



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

Circular No.: 2021/09
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Outcome of Proposed 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 May 2021

Dear Colleagues,

I refer to Circular 2021/07 which provided information regarding CCM Views on the Proposed Extension of the WCPFC COVID-19 Decisions, and gave more time for Members to engage on this issue and seek to reach consensus. I appreciate that it takes time to reach consensus on proposals and wish to thank you all for your efforts in this regard.

I am acutely aware that the WCPFC COVID-19 decisions relating to purse seine observer coverage, at-sea transshipment for purse seine vessels, and at-sea transshipment observers expire today, 15 February 2020, unless extended.

Two CCMs - the United States and Chinese Taipei - responded to Circular 2021/07, both of which supported the United States amendment to my proposal. No other CCM provided its views on the US proposal by the deadline. In view of the lack of response to the amended proposal, and taking into account the views expressed on the original proposal as circulated, I conclude that there is no consensus on the amended proposal. Therefore, as indicated in Circular 2021/07, the status quo, namely the Decisions as previously accepted and extended for a further 3 months until 15 May 2021, is where I consider that consensus lies.

The Decision to this effect is set out in the attached Annex. The only change made to the earlier Decisions is the substitution of the date of 15 May 2021 for the date of 15 February 2021.

I note that the issue remains of differing interpretations and approaches taken to the notification to the Executive Director where a vessel is authorized to engage in transshipment outside of port. I invite you all to continue engaging on this issue to determine whether great clarity can be provided in future.

Thank you for your efforts to reach consensus and your continued engagement on these important issues. I look forward to continuing our engagement and collaborative efforts on this and other matters during 2021.

Keep well and stay safe.

Best Regards,

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

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 34 and 35 of CMM 2018-01 and CMM 2018-05 until 15 May 2021.
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 15 May 2021, 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 May 15 2021. 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 Transhipment Declaration referred to in paragraph 35(iv) of CMM 2009-06 to the Executive Director, whether the particular at-sea transhipment had occurred under this temporary suspension. The Secretariat shall provide a summary of at-sea transhipments without observers that occurred under this temporary suspension, based on Transhipment Declarations submitted to the Executive Director in accordance with paragraph 35(iv) of CMM 2009-06, in the Annual Report on Transhipment to and for consideration of 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 transhipment 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 May 2021. 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.