

**7<sup>th</sup> Annual Meeting of the Commission**

*23-27 January, The Hague, The Netherlands*

**COMM7-Prop12**

<input checked="" type="checkbox"/> Amend	<b>CMM 16-2018 SPRFMO Observer Programme</b>
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**Submitted by:** COMMISSION CHAIRPERSON

**Summary of the proposal:**

The proposal is composed by three documents:

1. Text of the proposal for the SPRFMO Observer Programme CMM, including three key annexes.
2. Call for proposals for the appointment of the Observer Program Accreditation Provider.
3. Timeline for the tender process for the Accreditation Provider (relevant dates).

**Objective of the proposal:**

To build up, and close the gaps existing in, CMM 16-2018, to fulfil the provisions of Article 28 of the SPRFMO Convention, including accreditation of observer programmes, rights and duties of observers, captains and crew, and provisions for observer deployment and exchange.

To modify the current CMM for both consistency with the proposed additions and the overall aims of the SPRFMO Observer Programme

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# SPRFMO Observer Programme

## Proposal by the Chairperson for 7th COMM 2019

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### Introduction and context

Article 28 of the SPRFMO Convention calls for the establishment of an observer programme to collect verified catch and effort data, other scientific data and additional information related to the fishing activity in the Convention Area and its impacts on the marine environment; as well as mechanisms to accredit observers/observer programmes.

Negotiations to develop the SPRFMO Observer Programme began in 2016. In 2018, the Commission adopted CMM 16-2018, and agreed in paragraph 16 that:

*“The Chairperson of the Commission shall develop a proposal detailing procedures for carrying out the accreditation process in consultation with Members and the Scientific Committee, as appropriate. The SC shall review this proposal at its 2018 meeting and provide relevant advice to the Chairperson of the Commission. A revised proposal will be presented by the Chairperson of the Commission to the 2019 SPRFMO Annual Meeting.”*

Many of the aspects of Article 28 have already been implemented through other CMMs – for example, the Data Standard (CMM 02-2018) established procedures for the collection, verification, reporting and exchange of data, including observer data. However, as CMM 16-2018 is standing now, it is hardly a sufficient legal framework for the Commission to thoroughly fulfil and implement Article 28 of the Convention. Several paragraphs cannot be understood or applied without further developments, and the lack of substantive provisions –such as on accreditation and other standards– renders the current CMM insufficient to develop the SPRFMO OP. The Commission needs to build upon the current CMM and this proposal should be read in that context. This explains why the document I am presenting adds new substantive text but also modifies the current CMM for both consistency with the proposed additions and the overall aims of the SPRFMO Observer Programme.

The focus of the 2018 intersessional process has been to develop a CMM to regulate the remaining aspects of Article 28, which includes accreditation of observer programmes, rights and duties of observers, captains and crew, and provisions for observer deployment and exchange.

A first draft of the proposal was presented to the SC in September 2018. It was developed based on discussions at the 2018 annual meeting and other feedback received since the negotiations commenced in 2016.

### Consultation with the Scientific Committee - September 2018, Puerto Varas

The proposal was presented for consideration of the SC according to the SPRFMO Rules of Procedure in advance of the 6<sup>th</sup> SC Meeting held in Puerto Varas (Chile), from 9-14 September 2018.

The SC was invited to comment on the suitability and benefit of any part of the proposal it considered appropriate, as Article 10.2 (e) of the Convention recognises. However, given the scope of the proposal and the context of the SC work, I called the attention of the SC on the following aspects:

1. Recognising that observer data is one means to achieve verification, the SC was asked to explore other means of collecting data and information that could contribute to increasing observer coverage for any SPRFMO fishery, or provide an another means to verify data.
2. Where 100% observer coverage is not in effect, how to ensure that the method of observer coverage is representative of the fishery, subject to practical constraints if there are a small number of vessels or trips.
3. To consider the paragraph encouraging Members and CNCPs to document the methods used for observer placements and provide information as part of the annual National Reports.
4. To consider what data is most useful for the SC to receive from the Secretariat, and in what format (*most recent year's* data holdings to the SC).
5. To consider paragraphs regarding the SC advice on the appropriate level of observer coverage in each fishery.
6. On the minimum standards for accreditation under the SPRFMO Observer Programme, some elements were pointed out to the attention to the SC, especially those concerning the skills and capacity of the observer to collect data and the data validation process.

