



Parties to the Nauru Agreement
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27 March 2020

CIRCULAR NO. 2020-02

TO: ALL PURSE SEINE VESSEL OPERATORS and COMPANIES

CC: PARTIES TO THE NAURU AGREEMENT and TOKELAU

SUBJECT: PNA DECISION TO TEMPORARILY SUSPEND OBSERVER COVERAGE IN THE PURSE SEINE FISHERY IN PNA WATERS IN RESPONSE TO COVID-19 CONDITIONS

The purpose of this Circular is to advise vessel operators of decisions taken by PNA Members to temporarily suspend requirements for 100% observer coverage in the purse seine fishery in PNA waters in response to COVID-19 conditions.

PNA Members have been meeting to address the extraordinary, unforeseen threats arising from the COVID-19 pandemic to the welfare of observers, the operations of the purse seine fishery and the contribution of the regional tuna fishery to local and global food security, without undermining the effectiveness of efforts to conserve regional tuna resources and manage regional tuna fisheries.

To avoid disruption of fishing operations of fishing vessels operating in their waters, PNA Members have agreed to support the temporary suspension of requirements for the carriage of observers under the Nauru Agreement 3rd Implementing Arrangement (3IA) and the FSM Agreement (FSMA). This will have the effect of temporarily suspending the requirement for 100% observer coverage by domestic and foreign purse seine vessels, and allowing them to operate in PNA waters temporarily without observers, provided observers on board have been repatriated, as required.

This temporary arrangement will be without prejudice to:

- a) the sovereign rights of PNA Members to apply requirements for carriage of observers in their national waters by domestic and foreign vessels;
- b) the role of PNA Members, as observer providers, to decide whether to continue to make observers available and the conditions under which they operate;
- c) the ability of flag states, to place observers on their flag vessels.

The temporary suspension of the 3IA and FSMA observer coverage requirements shall apply with immediate effect. Unless otherwise agreed, the temporary suspension shall remain in effect up to 31 May 2020. An extension to the temporary suspension may be advised by the PNA Office CEO, in consultation with PNA Members.

The temporary suspension will apply to new trips after a vessel operator has met any requirement for repatriation of observers currently on board a vessel. Repatriation, in this context, means returning the observer to his/her home port, in consultation with the observer provider.

When vessels are not carrying observers, they shall comply with the following additional conditions:

- a) If the Vessel Monitoring System (VMS) fails, the vessel may continue to operate for up to 72 hours without VMS reporting, provided that the vessel:
 - (i) reports hourly position data manually;
 - (ii) maintains AIS reporting; and
 - (iii) maintains daily data electronically logsheet reporting.
- b) Any additional management measures that may be advised from time to time.

PNA Members attach the highest priority to ensuring the repatriation of observers, as required by the relevant observer programme. Repatriation is to be expedited by the vessel operator and the flag State, in close consultation with the relevant observer programme, including returning the observer to their home port, in consultation with the observer provider.

The observer's costs will continue to be met by the vessel operator until the observer has been repatriated as agreed. Foreign vessels that fail to repatriate an observer, as required, shall not be allowed to operate in PNA waters.

Please do not hesitate to contact the PNA Office for any further information and/or clarification on the matter.

Yours sincerely,



Ludwig Kumoru
Chief Executive Officer