

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

Circular No.: 2020/71

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**Outcome of Decision on Further Extension of WCPFC Decisions in the Context of
COVID-19 relating to Purse Seine Observer Coverage, At-Sea Transhipment for
Purse Seine Vessels, and At-Sea Transhipment Observers until 31 October 2020**

Dear Colleagues,

Thank you again for your cooperation and flexibility both during the online Heads of Delegation meeting of 15 July 2020, and on the proposal to extend until 31 October 2020 the WCPFC decisions relating to purse seine observer coverage, at-sea transhipment for purse seine vessels, and at-sea transhipment observers.

The Chair's proposal for an extension until 31 October 2020 of the three decisions taken in response to COVID-19 was circulated in Circular 2020/69 of 16 July 2020. At the end of the 7 - day review period on 22 July 2020, all the CCMs that have responded are all in support of the extension proposal. No CCM has indicated a different position. The Decision endorsed by the Commission is therefore as follows.

DECISION

The Commission endorses that:

A. Purse Seine Observer Coverage

1. The Commission agrees to suspend the requirements for observer coverage on purse seine vessels set out in paragraphs 34 and 35 of CMM 2018-01 and CMM 2018-05 until 31 October 2020.
2. 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.

3. Repatriation is to be expedited by the vessel operator and the relevant flag State, in close consultation with the relevant national Observer Provider. The observer's costs will continue to be met by the vessel operator until such time as the observer is returned to his/her home port.

4. During the period of suspension, the VMS requirements and procedures of paragraphs 33 and 37 of CMM 2018-01 that apply to purse seine vessels during FAD closure periods will also apply to purse seine vessels which are not carrying observers.

B. At-sea Transhipment for Purse Seine Vessels

1. Until October 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 transhipment 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 transhipment 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 transhipment outside of port.

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 transhipments through inspection or observation or monitor these transhipments 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.

C. At-sea Transhipment Observers

1. The requirements in paragraph 13 of CMM 2009-06 are temporarily suspended until October 31, 2020. Paragraphs 14, 15 and 16 of CMM 2009-06 will be also suspended during the same period when a vessel is not carrying an observer. The temporary suspension will apply to new trips after disembarkation of the observers currently on board the vessels participating in the at-sea transhipments indicated in the aforementioned paragraph of CMM 2009-06 on the following conditions:

(1) Concerned flag CCMs shall indicate, when they send the Transshipment Declaration referred to in paragraph 35(iv) of CMM 2009-06 to the Executive Director, whether the particular at-sea transshipment had occurred under this temporary suspension. The Secretariat shall provide a summary of at-sea transshipments without observers that occurred under this temporary suspension, based on Transshipment Declarations submitted to the Executive Director in accordance with paragraph 35(iv) of CMM 2009-06, in the Annual Report on Transshipment to and for consideration of TCC16 and TCC17.

(2) CCMs shall ensure that their 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) If the at-sea transshipment takes place in areas under national jurisdiction of a coastal State, the vessels shall tranship in accordance with the domestic laws and regulations of the coastal State.

2. CCMs whose vessels are subject to this temporary arrangement 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 a coastal State are to be adhered to by all vessels within that coastal State's jurisdiction.

D. Review

1. This decision takes effect immediately once the Commission has endorsed it. The Commission will review its decision by October 31, 2020. In undertaking such review, the Commission should take into consideration Article 30 of the Convention and the safety and livelihoods of ROP observers, in particular SIDS observers.

2. The Secretariat will prepare a note, in close coordination with observer providers and port States, for consideration of the TCC on the evolution of conditions related to the COVID-19 pandemic that triggered the adoption of the three interim Commission decisions, particularly on the measures taken to prevent the spread of the COVID-19 on fishing vessels and on travel and port entry restrictions.

The Decision is based on our mutual desire to begin developing the necessary health related safety protocols, standards and procedures to enable observers to be swiftly and safely placed on fishing vessels and carrier vessels when travel and port entry restrictions are lifted in the region. I strongly encourage CCMs to provide to the Secretariat all information on the evolution of the measures taken to prevent the spread of the COVID-19 on fishing vessels and on their respective travel and port entry restrictions so that CCMs can consider this information well before the expiration of the Decision on 31 October 2020.

As I indicated in Circular 2020/69, I suggest that a point is included in the agenda of the upcoming Technical and Compliance Committee (in person or virtual) to discuss the status and future of the three intersessional decisions in response to the COVID-19 pandemic.

Thank you again for all your continued commitment to ensuring the continued wellbeing of not only our fisheries observers but the tuna stocks of the western and central Pacific.

Keep well and stay safe.

Best Regards,

A handwritten signature in black ink, appearing to read 'Jung-re Kim', with a long horizontal flourish extending to the right.

Ms Jung-re Riley Kim
WCPFC CHAIR

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