



Guidelines for the Regional Observer Programme¹

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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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