The SC held two sessions on the OP proposal and the discussions were fruitful and constructive. Delegations suggested some changes in discussions held on the margins of the SC sessions. As some aspects of the data validation process were still open after conclusion of the SC meeting, the SC Chair and the Executive Secretary organised the work to advance this part of the SC advice. I received the proposed draft on the data validation process on 6 November 2018.

### Current proposal

In relation to the current draft, you will see it is a clean text in the same vein that the proposal submitted for the consideration of the SC. I would like to draw your attention of some specific points:

- At this stage it seems there is no agreement on whether the Accreditation Provider should make a formal decision on the accreditation of the observer programmes or to make a recommendation to the Commission on such a decision. The current draft proposes a middle ground compromise, taking elements of both approaches.
- There is a proposal to apply a precautionary 10% observer coverage, starting on 2020, on those fisheries that currently do not have a minimum level of coverage until levels are set through a relevant fishery-specific CMM. This is one of the important issues that were identified by the Performance Review Panel. I believe the next meeting is a good opportunity to discuss on this

thoroughly and I would urge Members to compromise on appropriate options to fulfil the mandate of Art 28 of the SPRFMO Convention.

- The SC recommended data validation process elements to be incorporated in Annex C. Alternatively, these requirements may instead be part of the data standard.

Please bear in mind there are three documents as part of the proposal now submitted to the Commission:

- 1 Text of the proposal for the SPRFMO Observer Programme CMM, including three annexes as integral part of such proposal.
- 2 Text of the proposal for a SPRFMO Decision on the appointment of the Observer Program Accreditation Provider (call for proposals).
- 3 Text of the proposal for a SPRFMO Decision on the tender process for the Accreditation Provider (relevant dates).

Once again, I am grateful in advance of your time, patience and good will to consider this proposal and I look forward to working with you in January 2019. I am certainly confident we will adopt this fundamental regulation at our next meeting in The Hague.

Oswaldo Urrutia  
SPRFMO Chairperson

**CMM 16-2019**  
**Conservation and Management Measure Establishing the**  
**SPRFMO Observer Programme**

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**The Commission of the South Pacific Regional Fisheries Management Organisation;**

*RECOGNISING* United Nations General Assembly Sustainable Fisheries Resolutions 63/112 and 71/123 which encourages the development of observer programmes by regional fisheries management organisations and arrangements (RFMOs) to improve data collection;

*RECALLING* that, according to Article 28 of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (the Convention), the Commission shall establish an observer programme, to be operated in accordance with standards, rules and procedures developed by the Commission;

*NOTING* that Article 28 of the Convention sets out the functions of the observer programme and that the observer programme shall be coordinated by the Secretariat of the Commission in a flexible manner to take account of the nature of the fisheries resources and other relevant factors;

*NOTING* that the primary function of observers on board fishing vessels is the collection of scientific information and that observers are not enforcement officials, but that Article 28 of the Convention specifies that the information collected by the observer programme shall, as appropriate, also be used to support the functions of the Commission and its subsidiary bodies, including the Compliance and Technical Committee (CTC);

*NOTING ALSO* that one of the functions of the Commission is to promote the conduct of scientific research to improve knowledge of fishery resources and marine ecosystems in the Convention Area and of the same fishery resources in adjacent waters under national jurisdiction;

*NOTING FURTHER* that scientific research vessels performing fishing operations for research purposes will have on board scientific personnel whose primary function is the collection of scientific data and information;

*ACKNOWLEDGING* that high-quality data and information related to the fishing activity in the Convention Area, and its impacts on the marine environment occurring in the SPRFMO area are essential for the Commission to adopt and implement effective and timely Conservation and Management Measures (CMMs);

*DETERMINED* to ensure the collection of data and information that can be used for assessment and management of SPRFMO fisheries resources, including target species and bycatch, and interaction of fishing activities with the environment and species occurring in the Convention Area, to improve the certainty of future scientific advice while taking into account ecosystem considerations;

*RECOGNISING* the international nature of fishing activity and management of SPRFMO fisheries resources, and the consequent need to deploy well-trained and accredited observers.

