



The President
Palikir, Pohnpei
Federated States of Micronesia

Decree to amend the National COVID-19 Pandemic National Public Health Emergency in order to provide temporary measures with respect to the transshipment activities at designated transshipment areas in the FSM

WHEREAS, on March 14, 2020, the President of the Federated States of Micronesia issued a National Public Health Emergency Declaration due to the COVID-19 Pandemic pursuant to his authority under Art. X Sec. 9 of the FSM Constitution;

WHEREAS, in the exercise of national jurisdiction over interstate commerce and in order to establish additional temporary measures concerning fishing activities regulated by Title 24 of the FSM Code, this amendment is necessary to strengthen the applicable emergency measures addressing risks associated with the transshipment of fish catch;

WHEREAS, the continued accessibility of the national seaports by any fishing vessels without further restrictions during the pandemic is dangerously increasing the risk of introducing the virus to the FSM; and

WHEREAS, this decree is necessary to ensure the integrity and effectiveness of the emergency declaration and in order to protect public health and safety of the people throughout the nation.

NOW THEREFORE, I, David W. Panuelo, President of the Federated States of Micronesia, pursuant to the authority vested upon me by Article X Section 9 of the FSM Constitution, Title 41, Chapter 7 of the FSM Code, and Title 11, Chapter 8 of the FSM Code, do hereby DECREE as follows:

(A) Section III of the National Public Health Emergency issued on March 14, 2020, in particular, paragraph 10 thereof, is hereby amended such that the term "commercial sea vessels" defined in that paragraph does not include "fishing vessels"; hence, fishing vessels are carved out from the application of paragraph 10. This decree governs the transshipment activities of fishing vessels during the COVID-19 emergency.

1. With the exception of transshipment activities in Kosrae by purse seine fishing vessels and of activities falling under #2 hereof, all transshipment activities are to be carried out in a designated transshipment area to be identified by the National Oceanic Resource Management Authority (NORMA). A designated transshipment area will be in the territorial waters beyond the three nautical miles zone from baselines. NORMA shall issue appropriate guidelines regulating the transshipment.
2. Longline (LL) fishing vessels are allowed to come to port for transshipment purposes, subject to the additional measures established by NORMA for the avoidance of COVID-19, and observing the following guidelines:
 - a. Fresh LL fishing vessels are allowed to transship at port; provided, that there shall be no contact at anytime prior to the transshipment.
 - b. Frozen LL fishing vessels are allowed to transship at port; provided, that the fishing vessels observe the 14 days quarantine at sea, and that no crewmembers are allowed to disembark at port. The 14-day quarantine is counted from the date of last contact.



- c. For the purpose of #2 hereof, and any part of this decree where its application is deemed relevant, "contact" refers to human interaction of less than four (4) feet between a crewmember of one fishing vessel, a crewmember of another fishing vessel, or any other human-to-human contact external to fishing vessel operations.
 - d. Bartering, trading and local sale of fish are prohibited. No person is allowed to approach (in the transshipment and Anchorage area) any fishing vessel, or have any contact therewith, at anytime during the effective period of this decree.
3. Domestic fishing vessels are allowed to call port in the FSM States for repair, maintenance and provisioning purposes at the Anchorage area, and shall remain there in the Anchorage area during repairs, maintenance and provisioning. For the purpose of this paragraph, domestic fishing vessels are fishing vessels that are flagged in the FSM or have a base of operation anywhere in the FSM States.
 4. With respect to transshipment at sea, Immigration and Customs clearance procedures shall be conducted electronically with the intention of avoiding or minimizing contact. For the duration of this emergency procedure concerning transshipment at sea, Quarantine procedures are suspended until further notice.
 5. Transshipment at sea shall be monitored thoroughly by the relevant national department or agency, in particular, Department of Justice (DOJ) and NORMA, to ensure compliance with this directive. NORMA and DOJ, on behalf of the National Emergency Task Force, shall coordinate with the State authorities to ensure that the transshipment activities are not unduly delayed or interfered with by any State-mandated procedures.
 6. It is part of the requirement that 72 hours prior to transshipment, notice shall be provided in advance to NORMA and DOJ using applicable forms of reporting. Included in the notice are the body temperatures of all the crewmembers of the fishing vessels intending to transship, taken at 24-hour intervals prior to transshipment. (72 hours, 48 hours, and 24 hours). Information on body temperatures may be shared with the State authorities for health assessment and coordination purposes.

(B) The restriction set out in Section (A) of this decree is a temporary emergency measure, which shall remain in effect until further notice.

(C) Any violation of this decree shall be subject to penalty set by law pursuant to 11 F.S.M.C. §803. The Secretary of Justice is ordered to take measures under law to ensure the enforcement of this decree.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "David W. Panuelo", written over a horizontal line.

David W. Panuelo
President

Date:

April 3rd, 2020