

**AQUATIC RESOURCES AUTHORITY OF PANAMA  
INTERNATIONAL FISHERIES AFFAIRS**

**Technical Circular**

**045 – 2022**

<b>To:</b>	Shipowners / Operators / Masters / Legal Representatives
<b>From:</b>	Directorate of Technical Cooperation and International Fisheries Affairs
<b>Subject:</b>	Observers on board Panamanian vessels registered in the Fishing Vessel Register (RFV) of the WCPFC Fisheries Commission.
<b>Ref.:</b>	ARAP/IFA/TC/045/2022

The Aquatic Resources Authority of Panama (ARAP) informs Shipowners, Operators, Captains and Resident Agents that the Republic of Panama in condition of Cooperating Non-Member (CNM) before the Western and Central Pacific Fisheries Commission (WCPFC), through Resolution ADM/ARAP N°052 of October 05, 2021, adopted in all its parts the list of Conservation and Management Measures (CMM) in force established by the Commission.

In this sense, the Conservation and Management Measure CMM 2018-05 was adopted and entered into force on February 12, 2019 regarding the Regional Observer Program (ROP), as well as the adoption of the guidelines on program requirements and agreements on the coverage on carrier vessels established by the Commission, as well as the interim outcome document WCPFC-SS4-2022 of June 13, 2022.

In accordance with the foregoing, **it is necessary that all Panamanian-flagged vessels registered in the Commission's vessel registry and engaged in transshipment on the HIGH SEAS of fishery resources regulated by the WCPFC Commission in the Convention area, must carry on board an observer of the Regional Observer Program (ROP) authorized by the Commission, as of January 1, 2023.** The contacts for each of the ROP providers can be found In: WCPFC National Observer Coordinator (CMM 2018-05 para 13) | WCPFC.

It should be noted that document WCPFC-SS4-2022, establishes a transition period from June 15, 2022 to December 31, 2022 for coverage of all transshipments on the high seas to ensure that fishing operators could plan port visits and pick up an observer within that time period. Subsequent adoptions by the Commission will be reported immediately.

However, the Commission also considers that, when an observer cannot be obtained from one of the Regional Observer Program (ROP) providers, information should be provided to the Secretariat identifying that it is not feasible to embark an observer. The Secretariat, through the PNA Observer Agencies (FAOBs) can assist in contacting one of the regional programs for observer placement to ensure coverage of transshipment activities. The contact is Donald David of the ROP Secretariat (Donald.david@wcpfc.int), who can make arrangements during the previously indicated transition period to obtain an observer.

As for transshipment activities in ports with purse seine fishing vessels or any other type of vessels, registered in the Commission's Record of Vessels, shall operate under the measures established by the fishing/port authorities, who shall establish the requirements for operations in such port or within the boundaries of the port. However, **the Commission and the Authority establish the notification requirement for ALL transshipments made (high seas and port).**

Therefore, ARAP will ensure that all vessels intending to enter the WCPFC Convention Area comply with the conservation and management regulations and measures established and adopted by the Commission, as well as domestic and international fisheries regulations.

✓ **Important and Mandatory**

It is necessary that all international service fishing vessels that intend to operate in the Commission's regulatory area fully comply with the recommendations of the WCPFC established in the framework of the Convention, in particular the management and conservation measures adopted by the Republic of Panama, prior to the start of operations.

**Panamanian-flagged refrigerated cargo vessels, at the time of submitting the declaration template for transshipments on the high seas, both to the Fisheries Commission and to the Authority, must be duly signed by the ROP observer; and for port transshipment templates, if the vessel has an observer.**

Vessels that are detected in activities in violation of the rules and recommendations established by the WCPFC, will be subject to the application of the current regulations established by this Authority in sanctioning matters.