*RECOGNISING* the nature of the observer's work at sea and that the collection of data and information needs to be coupled with safe conditions for observers while on board fishing vessels;

*ACKNOWLEDGING* that electronic monitoring systems, study fleets and self-sampling have been successfully tested for certain type of data in some fisheries and that the Commission, with the advice of the Scientific Committee (SC), could explore minimum standards for their implementation, as practical and appropriate;

*COMMITTED* to ensure that the SPRFMO Observer Programme (SPRFMO OP) is developed under a robust and transparent governance framework;

*RECOGNISING* the need to establish clear procedures for attaining accreditation of national observer programmes and service providers under the SPRFMO OP;

*ADOPTS* the following CMM in accordance with Articles 8 and 28 of the Convention:

## **GENERAL RULES**

- 1.- This CMM establishes the standards, rules and procedures to establish the SPRFMO OP and to ensure it achieves the objectives specified in Article 28 of the Convention.
- 2.- The purpose of the SPRFMO OP is to facilitate the collection of verified scientific data and additional information related to fishing activities in the Convention Area and its impacts on the ecosystem, and also to support the functions of the Commission and its subsidiary bodies, including the CTC.
- 3.- The SPRFMO OP shall apply to all fishing vessels flying the flag of a Member or Cooperating non-Contracting Party (CNCP) fishing for fisheries resources in the Convention Area for which a minimum level of observer coverage applies in the relevant CMMs in force.
- 4.- The SPRFMO OP shall also apply to fishing vessels flying the flag of a Member or CNCP fishing for fisheries resources in the Convention Area for which there is no fishery-specific CMM in force establishing a minimum level of observer coverage, in which case a precautionary minimum level of

observer coverage of [10%] shall be applied until levels of observer coverage are set through a relevant fishery-specific CMM.

5.- Observers shall have the rights and obligations set out in Annex A of this CMM. Members and CNCPs shall ensure that such rights and obligations are enforced and complied with by the vessels flying their flags.

6.- Members and CNCPs shall also ensure that owners and fishing operators, vessel captains, officers and crew comply with the standards and duties set out in Annex B of this CMM.

7.- The Commission, based on the advice of the SC, may explore and, where feasible, implement complementary means of collecting scientific data and additional information in conjunction with human observers.

## DEPLOYMENT OF OBSERVERS

8.- To fulfil their obligations under the Convention and the relevant CMMs adopted by the Commission, Members and CNCPs shall only deploy observers sourced from a national observer programme or service provider accredited according to the provisions of this CMM.

9.- Observers from an accredited national observer programme of a Member or CNCP shall only be deployed on board vessels flagged to another Member or CNCP with the consent of both Members or CNCPs.

10.- Individual observers have the right to refuse a deployment on board a fishing vessel for justified reasons, including when safety issues have been identified on the vessel to be deployed. The national observer programme or service provider shall ensure that the reasons for such refusal are documented and that a copy of such documentation is provided to the SPRFMO Secretariat, which will forward it to the relevant Member or CNCP.

## LEVELS OF COVERAGE

11.- Members and CNCPs shall ensure that all fishing vessels flying their flag carry observers from a national observer programme or service provider accredited under the SPRFMO OP to meet the minimum levels of observer coverage required by the relevant applicable SPRFMO CMM(s) while operating in the Convention Area<sup>1</sup>.

