Party of the fact and date of the deletion. A longline vessel that has had its registration on the Longline VDS Register deleted must satisfy the requirements of Article 7.4 in order to be registered again on the Longline VDS Register.

7.9 The Longline VDS Register shall include details of new vessel registrations and deletions of vessel registrations. The Administrator shall maintain the Longline VDS Register on the PNA FIMS that shall be accessible only by the Parties and the Administrator.

## *Article 8*

### *Monitoring*

8.1 A longline vessel must have an ALC reporting normally and automatically at all times during which it is registered on the Longline VDS Register and must ensure that the ALC provides location transmissions at intervals of every four hours or as directed by the respective Party responsible for surveillance.

8.2 If the Administrator does not receive either an ALC transmission from a longline vessel to which Article 8.1 applies, or a transmission failure report from a longline vessel pursuant to Article 8.3, the Administrator shall notify the vessel of the transmission failure no later than 12 hours after the ALC transmission was due, and require the vessel to submit transmission failure reports to the Administrator pursuant to Article 8.3.

8.3 If a longline vessel becomes unable to transmit by ALC for any reason, the operator of the vessel shall, as soon as practicable, submit a transmission failure report, in the form set out in Schedule 3 to the Administrator and to any Party in whose waters the vessel is undertaking fishing activities. The first transmission failure report shall account for the period from the time of notification by the Administrator to the time of submission of the report. Subsequent transmission failure reports shall be submitted at intervals of 4 hours.

8.4 If at any time a longline vessel is unable to comply with the requirements of this Article, the master of that vessel must immediately stow the vessel's fishing gear and take the vessel directly to the nearest port, or such other port as the Administrator directs, and immediately report to the Administrator of its actions under this Article.

8.5 The Parties shall provide each other with full access to all VMS data on vessels operating under the VDS at all times regardless of the location of such vessels subject to conditions pertaining to confidentiality which the Parties may develop.

## *Article 9*

### *Compliance*

9.1 Each Party shall take all necessary measures to ensure that every longline vessel that is licensed to fish in its waters, and every longline vessel that is entitled to fly its flag, comply with the requirements of this Management Scheme.

9.2 If a Party reaches 80% of its PAE or Adjusted PAE at any time during a Management Year, the Administrator shall, within 7 days, notify the Party. That Party shall report to the Administrator within 21 days on its measures to ensure adherence to its PAE or Adjusted PAE, including any arrangements for transfer of PAE pursuant to Article 6.

9.3 If the level of longline fishing in the waters of a Party exceeds its PAE for a Management Year, that Party's PAE for the following Management Year shall be adjusted by deducting:

- (i) If the excess is less than 10% of the PAE – the amount of the excess;
- (ii) If the excess is 10% of the PAE or more – 120% of the excess.

9.4 The Administrator shall promptly provide a report to all Parties with details of any PAE adjustment pursuant to this Article, and a statement of that Party's Adjusted PAE for any Management Year affected by the adjustment.

## *Article 10*

### *Administrator*

10.1 The Administrator of this Management Scheme shall be the Director of the PNA Office.

10.2 The Administrator may use the services of the Pacific Islands Forum Fisheries Agency and the Oceanic Fisheries Programme of the Secretariat of the Pacific Community (SPC) or any other entity for the effective administration of this Management Scheme.

10.3 The Administrator shall have the following functions:

- (i) performing any function that this Management Scheme requires the Administrator to perform;
- (ii) receiving information and documents from the Parties;
- (iii) receiving Registration Application Fees pursuant to Article 7.4 (iii);
- (iv) convening meetings of the Parties pursuant to this Article;
- (v) performing any function that the Parties direct the Administrator to perform; and
- (vi) performing any function that is necessary for the effective administration of this Management Scheme.

10.4 The Administrator shall perform their functions consistently with any direction given by the Parties. The Administrator shall consult with the Parties as required and take all necessary steps to ensure that reports and information required to be provided by Parties are provided on time.

10.5 The Administrator shall apply fees collected pursuant to this Management Scheme as directed by the Parties. The Administrator shall prepare an annual budget for this Management Scheme, for consideration and approval by the Parties at the annual Management Meeting under the Palau Arrangement.

10.6 The Administrator shall convene a special meeting of the Parties to consider the operation of this Management Scheme if the Administrator receives a written request for such a meeting, and where that request is supported by a minimum of three (3) additional Parties.