**Attached: CMM 2018-05, Regional Observer Program Guidelines and Outcome Documents WCPFC-SS4-2022.**

For more information on this Technical Circular, please contact:

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

**Circular No.: 2022/40**  
**Date: 13 June 2022**  
**No. pages: 03**

**WCPFC-SS4-2022 - OUTCOMES DOCUMENT**

Dear All,

Pursuant to rule 33(2) of the Rules of Procedure for the Western and Central Pacific Fisheries Commission (WCPFC), please find enclosed the Provisional Outcomes Document for the WCPFC Special Session 4 of the Commission (WCPFC-SS4-2022) to discuss the COVID-19 Decisions relating to the purse seine observer coverage and at-sea transshipment observers. The Outcomes Document sets out the decisions taken by the Commission at its special session recently held virtually on 9<sup>th</sup> June 2022.

The Outcomes Document has also been posted on the WCPFC-SS4-2022 meeting site. Should there be comments on the Outcomes Document, please submit them together with comments on the Draft Summary Report for WCPFC-SS4-2022 which will be circulated and posted in due course once available.

I wish you all well and stay safe.

Yours sincerely,



Feleti Penitala Teo, **OBE**  
**EXECUTIVE DIRECTOR**



**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

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**PROVISIONAL OUTCOMES DOCUMENT**

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**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.

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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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**COMMISSION  
FIFTEENTH REGULAR SESSION**  
Honolulu, Hawaii, USA  
10 – 14 December 2018

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**CONSERVATION AND MANAGEMENT MEASURE FOR THE  
REGIONAL OBSERVER PROGRAMME**

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**Conservation and Management Measure 2018-05<sup>1</sup>**

*The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;*

*Recalling* Article 28(1) of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPF Convention), which requires the Commission to develop a Regional Observer Programme to, among other things, collect verified catch data, and to monitor the implementation of the conservation and management measures adopted by the Commission;

*Further recalling* Article 28(7) of the WCPF Convention, which requires the Commission to develop procedures and guidelines for the operation of the Regional Observer Programme;

*Cognizant* of Conservation and Management Measure 2006-07, which established the procedures to develop the WCPFC Regional Observer Programme;

Adopts, in accordance with Article 10 of the WCPFC Convention the following Conservation and Management Measure for the establishment of the WCPFC Regional Observer Programme (Commission ROP).

**Establishment of the Commission ROP**

1. There is hereby established the Commission ROP, which shall be coordinated by the Secretariat of the Commission.
2. The ROP shall be implemented on a phased basis. The implementation schedule is attached as Annex C.
3. The Secretariat of the Commission shall provide an annual report to the Commission with regard to the Commission ROP and on other matters relevant to the efficient operation of the programme.

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<sup>1</sup> This measure updates and revises CMM 2007-01, and as was agreed by the Commission at WCPFC15 (2018).

## **Objectives of the Commission ROP**

4. The objectives of the Commission ROP shall be to collect verified catch data, other scientific data, and additional information related to the fishery from the Convention Area and to monitor the implementation of the conservation and management measures adopted by the Commission.

## **Scope of the Commission ROP**

5. The Commission ROP shall apply to the following categories of fishing vessels authorized to fish in the Convention Area in accordance with the Commission's Conservation and Management Measure 2004-01 (or its replacement CMM):

- i) vessels fishing exclusively on the high seas in the Convention Area, and
- ii) vessels fishing on the high seas and in waters under the jurisdiction of one or more coastal States and vessels fishing in the waters under the national jurisdiction of two or more coastal States.

## **Functions of observers**

6. The functions of observers operating under the Commission ROP shall include collecting catch data and other scientific data, monitoring the implementation of the conservation and management measures adopted by the Commission and any additional information related to the fishery that may be approved by the Commission. When a vessel is operating on the same fishing trip both in waters under the national jurisdiction of its flag State and in the adjacent high seas, an observer placed under the Commission ROP shall not undertake any of these functions in waters under national jurisdiction of the flag State without the consent of the flag State.

## **Obligations of CCMs of the Commission**

7. Each CCM of the Commission shall ensure that fishing vessels fishing in the Convention Area, except for vessels that operate exclusively within waters under the national jurisdiction of the flag State, are prepared to accept an observer from the Commission ROP if required by the Commission.

