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

**Circular No.: 2020/38**

**Date: 13 May 2020**

**No. pages: 03**

**Outcome of Decision on Korea's Revised Proposal for At-Sea Transhipment Observers in  
the Context of the COVID-19**

Dear Colleagues,

At the outset I wish to commend Members for the cooperation and flexibility they have shown in coming to a decision on Korea's revised proposal for at-sea transhipment observers. It has not been easy to take decisions on such important matters as at-sea transhipment while maintaining the integrity of the Commission's rules and regulations. I greatly appreciate the various accommodations that have been made in coming to this decision.

The Korean revised proposal for at-sea transhipment observers was circulated in Circular 2020/33 of 5 May 2020. At the end of the 7-day review period on 12 May, most Members had indicated their support for the revised proposal. The FFA and Japan sought some additional amendments to the proposal, which were circulated by circular email today together with other responses. Following further discussion that I had with some Members, I consider that the following revision to the Korean revised proposal can be considered endorsed by the Commission.

**The Commission endorses that:**

1. The requirements in paragraph 13 of CMM 2009-06 are temporarily suspended until May 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.

3. This decision takes effect immediately once the Commission has endorsed it. The Commission will review its decision relating to paragraph 13 of CMM 2009-06 by May 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.

I would also like to remind CCMs that the current "Rules of Procedure for Protection, Access to and Dissemination of High Seas Non-public Domain Data and Information compiled by the Commission" provides that WCPFC transshipment Declarations referred to in paragraph 35(iv) of CMM 2009-06 will be made available to Members for purpose of fisheries monitoring, control or surveillance in accordance with the Data Protection Rules.

I note that this decision, like the two other decisions taken by the Commission in response to COVID-19, are to be reviewed by May 31, 2020. Given this impending deadline I am currently giving consideration to next steps. I would appreciate receiving any initial views that Members may have on this.

Thank you again for all your hard work in addressing these difficult issues at this time. Your efforts and cooperative spirit have ensured that we have come to what I believe is a satisfactory solution.

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