



**SCIENTIFIC COMMITTEE
EIGHTEENTH REGULAR SESSION**

ELECTRONIC MEETING
10-18 August 2022

COVID-19 related Intersessional Decisions

WCPFC-SC18-2022/GN-IP-09

Secretariat



SPECIAL SESSION OF THE COMMISSION
to discuss the COVID-19 Decisions Relating to Purse Seine Observer Coverage and At-Sea
Transshipment Observers

Electronic Meeting
9 June 2022 from 10.00am to 2.00pm Pohnpei time

PROVISIONAL OUTCOMES DOCUMENT

WCPFC-SS4-2022-Outcomes
13 June 2022

1. The Commission agreed 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 31 December 2022 but on 1 January 2023, this suspension must be lifted, and the obligation comes into effect.
2. The Commission agreed to lift the suspension of the requirements in paragraph 13 of CMM 2009-06 from 15 June 2022. Notwithstanding this, from 15 June – 31 December 2022 is a transitional period during which time CCMs should make best efforts to embark observers following the enabling guidelines in Annex A.
3. During this transitional period, a carrier vessel operator should demonstrate that it has made best efforts to embark an observer or to tranship in port. This includes requesting for an observer from observer provider(s) at least 30 days in advance of the planned trip. In the event that the vessel operator and the observer provider conclude that the observer deployment is not feasible, according to the enabling guidelines in Annex A and in consultation with the Secretariat, the flag State CCM should report the conclusion to the Secretariat. The Secretariat will compile these data for review by TCC18.
4. TCC18 will review information related to observer deployment, including the data provided under paragraph 3, and make recommendations to the Commission on any ongoing guidelines that will enable CCMs to fully meet the implementation of observer coverage obligations.
5. The Commission may make decisions otherwise depending on changes in the situation regarding the COVID-19 pandemic.

Guidelines to Enable the Placement of Observers on Fishing Vessels and Carrier Vessels

All CCMs have a strong commitment to resuming observer placements for data and compliance and observer livelihoods, while recognising issues relating to the health and safety of observers and crew and the ongoing difficulties and logistical challenges posed by the COVID-19 pandemic. CCMs agreed that the following guidelines are necessary for the full implementation of observer placement obligations:

1. Requirements for entry and exit, including visa requirements, testing timeframes, quarantine time/costs for foreign travelers, and flight frequency and availability should be taken into account in the placement of observers on board vessels.
2. Observers and crew on fishing vessels and carrier vessels on which observers are placed should be fully vaccinated, subject to the granting of exemptions on medical grounds. Proof of vaccination or exemption may be required.
3. Requirements for COVID-19 testing of observers and replacement crew prior to boarding a vessel should be adhered to in line with the regulations applicable to those vessels.
4. All interactions with other vessels and persons should be conducted in a manner that seeks to prevent the spread of the COVID-19 virus.
5. All appropriate protocols and procedures should be followed on board the vessel to prevent the spread of COVID-19.
6. Any sick observer or sick crew member should be cared for in accordance with appropriate protocols and procedures.
7. Where repatriation of observers becomes necessary, all appropriate protocols and procedures should be followed.



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**COVID-19 INTERSESSIONAL DECISIONS RELATING TO PURSE SEINE OBSERVER
COVERAGE AND AT-SEA TRANSHIPMENT OBSERVERS**

**WCPFC-SS4-2022-02
18 May 2022**

Paper by the Secretariat

Purpose

1. This paper provides background information on the situation with regard to COVID-19 in the region and potential options for the two remaining COVID-19 Intersessional Decisions relating to purse seine observer coverage and at-sea transshipment observers. It is divided into four sections:
 - i. background and overview of the current situation with respect to the pandemic and the continuation of border and other restrictions;
 - ii. an overview of the implementation of the two remaining intersessional decisions;
 - iii. a review of the conditions that will be required in order to lift the suspension of the MCS measures; and
 - iv. options for lifting the suspension of the two remaining obligations due to COVID-19.
2. To assist with the review by the Commission, the paper invites the Commission to consider the options to lifting the suspension of the remaining obligations.