8. Each CCM of the Commission shall be responsible for meeting the level of observer coverage as set by the Commission.

9. CCMs shall source observers for their vessels as determined by the Commission.

10. CCMs shall explain to the vessel captain, observer duties relevant to appropriate measures adopted by the Commission.

11. CCMs shall take advantage of the information collected by observers for the purpose of investigations under Convention Articles 23 and 25, and shall cooperate in the exchange of such information, including by proactively requesting, responding to, and facilitating the fulfilment of requests for, copies of observer reports in accordance with standards adopted by the Commission, as applicable.

## **Role of the Commission and its subsidiary bodies**

12. The Commission shall, through its subsidiary bodies within their respective mandates, monitor and supervise the implementation of the ROP, develop the priorities and objectives of the ROP, and assess the results of the ROP. The Commission may provide further direction concerning the operation of the ROP, as necessary. The Commission shall ensure the administration and coordination of the ROP is adequately resourced. The Commission may enter into contracts for the provision of the ROP.

## **Role of the Secretariat**

13. Consistent with Article 15(4), the role of the Secretariat will be to:

- a) coordinate ROP activities, including, *inter alia*:
  - i) maintaining the ROP Manual and the ROP Observer Workbook;
  - ii) so that existing national programmes and sub-regional programmes participating in the ROP maintain standards as adopted by the Commission;
  - iii) receiving communications and providing reports on the ROP's operation to the Commission (and its subsidiary bodies); including target and achieved coverage levels;
  - iv) coordinating ROP activities with other RFMOs as directed and appropriate;
  - v) facilitating the use of authorized observers in the ROP;
  - vi) monitoring observer trainers and observer training courses for ROP observers to promote the maintenance of standards adopted by the Commission;
  - vii) that the ROP addresses the data and monitoring requirements of the Commission's CMMs;
  - viii) that appropriate information and data for the monitoring of the implementation of CMMs as adopted by the Commission are collected, compiled, stored and disseminated by the ROP in accordance with procedures adopted by the Commission;
  - ix) managing and administering observers for special situations as directed by the Commission;
  - x) support staff necessary to effectively administer the ROP; and
  - xi) maintain on the Commission website an up-to-date list of the National Observer Coordinators and their contact information, and copies of, or links to, each ROP provider's code of conduct for its observers.
- b) authorize observer providers to the ROP.

## **Role of coastal States**

14. Each CCM shall nominate a WCPFC National Observer Coordinator, who shall be the contact point on matters related to the ROP, and keep the Secretariat informed of any changes to the Coordinator and his/her contact information.



## Guiding principles for operation of the Commission ROP

15. The Commission ROP shall operate in accordance with the following principles:
- a) The Commission ROP shall consist of independent and impartial observers qualified in accordance with criteria approved by the Commission;
  - b) Vessels that operate principally in coastal waters, but occasionally venture on to the adjacent high seas or into the waters under the jurisdiction of a neighboring State, if they so agree, may carry observers of their own nationality provided those observers have been authorized by the Secretariat;<sup>2</sup>
  - c) The Commission ROP shall be organized in a flexible manner that takes into account the nature of the fishery from the Convention Area and any other relevant factors the Commission may consider appropriate;
  - d) To ensure cost effectiveness and to avoid duplication, the Commission's ROP shall be coordinated, to the maximum extent possible, with other regional, sub- regional and national observer programmes; and to this extent the Commission may enter into contracts or appropriate arrangements for the provision of the ROP.
  - e) The Commission ROP shall provide a sufficient level of coverage as approved by the Commission to ensure that the Commission receives appropriate data and information on catch levels and any additional information related to the fisheries within the Convention Area, taking into account the characteristics of the fisheries;
  - f) Observers shall not unduly interfere with the lawful operations of the vessel and in carrying out their duties shall give due consideration to the operational requirements of the vessel and to the extent practicable minimize disruption to the operation of vessels fishing in the Convention Area; Observers shall comply with the Guidelines in **Annex A** — Guidelines for the Rights and Responsibilities of Observers.
  - g) The Commission ROP shall be operated to ensure that observers shall not be unduly obstructed in the discharge of their duties. To this extent, CCMs of the Commission shall ensure that vessel operators comply with the Guidelines in **Annex B** — Guidelines for the Rights and Responsibilities of Vessel Operators, Captains and Crew.
  - h) The Commission ROP shall ensure the security and confidentiality of non- aggregated data and other information which the Commission deems to be of a confidential nature; the release of data and other information collected by the Commission ROP shall be in accordance with guidelines set out in the Commission's Rules and Procedures for Access to, and Dissemination of, Data Compiled by the Commission.

