



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

**Circular No.: 2021/105  
Date: 10 December 2021  
No. pages: 04**

**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 March 2022**

Dear Colleagues,

I wish to commence by thanking you all for all your hard work at WCPFC18 and for your continuing support to me as Chair. It is not easy to undertake an annual Commission meeting online, but we should all be proud of what we achieved at WCPFC18.

One of the outcomes of WCPFC18 related to the extension of the three WCPFC decisions relating to purse seine observer coverage, at-sea transshipment for purse seine vessels, and at-sea transshipment observers taken in response to COVID-19, which are scheduled to expire on 15 December 2021. As you know, WCPFC18 agreed to continue the suspensions of the three intersessional decisions until 15 March 2022.

Due to the short timeframe before the 15 December expiry, I consider it advisable to set out the Decision in a Circular. The Decision taken at WCPFC18 is therefore set out in the attached Annex. The only change from the previous decision was to change the date 15 December 2021 to 15 March 2022. The other outcomes relating to COVID-19 taken at WCPFC18 will be contained in the WCPFC18 Outcomes document, which will be shared in accordance with our agreed schedule.

Thank you again for your cooperation and support. I would like to take this opportunity to express my best wishes to you all for the upcoming festive season and hope you all have a successful and prosperous New Year.

Keep well and stay safe.

Best Regards,

A handwritten signature in black ink, appearing to read 'Jung-re Riley Kim', with a long horizontal stroke 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 March 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 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 March 2022, 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 15 March 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 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 March 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.