Background and overview of COVID-19 measures

3. At the commencement of the pandemic in 2020, the Commission decided intersessionally to suspend the operation of three sets of obligations relating to observers on purse seine vessels, at-sea transshipment for purse seine vessels and at-sea transshipment observers. The suspensions were extended for periods of between three and four months throughout 2020 and 2021. The suspensions continued until 15 March 2022, when it was decided that the suspension of one of the obligations – that relating to at-sea transshipment for purse seine vessels – would not be extended (**Circular 2022/11** of 14 March 2022 as corrected in **Circular 2022/12** of 15 March 2022). The suspension of the remaining two obligations – observers on purse seine vessels and at-sea

transshipment observers – remains in effect until 15 June 2022. The Commission agreed intersessionally to a Special Session to consider these two remaining intersessional decisions relating to COVID-19 (**Circular 2022/24** of 5 May 2022 and **Circular 2022/29** of 17 May 2022).

4. The COVID-19 situation in the region has changed significantly in the last 6 months. In particular, with the roll-out of vaccines in the region, and the prevalence of a new, more contagious, but milder, variant of COVID-19, countries in the region are relaxing their border and other restrictions. While restrictions such as negative COVID tests prior to entry remain, many countries have opened their borders. Mandatory quarantine requirements are not used to the same extent as in the past. The relaxation of restrictions is expected to continue as countries adapt to the reality that COVID-19 is quickly becoming endemic in the community.

Implementation of the COVID-19 related Intersessional Decisions

5. This section provides an update of available information on the implementation of the two remaining COVID-19 Intersessional Decisions and on the implications of the continued suspension of these obligations on monitoring, control and surveillance (MCS) and on stock assessments.

Suspension of purse seine observer coverage

6. The requirement for 100% observer coverage on purse seine vessels has been temporarily suspended as a result of the COVID-19 related decisions. Some CCMs have maintained or reintroduced national observer coverage on their fleets. Some ROP programmes have advised the Secretariat that they are maintaining placements of observers, and these generally begin and end in a vessel's home port. This includes China, the European Union (Portugal), New Caledonia, New Zealand, Papua New Guinea, Philippines, Solomon Islands and Tonga. Some CCMs have indicated they are considering deploying observers on vessels later this year. Information from IATTC indicates they have achieved observer coverage on 94% of purse seine vessels in 2021 (through a combination of national and IATTC Secretariat placements).

Suspension of at-sea transshipment observer coverage

7. The requirement to have an observer on board either the carrier vessel or the fishing vessel to observe transshipments has been temporarily suspended as a result of the COVID-19 related decisions. The number of observed transshipments reduced in 2021 as ROP observers placed on carrier vessels and on fishing vessels were repatriated and not replaced. Transshipments reported to IATTC in the overlap area were observed in accord with Resolution C-12-07 except where there were cases of force majeure (which included the pandemic and the difficulty of placing an observer on board) were duly notified to the Director.¹

Implications of continued suspension of observer coverage requirements - MCS

¹ Document SAC-13 INF-B Corr. Provided to the Science Advisory Committee 13th Meeting 16-20 May 2022

8. The Secretariat discussion paper **WCPFC18-2021-08** outlined the impact on monitoring, control and surveillance of tuna fisheries in the WCPO Convention Area arising from the absence of observers on purse seine vessels and the reduction of observed transshipment events.

9. The absence of observers on purse seine vessels may have an impact on compliance by vessels with certain obligations, particularly in the absence of other MCS measures, such as electronic reporting and electronic monitoring (ER & EM). It is likely that a continuation of the suspension of observer coverage on purse seine vessels will impact on the ability of TCC to use aggregate tables drawn from the online Compliance Case File System to indicate potential anomalies in the implementation of obligations by a CCM, with a view towards identifying implementation challenges for that CCM and identifying systemic failures to take flag state action in relation to alleged violations, as set out in para 26(ii) of CMM 2021-03.

10. The suspension of the requirement to have observation of at-sea transshipments has impacted on the percentage of observed transshipments. Since the start of the pandemic there has been a progressive reduction in the number of transshipment events from 1472 in 2019, 1172 in 2020, 1008 in 2021 and 348 to date in 2022. Few observers have been deployed on carrier or the offloading fishing vessels in 2021 or 2022 with 12% and 7% of transshipment observed respectively. Information provided to the IATTC Scientific Advisory Committee in May 2022 indicates 94% of transshipments in 2021 were observed (which includes those occurring in the overlap area). The absence of observation of at-sea transshipment in the WCPF convention area may impact on the quality of catch and effort data collected at the point of transshipment.

11. Three CCMs conducted 60 HSBI in 2021 which is an increase from 32 in 2020. This remains significantly less than the pre-COVID-19 inspection rate of more than 110. COVID protocols continue to affect the length of boardings and the range of inspection activities, to reduce the amount of time the boarding party is on board the fishing vessel or carrier.

