

COMISION INTERAMERICANA DEL ATUN TROPICAL (CIAT) INTER-AMERICAN TROPICAL TUNA COMMISSION (IATTC)

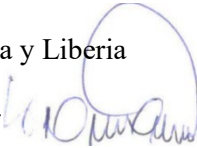

MEMORANDUM

28 March 2022

Ref.: 0105-420

To: AIDCP Parties
IATTC Commissioners and Heads of Delegation

c.c. Bolivia, Chile, Honduras, Indonesia y Liberia

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 –
implementation of par.5 – Extension until 30 June 2022

As stated in our previous memorandum ref. 0564-420, dated 16 December 2021, reproducing the provisions of paragraph 5 of the Exemption Procedure:

“At least two weeks prior to 31 March 2021, the AIDCP and IATTC Chairs shall ask the consent of the AIDCP Parties and IATTC Members to extend these procedures, if the circumstances arising from the COVID-19 pandemic appear to persist beyond 31 March.”

Taking into account the evolution of these circumstances, which we are all aware of, and the considerations that we have reiteratedly made in our successive memorandums, we propose that the validity of the exemption procedure be extended once again, until 30 June 2022, and that this proposal, as all previous ones, be considered as approved by all the Parties to the AIDCP and the members of the IATTC, unless an opinion to the contrary is received from a IATTC Member or a AIDCP Party within one week from the date of this memorandum.

In view of the unintentional delay in preparing and circulating this memorandum, the exemption procedure will be applied beyond 31 March, on a provisional basis until the expiry of the one-week deadline indicated above

For your convenience and easy reference, we reproduce below once again the contents of the Procedure, as an annex to this memorandum, with its paragraph 5 correspondingly amended.

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 30 June 2022 (for instance: observers must be assigned for trips that start after 12:01 a.m. on 30 June 2022). At least two weeks in advance of 30 June 2022, 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 30 June.
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 should 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 should 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.