



06 May 2020

**IOTC CIRCULAR
2020-21**

Dear Madam / Sir

A COMMUNICATION FROM THE EUROPEAN UNION ON DEVELOPING PROCEDURES IN RESPONSE TO THE COVID-19 PANDEMIC

Please find attached a communication from the European Union regarding developing measures in response to the COVID-19 pandemic.

The IOTC Chairperson will be contacting Members soon to seek their guidance on responding to this matter.

Yours sincerely

Christopher O'Brien
Executive Secretary

Attachments:

1. Letter from the EU

Distribution

IOTC Contracting Parties: Australia, Bangladesh, China, Comoros, Eritrea, European Union, France (Territories), India, Indonesia, Iran (Islamic Rep of), Japan, Kenya, Rep. of Korea, Madagascar, Malaysia, Maldives, Mauritius, Mozambique, Oman, Pakistan, Philippines, Seychelles, Sierra Leone, Somalia, South Africa, Sri Lanka, Sudan, United Rep. of Tanzania, Thailand, United Kingdom ("BIOT"), Yemen. **Cooperating Non-Contracting Parties:** Liberia, Senegal.
Intergovernmental Organisations, Non-Governmental Organisations. Chairperson IOTC. Copy to: FAO Headquarters, FAO Representatives to CPCs.

This message has been transmitted by email only



Brussels,
MARE.B2/AM/ARES(2020)

Dr Chris O'Brien
IOTC Executive Secretary
Chris.O'Brien@fao.org

Subject: Observers deployment

Dear Chris,

I am writing with regard to the current COVID 19 pandemic and its effects on the placement of observers and the operations of the regional observers programme.

The EU understands the logistical and operational constraints that arise from the unprecedented situation resulting from the COVID 19 and the need to safeguard the health and safety of those working on board fishing and carrier vessels. We therefore are conscious that because of the current pandemic it may be impossible, despite best efforts by all concerned, to place an observer on board a vessel.

Nevertheless, we consider that it is important to work collaboratively to find collective solutions that strike the right balance between health concerns and ensuring a minimum level of data submission, monitoring and control, notably by way of alternative measures.

For these reasons, the EU considers that it is imperative that measures adopted to cope with this situation would be in line with the following principles:

- Be developed by States and RFMOs in a transparent way and where possible through international collaboration; and
- Relate specifically to the COVID-19 situation: preventing the spread of COVID-19, or responding to the implications of COVID-19;
- Be consistent with international law;
- Be justified by the COVID-19 situation and temporary, with a specified timeframe for expiry, and subject to periodic review;
- Be proportionate and not unnecessarily undermine existing measures or the wider management regime;
- Wherever possible offer alternative means to replace the measures that are temporarily being suspended or not being complied with due to the emergency situation;
- Where possible provide opportunities to improve the functioning of RFMOs, such as for example offering means that are less susceptible to disruption due to a future pandemic


A number of RFMOs have already adopted, in spite of not having specific procedures, contingency measures to face the situation. I have attached the procedure established by the IATTC in relation to their Regional Observers Programme by way of example, as they are in line with the principles expressed above.

Finally, we would like to express support to the measures indicated in the letter sent by 19 organisations expressing their concern about possible changes in the application of fisheries management measures made in response to the COVID-19 pandemic that you circulated on 11 April, which offer pragmatic solutions that could be easily implemented.

In view of the above, the EU would appreciate if the Chair and Secretariat of the IOTC could develop a document detailing the procedures to be put in place under these exceptional circumstances to be distributed to members.

I would appreciate if you could circulate this letter to the other members of the Commission, as they may have similar considerations.

Yours sincerely,



Angela Martini
Head of the EU delegation to IOTC

Enclosure: 1

Copy: Susan Imende, Chair of the IOTC (susanimende@yahoo.com)

Cc: A. Jessen, L. Marot, S. Varsamos, F. Biagi

COMISION INTERAMERICANA DEL ATUN TROPICAL INTER-AMERICAN TROPICAL TUNA COMISSION

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16 April 2020

Ref.: 0173-420

To: AIDCP Parties
IATTC Commissioners and Heads of Delegation

From: Alfonso Miranda E., IATTC Chair

Alvin Delgado, Chair of the AIDCP Meeting of Parties

Re: COVID 19 Pandemic Exemption Procedure for the Operation of On-Board Observers

As a follow-up to our communication circulated by memorandum ref. 0170-420 dated April 14 and referring to the document on "*COVID 19 Pandemic Exception Procedure for the Operation of On-Board Observers*", we wish, in our individual capacity as Chairs of the IATTC and the AIDCP Meeting of the Parties respectively, to reiterate our appreciation for the substantive contributions received for the development of this exceptional and temporary procedure, developed to meet the challenges of protecting the health and safety of persons, without undermining the existing management and conservation measures. We note that no objections were received, and we thank El Salvador for formally expressing its support for that document.