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<sup>2</sup> See TCC2 Summary Report, para 54ii: "the need to integrate existing national and regional observer programmes into the Commission programme and "to allow CCMs to continue to deploy national observers on vessels that principally operate in coastal waters and that occasionally extend their fishing operations on to the high seas."

**Guidelines on the Rights and Responsibilities of Observers**

In accordance with Annex III Article 3, and article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The following guidelines for the Rights and Responsibilities of Observers shall apply to observers placed on a vessel under the Commission ROP.

**1. The rights of observers shall include:**

- a) Full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish on board, and areas which may be used to hold, process, weigh, and store fish.
- b) Full access to the vessel's records including its logs and documentation for the purpose of records inspection and copying, reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.
- c) Access to and use of communications equipment and personnel, upon request, for entry, transmission, and receipt of work related data or information.
- d) Access to additional equipment, if present, to facilitate the work of the observer while on board the vessel, such as high powered binoculars, electronic means of communication, etc.
- e) Access to the working deck during net or line retrieval and to specimens (alive or dead) in order to collect and remove samples.
- f) Notice by the vessel captain of at least fifteen (15) minutes before hauling or setting procedures, unless the observer specifically requests not to be notified.
- g) Access to food, accommodations, medical facilities, and sanitary facilities of a reasonable standard equivalent to those normally available to an officer on board the vessel.
- h) The provision of adequate space on the bridge or other designated area for clerical work and adequate space on the deck for observer duties.
- i) Freedom to carry out their duties without being assaulted, obstructed, resisted, delayed, intimidated or interfered with in the performance of their duties.

**2. The responsibilities of observers shall include:**

- a) Being capable of performing the duties set out by the Commission.
- b) Acceptance and compliance with agreed upon confidentiality rules and procedures with respect to the fishing operations of the vessels and of the vessel owners.
- c) Maintenance of independence and impartiality at all times while on duty in the ROP.

- d) Compliance with the ROP protocols for observers carrying out ROP duties on board a vessel.
- e) Compliance with the laws and regulations of the CCM that exercises jurisdiction over the vessel.
- f) Respecting the hierarchy and general rules of behavior that apply to all vessel personnel.
- g) Performance of duties in a manner that does not unduly interfere with the lawful operations of the vessel and in carrying out their functions they shall give due consideration to the operational requirements of the vessel and shall communicate regularly with the captain or master of the vessel.
- h) Familiarity with the emergency procedures aboard the vessel, including the locations of life rafts, fire extinguishers, and first aid kits.
- i) Communicating regularly with the vessel captain on relevant observer issues and duties.
- j) Observance of ethnic traditions of the crew and customs of the flag State of the vessel.
- k) Adherence to the applicable Code of Conduct for observers.
- l) Promptly writing and submitting reports to the Commission or national programme in accordance with procedures adopted by the Commission.

**Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew**

In accordance with Annex III, Article 3, and Article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The following Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew shall apply when an observer is placed under the Commission ROP.

