



**TO ALL COMMISSION MEMBERS, COOPERATING NON-MEMBERS,
PARTICIPATING TERRITORIES AND OBSERVERS**

Circular No.: 2020/28

Date: 20 April 2020

No. pages: 03

Outcome of Decision on Korea's Revised Proposal in Response to COVID-19

Dear Colleagues,

I would like to start by expressing my heart-felt appreciation to all CCMs for your important contribution to our intersessional consultation in these extremely challenging times.

I am very proud that CCMs are working in the spirit of cooperation and showing great flexibility while making their best effort to maintain the integrity of the Commission rules and regulations.

As I indicated in my email on Friday, I encouraged the proponent and interested CCMs to make necessary clarifications before the Commission gives its endorsement to the revised proposal over the weekend, and the Secretariat and I also consulted with one another preparing for the Circular. Since CCMs have taken the time despite their busy schedules and tried to work efficiently under very difficult circumstances, I strongly felt the need to make the best out of your time and efforts and concluded that at least part of the revised proposal where consensus could be reached with a slight adjustment that does not entail substantial can be considered endorsed by the Commission. In this context, I provide 2 sections in this circular, one for confirming the Commission's endorsement and the other for a suggested way forward. I took on board comments made by CCMs in the Commission's endorsement, as long as they do not change the original proposal substantially and no CCM objected to them. I have also included what I believe to be general understandings of Members regarding this decision.

A. The Commission Endorses that:

At-sea Transhipment for Purse Seine Vessels

1. Until May 31, 2020, and without prejudice to the provision that "transhipment at sea by purse seine vessels shall be prohibited" as stipulated by paragraph 25 of CMM 2009-06, if it is not feasible for a purse seine vessel to tranship in port despite its best effort due to port closures and relevant access restrictions related to the prevention of COVID-19, that particular vessel may tranship at sea in an area under the jurisdiction of a Port State on the following conditions:

(1) Subject to any temporary measures that Port States may take regarding transshipment within a designated area of their national jurisdiction in relation to COVID-19, purse seine vessels may tranship at sea in areas under national jurisdiction of a port state in the area between 20°N and 20°S in accordance with the domestic laws and regulations of the port State.

(2) CCMs shall ensure that their purse seine vessels comply with all other binding requirements established under the Convention and Commission decisions using all MCS tools available, including but not limited to verification of catch and effort and logbook data, VMS and AIS (when available) monitoring and examination of other relevant information such as landing and transshipment data.

(3) The flag State CCM of any such authorized purse seine vessel that is required to be on the WCPFC Record of Fishing Vessels shall notify the Executive Director that the vessel is authorized to engage in transshipment outside of port.

Voluntary Measures

2. CCMs whose vessels are subject to these temporary arrangements are encouraged, to the extent practicable and in accordance with their domestic rules and regulations, to implement additional MCS measures and to follow-up these transshipments through inspection or observation or monitor these transshipments electronically if available during the application of the arrangements. In doing so, the requirements of the port State or coastal State are to be adhered to by all vessels within that State's jurisdiction.

Duration

3. This decision takes effect immediately once the Commission has endorsed it. The Commission will review this decision by May 31, 2020 and decide whether, and to what extent, the rules in paragraph 1 should be extended.

General Understandings

- Transshipment by purse seine vessels in port or in designated transshipment areas within waters under the jurisdiction of coastal States is undertaken in accordance with their domestic laws and regulations.
- Flag CCMs will also ensure that such transshipments comply with existing Commission requirements. As sub-paragraph (3) is in line with existing transshipment reporting obligations in CMM 2009-06 (in particular paragraphs 30 and 31), it does not represent a new requirement.
- The use of any novel terms in this decision is without prejudice to established terms stipulated in the WCPFC Convention and is interpreted and applied in the context of and in a manner consistent with the 1982 Convention and the Agreement.

- It is expected that in undertaking a review of this decision in accordance with paragraph 3, the Commission will take into consideration Article 30 of the Convention and the safety and livelihoods of ROP observers, in particular SIDS observers.

B. Suggested Way Forward regarding At-sea Transshipment for Longline Vessels

Since no consensus was reached on paragraph 2 of Korea's revised proposal on at-sea transshipment observers and there are still some elements to be ironed out, I believe it is premature, process-wide, to conclude that this part has the Commission's endorsement.

Having said so, the Commission now understands the positions of CCMs on this issue, and I cross fingers that it would be just a matter of amalgamating and trimming before we have a revised proposal that the Commission can endorse.

Therefore, I suggest the following steps be taken:

(1) The proponent works with interested CCMs to come up with a revised proposal on at-sea transshipment for longliners that has a tentative agreement amongst the CCMs involved.

(2) Once the revised proposal has been submitted, the same decision making process will be triggered.

Thank you again for all your efforts. I would continue to encourage CCMs to consider further the proposal regarding at-sea transshipment observers. I strongly believe that in the spirit of cooperation that has been a hallmark of our decisions to date we will come to a satisfactory solution.

Keep well and stay safe.

Best Regards



Jung-re Riley Kim
WCPFC CHAIR

cc: Feleti P Teo, OBE, WCPFC Executive Director
Josie Tamate, WCPFC Vice Chair