



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

Circular No.: 2022/11

Date: 14 March 2022

No. pages: 07

Outcome of Decision on Extension of WCPFC Decisions in the Context of COVID-19 relating to Purse Seine Observer Coverage, At-Sea Transshipment for Purse Seine Vessels, and At-Sea Transshipment Observers until 15 June 2022

Dear Colleagues,

I refer to Circular 2022/08 of 4 March 2022 and the proposed extension until 15 June 2022 of the three WCPFC decisions relating to purse seine observer coverage, at-sea transshipment for purse seine vessels, and at-sea transshipment observers which were taken in response to COVID-19.

The proposed decision was circulated on 4 March 2022. At the end of the 7 - day review period on 11 March 2022, the Executive Director received responses from Japan, China, the United States and FFA Members. The first three CCMs supported the continued suspension of all three decisions. However, FFA Members supported the continued suspension of only two of the WCPFC Decisions: those relating to purse seine observer coverage and at-sea transshipment observers. A copy of the letter from the Chair of the FFA advising FFA Members' views, as well as the response from the United States, is attached for your information.

I note that the three COVID-19 related decisions were initially adopted in 2020 on different dates. In my communications regarding the COVID-19 decisions, I have consistently referred to the "three WCPFC decisions". As the three decisions have been treated separately to date, I consider that any lifting of the suspension of one does not affect the other two decisions.

In light of this and the views of FFA Members, I conclude that there is consensus to extend the WCPFC Decisions relating to purse seine observer coverage and at-sea transshipment observers until 15 June 2022. However, there is no consensus to extend the Decision relating to at-sea transshipment for purse seine vessels. This means that paragraph 25 of CMM 2009-06 ("transshipment at sea by purse seine vessels shall be prohibited") will be fully effective and any transshipment in port will be subject to the jurisdiction and control of the port State.

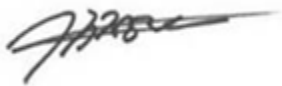
The Decision endorsed by the Commission to this effect is therefore set out in the attached Annex. It removes Section B (“At-sea Transhipment for Purse Seine Vessels”) of the proposal annexed to Circular 2022-08.

I also note that in Circular 2022-08 I referred to the need to consider next steps regarding the intersessional decisions well before 15 June. The United States has expressed the desire for an opportunity to engage more substantively on this, and not in an expedited decision making process. I am giving thought to how this might best be done and would appreciate any thoughts CCMs may have.

Thank you for your cooperation on these important matters.

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

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 32 and 33 of CMM 2021-01 and CMM 2018-05 until 15 June 2022.
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 31 and 35 of CMM 2021-01 that apply to purse seine vessels during FAD closure periods will also apply to purse seine vessels which are not carrying observers.

C. At-sea Transshipment Observers

1. The requirements in paragraph 13 of CMM 2009-06 are temporarily suspended until 15 June 2022. 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 transshipments 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 TCC18.

(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 transhipment 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 transhipments through inspection or observation or monitor these transhipments 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 15 June 2022. 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.



FFA

11 March 2022

Jung-Re Riley Kim
Chair
Western and Central Pacific Fisheries Commission
PO Box 2356, Kolonia
FEDERATED STATES OF MICRONESIA

Dear Ms Kim,

FFA Members' views on WCPFC Circular 2022/08: Proposed Decision on 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 15 June 2022.

I write on behalf of the 17 Members of the Pacific Islands Forum Fisheries Agency. This is without prejudice to long-standing positions of FFA Members individually or collectively.

FFA Members have considered the proposed decision set out in the Annex of Circular 2022/08 and make the following comments:

1. FFA Members recommended at WCPFC18 to lift the suspension relating to at-sea transhipment for purse seine vessels after 15 March 2022 (WCPFC18 Summary Report para71). WCPFC Secretariat reported last year that the suspension of this obligation has not been used in many instances and most port States still require transhipments to take place in port and the few that permit transhipments in designated areas outside the port, do so under the strict control of the port State. We further understand that many borders are opening up which will further facilitate implementation of this obligation.
2. Given this, FFA Members do not support extending the suspension of the obligation relating to at-sea transhipment for purse seine vessels. As such, we understand that after the current suspension expires on 15 March, this obligation (CMM 2009-06 para 25) will come into effect.
3. In relation to the other obligations, FFA Members support extending the suspension relating to purse seine observer coverage and at-sea transhipment observers but reiterate our views made in previous correspondences that this is not the end goal.
4. FFA Members reiterate that our goal is to ensure that observers are able to return to work safely. Again, the FFA COVID-19 Operating [Protocols](#) for the Fishing Sector in the Pacific, shared with the WCPFC, play an important role in this regard.
5. Notwithstanding the temporary suspension of observer coverage requirements and noting that the suspension does not prevent the placement of observers on fishing vessels, FFA Members encourage CCMs that are able to, to start deploying observers back on their

vessels and to work with observer providers to operationalise the Protocols in order to enable observers to be safely placed on fishing vessels again.

FFA Members sincerely thank you for your continuing leadership and look forward to working with you and other CCMs on this matter.

Yours sincerely



G.P.N. Baleinabuli

FFC Chair and Permanent Secretary for the Ministries of Forestry and Fisheries, Fiji

cc: Mr. Feleti Penitala Teo, WCPFC Executive Director

From: Rini Ghosh - NOAA Federal <rini.ghosh@noaa.gov>

Sent: Friday, March 11, 2022 12:53 PM

To: Feleti Teo <Feleti.Teo@wcpfc.int>

Cc: Michael Tosatto - NOAA Federal <Michael.Tosatto@noaa.gov>; Alexa Cole - NOAA Federal <alexa.cole@noaa.gov>; David F (OES) Hogan <hogandf@state.gov>

Subject: Re: WCPFC Circular 2022/08: Proposed Decision on Extension of WCPFC Decisions in the Context of COVID-19 relating to Purse Seine Observer Coverage, At-Sea Transshipment for Purse Seine Vessels, and At-Sea Transshipment Observers until 15 June 2022

Dear Feleti,

Kindly see the US response to the Chair's Circular 2022/08 below.

Best regards,
Rini

Dear Madam Chair,

Thank you for your leadership during this period. The United States supports your proposed path forward and also supports the draft text extending the intersessional decision in the Annex to Circular 2022-08 under the expedited decision making process.

Further to your proposed path forward, the United States would appreciate the opportunity to engage more substantively, and not in an expedited decision making process, as members consider reinstating the suspended requirements covered by this decision.

Finally, the United States would appreciate your assistance sharing its comments with other members.

Sincerely,
Rini