**Rights and responsibilities of vessel operators and captains**

- 1. The rights of vessel operators and captains shall include:**
  - a) Expectation that a reasonable period of prior notice of the placement of an ROP observer shall be given.
  - b) Expectation that the observer will comply with the general rules of behavior, hierarchy, and laws and regulations of the CCM of the Commission that exercises jurisdiction over the vessel.
  - c) Timely notification from the observer provider on completion of the observer's trip of any comments regarding the vessel operations. The captain shall have the opportunity to review and comment on the observer's report, and shall have the right to include additional information deemed relevant or a personal statement.
  - d) Ability to conduct lawful operations of the vessel without undue interference due to the observer's presence and performance of necessary duties.
  - e) Ability to assign, at his or her discretion, a vessel crew member to accompany the observer when the observer is carrying out duties in hazardous areas.
- 2. The responsibilities of vessel operators and captains shall include:**
  - a) Accepting onboard the vessel any person identified as an observer under the ROP when required by the Commission.
  - b) Informing the crew of the timing of the ROP observer boarding as well as their rights and responsibilities when an ROP observer boards the vessel.
  - c) Assisting the ROP observer to safely embark and disembark the vessel at an agreed upon place and time.
  - d) Giving notice to the ROP observer at least fifteen (15) minutes before the start of a set or haul onboard, unless the observer specifically requests not to be notified.
  - e) Allow and assist the ROP observer to carry out all duties safely.
  - f) Allowing ROP observer full access to the vessel's records including vessel logs and documentation for the purpose of records inspection and copying.
  - g) Allowing reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.
  - h) Permitting access to additional equipment, if present, to facilitate the work of the ROP observer while onboard the vessel, such as high powered binoculars, electronic means of communication, etc.

- i) Allow and assist the ROP observer to remove and store samples from the catch.
- j) The provision to the ROP observer, while onboard the vessel, at no expense to the observer or the ROP observer's provider or government, with food, accommodation, adequate sanitary amenities, and medical facilities of a reasonable standard equivalent to those normally available to an officer onboard the vessel.
- k) The provision to the ROP observer, while onboard the vessel, insurance coverage for the duration of the observer's time onboard the vessel.
- j) Allow and assist full access to and use of all facilities and equipment of the vessel that the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas which may be used to hold, process, weigh, and store fish.
- m) Ensuring the ROP observer is not assaulted, obstructed, resisted, delayed, intimidated, interfered with, influenced, bribed or is attempted to be bribed in the performance of their duties, ensuring the ROP observer is not coerced or convinced to breach his/her responsibilities, and facilitating the observer's adherence to the applicable code of conduct.

**Rights and responsibilities of vessel crew**

**3. The rights of vessel crew shall include:**

- a) Expectation that the ROP observer will comply with the general rules of behavior, hierarchy, and laws and regulations of the CCM that exercises jurisdiction over the vessel.
- b) Expectation that a reasonable period of prior notice of the placement of a ROP observer shall be given by the Captain.
- c) Reasonable expectation of privacy in crew personal areas.
- d) Ability to carry out duties associated with normal fishing operations without undue interference due to the ROP observer's presence and performance of their necessary duties.

**4. The responsibilities of the vessel crew shall include:**

- a) Not assaulting, obstructing, resisting, intimidating, influencing, or interfering with the ROP observer or impeding or delaying observer duties, not coercing or convincing the ROP observer to breach his/her responsibilities, and facilitating the observer's adherence to the applicable code of conduct.
- b) Compliance with regulations and procedures established under the Convention and other guidelines, regulations, or conditions established by the CCM that exercises jurisdiction over the vessel.
- c) Allowing and assisting full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas that may be used to hold, process, weigh, and store fish.
- d) Allow and assist the ROP observer to carry out all duties safely.
- e) Allow and assist the ROP observer to remove and store samples from the catch.
- f) Compliance with directions given by the vessel captain with respect to the ROP observers duties.