Implications of the absence of observer data on stock assessments

12. As noted in **WCPFC18-2021-08**, the Scientific Services Provider has undertaken an initial study into the impacts of reduced observer coverage in the purse seine fishery resulting from the COVID measures on the precision of tuna catch estimates (Peatman et al., 2021, **WCPFC-SC17-2021/ST-IP-06**). Estimates of catches of bigeye, and to a lesser extent yellowfin, were the most sensitive to reductions in observer coverage rate (**WCPFC-SC17-2021/ST-WP-01 (Rev.01)**, para 16)

13. The outcomes suggest that, *inter alia*, reduced observer coverage significantly effects the precision of the purse seine bigeye tuna catch estimates in the aggregate data used for the assessments, so a return to 100% purse seine observer coverage is strongly recommended as soon as it is safe and logistically feasible (**WCPFC-SC17-2021/ST-WP-01 (Rev.01)**, para 18).

14. The Scientific Services Provider notes that the bigeye and yellowfin tuna assessment for the WCPFC are to be conducted again in 2023. The assessments will include new data for 2019, 2020 and 2021 (2022 is not included as longline data is incomplete for the calendar year prior to when the assessment occurs). Bigeye and yellowfin catch by purse seine vessels make a significant

contribution to fishing mortality for these stocks, and therefore reliable purse seine catch estimates are important. Based on the work of Peatman et al., (2021), the bigeye and yellowfin purse seine catch estimates will be considerably less reliable in 2020 and 2021, than in previous years. This can potentially be accounted for by adding uncertainty to the catch inputs for each assessment, however, the SSP does not expect major impacts on the overall assessments if the observer coverage can be increased from 2022. If the reduced observer coverage continues beyond 2021, the implication will be increased uncertainty in estimation of management reference points. This uncertainty will increase with time until observer coverage is increased.

Options for the lifting of the suspension of obligations due to COVID

15. WCPFC18 agreed to review the possible phasing in of the removal of the suspensions, which would need to be implemented flexibly and be subject to a periodic review in light of changed circumstances (**WCPFC18 Summary Report, para 74**). In reviewing a possible phased approach, a distinction could be drawn between the two intersessional decisions based on the significance of the obligation and its implementation.

16. The requirement for observed transshipment at sea is a high priority for CCMs. In light of the fewer number of observers required for carrier vessels, the suspension of this obligation could be lifted at an earlier date than the obligation relating to 100% observer coverage on purse seine vessels. The full implementation of this latter obligation will require a larger number of observers, a longer period for redeployment of observers to commence, and a continuing need to ensure their safety. For both, the continued COVID-related travel restrictions and limited port access in some parts of the region will also be a consideration affecting full implementation of the obligations.

17. The timing of the lifting of the suspension of the obligations should also be considered. It is difficult to lift the suspension of observer requirements with immediate effect as time may be required for the redeployment of observers. If, for example, the suspension of the obligation for at-sea transshipment observers were lifted with immediate effect, CCMs would either be in violation of their obligations for the time it takes to redeploy observers, or no unobserved transshipments at sea could take place.

18. As it has been difficult to take decisions which require detailed consideration of options by CCMs through the expedited intersessional decision-making process, it is suggested that the Commission adopt a decision which sets out an agreed plan for moving forward on the two intersessional decisions. Ideally this plan should not be subject to ongoing intersessional review.

19. There are a number of options that may be considered to address the two intersessional decisions. In order to focus discussion, the paper sets out three options for consideration. In summary, the options are to adopt a similar approach to the intersessional decisions as has been used in the past; to adopt an approach which sets dates in advance for the lifting of the suspension of obligations; and to adopt an approach which phases in the implementation of the suspension of obligations. The Commission may of course decide on a variation of these options.

Options

20. The three options are set out below. It should be noted that any suggested dates for lifting of the suspension of obligations are included purely by way of example.

Option 1. Agree not to extend the suspension of the requirement for at-sea transshipment observers, so that it lapses on 15 June 2022. Agree to extend the suspension of the requirement for purse seine observers until 15 September 2022, with an intersessional decision required on a further extension of the suspension. The conditions set out in the current intersessional decision would continue until the suspension of the obligation was lifted.

Option 2. Agree to an approach which would lift the suspension of the requirement for at-sea transshipment observers on a specific date in future (1 August 2022); and lift the suspension of the requirement for observers on purse seine vessels on a specific date in future (1 January 2023). The decision would not provide for an intersessional decision to extend the suspension of obligations. The conditions set out in the current intersessional decision would continue until the suspension of the obligation was lifted.