We therefore consider that this procedure should be considered as adopted by consensus, with immediate entry into force.

While we hope for an early return to normalcy and the conclusion of the COVID-19 pandemic, we make a special call to all those involved in this procedure to ensure its effective compliance, adjusted specifically to address the effects of the pandemic and bearing in mind that we must actively continue to make our best efforts to ensure the best implementation of our fisheries conservation and management measures.

For your convenience and easy reference, we reproduce below once again the contents of the Procedure, as an annex to this memorandum.

Annex: As indicated

Annex

COVID 19 PANDEMIC EXEMPTION PROCEDURE FOR THE OPERATION OF ON-BOARD OBSERVERS

The *Inter-American Tropical Tuna Commission (IATTC)*, in consultation by correspondence, and the *Agreement on the International Dolphin Conservation Program (AIDCP)*, through consultation between the Parties:

Bearing in mind the obligations assumed by the IATTC CPCs under the provisions of the Antigua Convention and in particular Resolution C-09-04, as well as the obligations adopted by the Parties to the Agreement on the International Dolphin Conservation Program, in particular those set out in Paragraph 2 of Annex II thereto;

Convinced that regular and timely reporting of information on fishing by vessels at sea is important in the implementation of the conservation and management measures adopted by the Commission;

Recognizing that the World Health Organization declared on 11 March 2020 the pandemic from the virus known as COVID-19;

Recognizing that around the world, countries had to react by establishing restrictions on the internal and international movement of people in order to prevent the spread of the disease, which directly impacts the operations of placing observers on board vessels covered by the obligation to carry observers on board;

Aware of the importance of safeguarding individual and public health, and also of ensuring the conservation of the species covered by the IATTC and the AIDCP, without detriment to the food security and productivity of the countries;

Convinced of the need to adopt transitional and exceptional measures that will make it possible to ensure the continuity of fishing operations without detriment to the capture of data as a fundamental basis of fisheries management;

Determined to ensure that the exceptional measures to be adopted are proportionate and do not unnecessarily undermine existing measures or the broader management regime;

Agree:

1. These procedures apply only to the observer requirements established in Annex II of the AIDCP, paragraph 2, as endorsed in IATTC Resolution C-09-04.
2. Any vessel for which it is impossible to place an observer on board in compliance with the applicable IATTC and AIDCP rules due to operational and logistical constraints arising from the actions taken by governments or organizations to safeguard health shall be exempted of its corresponding observer obligations;
3. This temporary exemption shall not constitute a blanket suspension of the obligation of carrying an observer on board, but shall be granted case-by-case for each vessel and for each trip, according to the following procedure:

- i. Owners and operators of vessels shall continue requesting the placement of observers in accordance with the applicable AIDCP and IATTC rules and procedures;
 - ii. An exemption shall be considered as granted after a certification issued by the Director of the IATTC, or the head of the field office and the office of the national observer program office, indicating the unavailability of observers, in close coordination with the Flag State Authorities. Where appropriate, the certification shall be issued within six days prior to the departure date established in Section I of the **PROCEDURES FOR THE ALLOCATION OF AN OBSERVER ON BOARD ON AN AIDCP FISHING TRIP AND PURSUANT TO IATTC RESOLUTION C- 09-04**;
 - iii. The IATTC Field Office and the National Observer Program Office must notify the Director of each certification on the same day of its issuance and the reasons for issuing it;
 - iv. All parties involved should make every effort to avoid all unnecessary delays of the corresponding exemptions.
4. The Director shall notify all Parties to the AIDCP and CPCs of the waivers granted in accordance with this procedure, including the grounds for the certifications regarding the non-availability of observers, on a weekly basis;
5. These procedures for the exemption of carrying observers on board shall expire on June 1, 2020 (for instance: observers must be assigned for trips that start after 12:01 a.m. on June 1, 2020). At least two weeks in advance of June 1, 2020, the AIDCP and IATTC Chairs shall seek the approval of the AIDCP Parties and IATTC Members to extend these procedures, if the circumstances arising from the COVID-19 pandemic appear likely to persist beyond June 1, 2020.
6. In the case of vessels operating without an observer aboard, pursuant to a waiver granted in accordance with these procedures, AIDCP Parties and IATTC Members should request vessel captains to collect, record and report data and information for each trip, in simplified forms, exclusively data on tuna catches and bycatch of other species (including dolphin mortality), by gear, fishing area and type of set, in accordance with the forms used by the IATTC until such time as it is possible to resume normal deployment of on-board observers.

The information collected is to be delivered at the end of each trip to either the flag State government which shall send it to the IATTC or the person in charge of the IATTC field office or to a government delegate, as the case may be, in the port where the catch is landed.

7. If there is an electronic observer on board the fishing vessel, it shall continue to report periodically.
8. Fishing activities by a vessel without an observer pursuant to an exemption granted in accordance with these procedures shall not be considered as a case of non-compliance.