### Implementation programme for the Regional Observer Programme

1. When the measure enters into force, CCMs shall commence implementation of the ROP, in accordance with the measure adopted at WCPFC4, by using the sub-regional and national programmes already operational in the region. CCMs are encouraged to submit data from such programmes as soon as possible.
2. At the direction of the Commission, the IWG-ROP shall continue to develop the framework and important elements of the ROP (e.g. determination of minimum vessel size for observer coverage, training and accreditation of observers, roles and responsibilities of observers, data requirements, cost issues, and appropriate effort units for expressing coverage levels).
3. Arrangements in 2008 do not preclude future development of the ROP by the Commission.
4. No later than 31 December 2008:
  - Existing sub-regional programmes and national programmes shall be regarded as a part of the ROP, and shall continue unless otherwise determined by the Commission.
  - Data obtained through these observer programmes shall be submitted to the Commission and shall be considered Commission data.
5. During the period 1 January 2009–31 December 2010:
  - The Commission shall review the recommendations from the IWG-ROP, SC, and TCC and further develop, and refine as necessary, the ROP, including application of the ROP.
6. No later than 30 June 2012, CCMs shall achieve 5% coverage of the effort in each fishery under the jurisdiction of the Commission (except for vessels provided for in paras 9 and 10). In order to facilitate the placement of observers the logistics may dictate that this be done on the basis of trips.
7. At the 2012 annual sessions of the SC and TCC, the data generated by the ROP shall be reviewed and those subsidiary bodies shall make appropriate recommendations to the Commission. Based on the advice and recommendations of the SC and TCC, the Commission shall annually review the ROP and make adjustments as necessary. Among the elements of the ROP to be reviewed are the provisions of para 10 on vessels initially deferred from application of the ROP.
8. CCMs shall also be expected to meet any additional ROP observer obligations that may be included in any measure adopted by WCPFC, such as provisions of a catch retention measure, a FAD management measure or a transshipment measure. Such measures may include observer requirements for freezer longliners, purse seiners and/or carriers.

### **Special circumstances**

9. Fishing vessels used exclusively to fish for fresh fish<sup>3</sup> in the area north of 20 degrees north shall be accorded the following considerations:
  - i) At its 2008 annual session, the Northern Committee shall consider the implementation of the ROP adopted by the Commission by vessels fishing for fresh fish in the area north of 20 degrees north.
  - ii) At its 2010 annual session, the Northern Committee shall make recommendations to the Commission on the implementation of the ROP by fishing vessels fishing for fresh fish in the area north of 20 degrees north.
  - iii) The recommendations of the Northern Committee shall provide a date for implementation of the ROP by vessels fishing for fresh fish in the area north of 20 degrees north no later than 31 December 2014.
  
10. The implementation schedule for the following vessels shall be deferred:
  - i) small vessels, the minimum size of which shall be considered by the IWG-ROP for recommendation to the Commission in 2008.
  - ii) troll and pole-and-line vessels used for fishing for skipjack tuna or albacore (to be scheduled for review by the IWG-ROP).

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<sup>3</sup> For the purpose of this measure, “fresh fish” means highly migratory fish stocks that are live, whole or dressed/gutted, but not further processed or frozen.



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## Guidelines for the Regional Observer Programme<sup>1</sup>

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May 2019

### Paper prepared by Secretariat

This document was prepared by the Secretariat in response to a task from WCPFC14. It provides a set of guidelines on the WCPFC ROP requirements as contained in a range of conservation and management measures (CMMs) and other decisions. Commission members, Cooperating Non-Members and vessel operators are encouraged to review the Convention, CMM 2018-05 *Regional Observer Programme (ROP)* (which replaced CMM 2007-01 that applied from 15 February 2008 – 11 February 2018), ROP Minimum Observer Programme Standards and Guidelines and other relevant decisions of the WCPFC for the specific WCPFC ROP requirements. It should be noted that there may be additional observer requirements which apply to vessels as a condition of license, and if in doubt the licensing national authority should be contacted for clarification.

### WCPFC Regional Observer Programme requirements

The objectives of the Commission ROP shall be to collect verified catch data, other scientific data, and additional information related to the fishery from the Convention Area and to monitor the implementation of the CMMs adopted by the Commission.

The ROP is based on the use of existing authorised regional, sub-regional and national observer programmes in place amongst many of its members. *Conservation and Management Measure for the Regional Observer Programme (CMM 2018-05)* entered into force on 12 February 2019 and provides the basis of the rules for the ROP. Its annexes outline the rights and responsibilities of an observer, vessel master and crew.

The ROP applies to the following categories of fishing vessels authorized to fish in the Convention Area:

- i) vessels fishing exclusively on the high seas in the Convention Area, and
- ii) vessels fishing on the high seas and in waters under the jurisdiction of one or more coastal States and vessels fishing in the waters under the national jurisdiction of two or more coastal States.