Option 3. Agree to a phased approach to the implementation of the lifting of the suspensions. With respect to at-sea transshipment observers: each CCM could be required to have 50% of at-sea transshipments on their flag vessels observed by a specific date (15 July 2022), and 100% of at-sea transshipments on their flag vessels observed by a specific date (1 August 2022). With respect to purse seine observer coverage: CCMs could be required to have a 50% observer coverage on their purse seine by a specific date (1 October 2022) and 100% observer coverage on their purse seine vessels by a specific date (1 January 2023). The decision would not provide for an intersessional decision to extend the suspension of obligations. The conditions set out in the current intersessional decision would continue until the suspension of the obligation was lifted.

21. **Option 1** has the advantage of addressing the at-sea transshipment immediately, given the significance of the obligation for MCS purposes, while continuing flexibility with respect to purse seine observer coverage. It has the disadvantage that it could put CCMs in breach of their obligations if they are not able to tranship to a carrier vessel on which an observer is already deployed or are not able to find other ways of transhipping catch. It also leads to a continuation of the intersessional decision-making processes for lifting the suspension of the purse seine observer obligation.

22. **Option 2** has the advantage of giving clear notice to CCMs of the date by which the obligations will no longer be suspended and gives time for observers to be redeployed on carrier vessels to observe transshipments at sea, which is a key MCS concern. It addresses the concern over the continued absence of observers on purse seine vessels and the lack of data for stock assessment purposes by giving a clear date for reinstatement of this obligation. However, it does not provide any flexibility to account for the different circumstances in the fishing industries of various CCMs and places the onus on CCMs and vessel operators to implement the observer

requirements in accordance with the schedule. It also assumes that the difficulties arising from the pandemic will be resolved by the specified dates.

23. **Option 3** is a more flexible option which recognises that the redeployment of observers is likely to be implemented progressively by CCMs. It provides guidance to CCMs on the speed with which they need to redeploy observers and accounts for different circumstances in the fishing industry and among observer providers. However, it is a more complicated option to implement and verify. Like option 2, it assumes that the difficulties arising from the pandemic will be resolved by the specified dates.

Conditions for placing observers on board vessels

24. The health and safety of observers has been a driving motivation for the COVID-19 Intersessional Decisions. The risk to observers from COVID-19 arises particularly in relation to bringing observers on board vessels, and repatriating them. The risk to observers while on board vessels arises when that vessel interacts with other vessels or with persons in port. Considering the FFA COVID-19 Operating Protocols as well as advice from the WHO and the International Maritime Organisation (IMO), certain conditions could be identified for the safe redeployment of observers on vessels. These include the following:

- The observer is fully vaccinated. An official COVID-19 vaccination certificate may be required to provide proof of vaccination.
- All crew of the fishing vessel or carrier vessel on which the observer is placed are fully vaccinated. An official COVID-19 vaccination certificate may be required to provide proof of vaccination.
- The observer has a negative PCR or other reliable test prior to boarding the vessel.
- Any replacement crew have a negative PCR or other reliable test prior to crew changes.
- All interactions with other vessels and persons are conducted according to national or regional protocols which seek to prevent the spread of the COVID-19 virus. This may include the vessel having no contact with another vessel, and being symptom-free, for a set period before interacting with other vessels or with other fishing operations.
- All appropriate protocols and procedures are followed on board the vessel to prevent the spread of the virus.
- All relevant requirements are followed to ensure that any sick observer or sick crew are cared for in accordance with appropriate protocols and procedures.

25. In light of the different national and regional protocols addressing COVID-19, it will be difficult for the Commission to agree on specific conditions for the safe redeployment of observers. However, there should be agreement between the observer provider and the flag CCM and/or vessel operator on the conditions for the placement of observers on carrier or fishing vessels.

26. To assist in continuing to support the safe redeployment of observers on vessels, CCMs should continue to share with the Commission information on national and regional protocols addressing COVID-19. The Secretariat can continue to share this information through the WCPFC website COVID-19 page: <https://www.wcpfc.int/covid19>

Recommendation

27. The WCPFC Special Session is invited to discuss the two intersessional COVID-19 decisions and:

Agree to one of the options for taking forward the two COVID-19 related intersessional decisions set out in paragraph 20, or a variation thereof; and

Agree that the observer provider and the flag CCM and/or vessel operator will agree on the conditions for the placement of observers on carrier or fishing vessels.