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

**Circular No.: 2020/46**

**Date: 28 May 2020**

**No. pages: 04**

**Outcome of 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**

Dear Colleagues,

Thank you again for your flexibility, hard work and cooperative spirit which has ensured that we have reached a mutually-satisfactory solution to the extension until 31 July 2020 of 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 of the three decisions taken in response to COVID- 19 was circulated in Circular 2020/42 of 20 May 2020. At the end of the 7-day review period on 27 May 2020, comments were received from the EU, Japan, Chinese Taipei, FFA Members, and China. These have been circulated to CCMs. All those Members responding indicated their support for the proposed extension. The decision that the Commission has therefore endorsed is set out on the following page.

You will have received the specific comments provided by the EU and FFA Members. In summary, the EU suggests that CCMs provide information on the changing situation with respect to COVID-19 restrictions. Similarly, FFA Members suggest that work commence on sharing of relevant information on measures being taken to prevent the spread of COVID-19 on fishing vessels, and possible alternative measures to address the loss of opportunity for SIDS Observers, while supporting continuance of fishing operations. FFA Members propose using the space on the WCPFC website dedicated to COVID-19 for this purpose. I agree with them that the WCPFC Secretariat should coordinate this information sharing through its dedicated webpage.

I therefore make the following request of CCMs. I ask that flag and port State CCMs, observer providers and fishing industry representatives provide to the Secretariat information they have on COVID-19 restrictions as well as on measures to prevent the spread of COVID-19 on fishing

vessels. The more information that can be shared, the more informed our future decision-making can be. I therefore encourage all CCMs to provide as much information as they can.

FFA Members also suggest that work begin on 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. It is my intention that well before 31 July 2020, the Commission will have sufficient information in order to be able to decide on next steps. I would greatly appreciate your input into this over the following months.

## **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 July 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 July 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 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.

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.

### **C. At-sea Transshipment Observers**

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

This decision takes effect immediately once the Commission has endorsed it. The Commission will review its decision by July 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.

Thank you again for all your continued commitment to ensuring the health and safety of our observers while protecting the health of the tuna stocks of the western and central Pacific. I am sure that your efforts and cooperative spirit will continue as we face the challenges of this pandemic.

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