In practice, the ROP applies to all EEZ and high seas vessel trips, except where the trip occurs principally within a single EEZ.

### Minimum standards for Regional Observer Programme – *Observer Programme responsibility*

To be part of the WCPFC ROP a programme is required to be authorised and an audit will be carried out by the Secretariat to ensure the programme is in compliance of the ROP Minimum Observer Programme Standards. All providers are fully audited before full authorisation to take part in the ROP is granted.

The WCPFC has developed minimum standards for the formation and operation of observer programmes that wish to be part of the ROP. All the programmes must run under these minimum standards developed by the Commission, and all must collect minimum sets of data fields also developed by the Commission. The

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<sup>1</sup> Version 2: May 2019



Commission audits every programme on a regular basis to ensure that all the standards are being maintained by the observer programmes wishing to be part of the ROP.

ROP Observer Programmes are to ensure their observers collect WCPFC minimum data fields on long liners, pole and line, purse seiners and other vessels fishing for highly migratory tuna stocks in the WCPO. The format of collection of the minimum standard data fields is up to the observer providers, however a useful guide for a format are the SPC/FFA harmonised forms.

#### Appointment of WCPFC National Observer Coordinator – Observer Programme responsibility

CCMs shall nominate a WCPFC National Observer Coordinator, they shall liaise and be the contact point on matters related to the ROP. (CMM 2018-05 para 13)

#### Reporting list of trained observers – Observer Programme responsibility

- All observer programmes authorised to be part of the ROP will send to the Commission Secretariat as soon as practical the names of those individuals who have been trained and qualified to operate as an observer in the ROP. (Refer para 198-200 of TCC9 Summary Report – outcomes from ROP-TAG, IWG-ROP4 para 20 and WCPFC12 para 579)
- All observer programmes authorised to be part of the ROP must inform the Commission Secretariat of the status of their active observer list at least every 3 months, e.g. February, May, August, November, February, etc. (Refer para 198-200 of TCC9 Summary Report – outcomes from ROP-TAG, IWG-ROP4 para 20 and WCPFC12 para 579)
- Observers removed from an active observer list of a national programme for serious breaches of their Code of Conduct or for other reasons, must be informed to the Commission Secretariat. (Refer para 198-200 of TCC9 Summary Report – outcomes from ROP-TAG, IWG-ROP4 para 20 and WCPFC12 para 579)

#### Required WCPFC Observer coverage rate – Flag CCM responsibility

Each Flag CCM of the Commission is responsible for meeting the level of ROP observer coverage as set by the Commission.

Flag CCMs shall also be expected to meet any additional observer obligations that may be included in any measure adopted by WCPFC (CMM 2018-05 Annex C para 8):

- Purse seine: Since 2010, in accordance with the requirements of applicable tropical tuna CMMs, there has been a requirement for 100% coverage by ROP observers and national observers on all purse seine vessels operating in the Convention area between 20N and 20S (CMM 2018-01, or its predecessor CMMs)
- High seas transshipment: Since 2010, in accordance with CMM 2009-06, there has been a requirement for 100% coverage by ROP observers, usually on the receiving vessel for high seas transshipments. (CMM 2009-06, paragraph 13)
- Since 31 December 2014, Flag CCMs were to achieve 5% ROP coverage rate for the effort in all fisheries under the jurisdiction of the Commission (CMM 2018-05 Annex C para 6 and CMM 2012-03).

#### Reporting on Longline observer coverage rate achieved – Flag CCM responsibility

To assist with monitoring the 5% ROP coverage rate implementation for longline fleets, CCMs are to compile and include in Annual Report Part 1 to be submitted from 2015 onwards, observer coverage for their longline fleet activity in the previous calendar year, noting that revisions can be provided at the annual TCC meeting. An

example format of a CCM report is provided the WCPFC11 summary report, Attachment L, Table 4 (See paragraphs 483 – 486 of WCPFC11 Summary Report)

#### Observer safety event reporting requirements – Flag CCM responsibility

Observer provider and Secretariat are to be immediately notified if an observer dies, goes missing or is presumed falls overboard, suffers serious, illness or injury, that threatens their health or safety.