## *Article 11*

### *Calculation of TAE and PAE*

11.1 Subject to article 3, the TAE is the maximum number of fishing days undertaken by all licensed longline vessels in all waters of the Parties to the Palau Arrangement in any Management Year.

#### **Calculation of the TAE**

11.2 The TAE will be set and confirmed by the Parties at their previous year's annual meeting or at such other time agreed to by the Parties, having regard to:

- i) the best available scientific, economic, management and other relevant advice and information;
- ii) the provisions of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;
- iii) the special requirements of the Parties as small island developing states;
- iv) the objectives of the Longline Vessel Day Scheme; and
- v) any submission on this issue from any party, individual or organisation.

#### **Allocation of the TAE among the Parties**

11.3 The TAE shall be allocated amongst the Parties as their Party Allowable Effort (PAE) in the manner agreed to by Parties.

#### **Updating of PAE**

11.6 Each PAE shall be updated and confirmed by Parties at their previous year's annual meeting or at such other time agreed to by the Parties, using the most recent data. If agreement cannot be reached on updating of PAEs for a Management Year, the PAEs for the previous Management year shall apply.

*Article 12*

*Amendment to the Longline Vessel Days Scheme*

This Vessel Days Scheme may be amended in any respect by the agreement of the Parties to the Palau Arrangement.

*Article 13*

*Fees for administration of the Longline Vessel Days Scheme and charges for vessel days*

13.1 The Parties to the Palau Arrangement may, at any meeting, agree upon or vary any fees to be charged by vessels registered to operate under the Vessel Days Scheme and the scheme for administration of any such fees.

13.2 The Parties to the Palau Arrangement may, at any meeting, agree upon a scheme for standardising fees for the sale of vessel days.

*Article 14*

*Transitional Provisions*

14.1 At the commencement of the Management Scheme the Parties agree that the Management Scheme be applied on a provisional basis for an agreed period which shall be known as the transitional period, for the purposes of providing time for negotiations with fishing parties, and to monitor and to trial the implementation. The Parties may extend the transitional period for a further duration if the Parties consider it necessary.

14.2 During the transitional period of the Management Scheme, decisions pertaining to the implementation of the Management Scheme may only be made by Parties who have agreed to apply the scheme.

*Article 15*

*Entry into force*

15.1 This Management Scheme will be open for signature by the Parties to the Palau Arrangement.

15.2 This Management Scheme will enter into force 14 days following signature of the Scheme by any five Parties. This Management Scheme will only apply to Parties that agree to apply the Scheme through signature.

15.3 For each State that signs this Management Scheme after its entry into force, the Scheme shall enter into force for that State 30 days after receipt by the depositary of such signature.

***PALAU ARRANGEMENT FOR THE MANAGEMENT OF THE WESTERN PACIFIC TUNA  
FISHERY - MANAGEMENT SCHEME (LOGLINE VESSEL DAY SCHEME)***

**SCHEDULE 1**

**PAE TRANSFER NOTIFICATION:  
PARTY-PARTY TRANSFER**

[Name of Party from which PAE to be transferred from] notifies the Administrator to effect a transfer of ..... fishing days of its PAE for Management Year ..... to [name of Party to receive transfer].

Amount of PAE to be transferred  
(in fishing days): .....

.....  
[Authorised Officer]  
Name: .....  
Designation:.....  
  
Telephone: .....  
Facsimile: .....  
Email: .....

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**SCHEDULE 2**

**SCHEDULE OF FEES PAYABLE PURSUANT TO THE MANAGEMENT SCHEME  
(all fees are stated in United States Dollars)**

<b>Fee Description</b>	<b>Amount</b>
Longline VDS Register Registration Fee	Vessels less than or equal to 40 metres LOA \$250 Vessels longer than 40 metres LOA \$500 Domestic longline vessels operating under an alternative monitoring mechanism referred to in Article 7.3 are exempt.

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**SCHEDULE 3**

***INFORMATION FOR INCLUSION IN A TRANSMISSION FAILURE REPORT***

**THE FOLLOWING INFORMATION MUST BE INCLUDED IN ANY TRANSMISSION FAILURE REPORT:**

Date (dd/mm/yyyy):

Vessel Name:

FFA Vessel Register No: (vid):

Vessel's VDS Register Registration No (if applicable):

Call Sign:

ALC Make and model:

ALC Serial Number:

Date, time, position (lat/lon) and zone of last manual transmission :

Date, time, position (lat/lon) and zone of manual transmissions (at four-hour intervals):

Operator/Captain Name:

Observer's Name (if applicable):