For the purposes of CMM 2017-03 para 3 – 5, the flag CCM shall ensure that the appropriate Maritime Rescue Coordination Centre, observer provider and Secretariat are immediately notified.

*\* Note Para 3: sets out the procedures in the event that a WCPFC ROP observer dies, is missing or presumed fallen overboard; and Para 5: sets out the procedures in the WCPFC ROP observer suffers from a serious illness or injury that threatens his or her health or safety*

In the event that, after disembarkation from a fishing vessel of a WCPFC ROP observer, an observer provider identifies a possible violation involving assault or harassment of the observer while on board the fishing vessel, the observer provider shall notify, in writing, the flag CCM and the Secretariat;

- a. investigate the event based on the information provided by the observer provider and take any appropriate action in response to the results of the investigation;
- b. cooperate fully in any investigation conducted by the observer provider, including providing the report to the observer provider and appropriate authorities of the incident; and
- c. notify the observer provider and the Secretariat of the results of its investigation and any actions taken.  
*Refer (CMM 2017-03 para 10)*

#### Responses to alleged incidents of possible non-compliance based on ROP observer data – Flag CCM responsibility

CCMs shall take advantage of the information collected by observers for the purpose of investigations under Convention Articles 23 and 25, and shall cooperate in the exchange of such information, including by proactively requesting, responding to, and facilitating the fulfilment of requests for, copies of observer reports in accordance with standards adopted by the Commission, as applicable. (CMM 2018-05 paragraph 11)

The information that should be reported by flag CCMs in response to alleged incidents of possible non-compliance, including those reported by observers includes: (a) Has an investigation been started? (Yes/No) (b) If yes, what is the current status of the investigation? (Ongoing, Completed) (c) If the alleged violations stem from an observer report, have you obtained the observer report? (Yes/No) (d) If no, what steps have you taken to obtain the observer report? (e) What was the outcome of the investigation? (Closed – no violation; Infraction – not charged; Infraction – charged) (f) If no violation, provide brief explanation (g) If infraction, but not charged, provide brief explanation (h) If infraction charged, how was it charged (e.g., penalty/fine, permit sanction, verbal or written warning, etc.) and level of charged (e.g., penalty amount, length of sanction, etc.) (CMM 2018-07 *Conservation and Management Measure for the Compliance Monitoring Scheme* paragraph 10)

#### ROP Observer data submission

Flag CCMs and observer providers should cooperate to ensure timely access to ROP data and provision of the ROP data to the Commission (*IWG-ROP4 para 20 and WCPFC12 para 579*).

WCPFC10 accepted the TCC9 recommendation that ROP data should be submitted to the Secretariat or SPC where possible within 100 days of the observer disembarking purse seine vessels and within 120 days of the observer disembarking longline vessels. (*TCC9 para 160 and WCPFC10 para 220*).

#### Reporting Requirements for high seas purse seine vessel discards – Flag CCM responsibility

The operator of the vessel shall submit to the Executive Director a report that includes the information in (a) to (k) below within forty-eight 48 hours after any discard. The operator of the vessel shall also provide a hard copy of the information described below to the WCPFC Observer on board. *(Refer CMM 2009-02)*

- a. Name, flag and WCPFC Identification Number of the vessel;
- b. Name and nationality of master;
- c. Licence number;
- d. Name of observer on board;
- e. Date, time and location (latitude/longitude) that discarding occurred;
- f. Date, time, location (latitude/longitude) and type (drifting FAD, anchored FAD, free school etc) of the shot;
- g. Reason that fish were discarded (including statement of retrieval status if fish were discarded in accordance with paragraph 6);
- h. Estimated tonnage and species composition of discarded fish;
- i. Estimated tonnage and species composition of retained fish from that set;
- j. If fish were discarded in accordance with paragraph 10, a statement that no further fishing will be undertaken until the catch on board has been unloaded; and
- k. Any other information deemed relevant by the vessel master

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