Scientific research vessels flying the flag of a Member or CNCP fishing for research purposes in the Convention Area shall be exempted from the obligation to carry accredited observers on board. In

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<sup>1</sup> CMM 01-2018 (*Trachurus murphyi*), CMM 03-2018 (bottom fishing) and CMM 13-2016 (management of new and exploratory fisheries) specifies observer coverage levels for these fisheries.

these cases, Members and CNCPs shall comply with the data collection and reporting obligations of paragraphs 35, 36 and 37, and shall ensure that scientific personnel on board will be in full capacity to perform all observation and reporting responsibilities.

12.- For fisheries where 100 percent of observer coverage is not required, Members and CNCPs shall ensure that the method of assigning observers on vessels flying their flag is representative for the fishery to be monitored and commensurate with the specific data needs of the fishery as a whole. This requirement is subjected to practical constraints related to Members and CNCPs with a small number of fishing vessels or trips

13.- In relation to paragraph 12 of this CMM, Members and CNCPs shall document and provide information on the methods used to allocate observers on fishing vessels flying their flag to meet the observer coverage requirements, and also to provide this information in their Annual National Report to the SC. The SC shall review the method used by each Member or CNCP and provide recommendations for improvement, when necessary.

## **ACCREDITATION**

### ***Accreditation Provider***

14.- The SPRFMO OP Accreditation Provider is the public or private person or entity tasked by the Commission to assess and evaluate the applications for accreditation. Applications by national observer programmes shall be submitted by Members or CNCPs while applications by service providers may be submitted directly by an external, non-governmental provider of observers, or a Member or CNCP under the SPRFMO OP. The evaluation and accreditation of each national observer programme or service provider shall only be undertaken by the Commission's designated Accreditation Provider, except for the accreditation provided for in paragraph 28 and 29 of this CMM.

15.- The SPRFMO OP Accreditation Provider shall grant accreditation only to those national observer programmes and service providers that meet the minimum requirements and standards set by the Commission in Annex C of this CMM.

16.- The Secretariat shall ensure that the designated SPRFMO OP Accreditation Provider is required, through its service contract, to maintain the confidentiality of any information received by a Member, CNCP or service provider pursuant to this accreditation process.

17.- A Decision of the Commission will designate a SPRFMO OP Accreditation Provider no later than at its 8<sup>th</sup> annual meeting. The procedure for appointing the SPRFMO OP Accreditation Provider, as well as the terms and conditions of engagement, are outlined in Decision [XX – to be adopted at COMM 7 in 2019].



18.- The SPRFMO OP Accreditation Provider shall be paid out of the Commission budget.

***Accreditation of Members and CNCPs' observer programs and service providers by the SPRFMO OP Accreditation Provider***

19.- Consistent with Article 28(1) of the Convention, the SPRFMO OP, including the accreditation process, shall be coordinated by the Secretariat and operated in accordance with the standards, rules and procedures detailed in this CMM.

20.- Each Member, CNCP or service provider seeking to accredit its observer program under the SPRFMO OP shall submit to the Secretariat, at any time, all the relevant information and documentation to fulfil the standards provided for in Annex C, including manuals, guides and training materials. All the information and documentation shall be provided in the official language of the Commission or with appropriate translations. The Secretariat may recommend that the Member, CNCP or service provider complete the application when there is clear evidence that substantive or essential information is missing.

Members and CNCPs are encouraged to inform the Secretariat a year in advance of their intention to pursue accreditation under the SPRFMO OP.

21.- The Secretariat shall promptly provide the information and documentation referred to in paragraph 20 to the SPRFMO OP Accreditation Provider.

22.- The SPRFMO OP Accreditation Provider shall liaise with Members, CNCP and service providers, as appropriate. Members, CNCPs and service providers shall have the opportunity to provide additional information and corrections relevant to their assessment. This process will be conducted by the SPRFMO OP Accreditation Provider in a fair, equitable, transparent and non-discriminatory manner.

23.- Following evaluation and bilateral consultation, the SPRFMO OP Accreditation Provider shall provide a Preliminary Evaluation Report to the Secretariat and the Member, CNCP or service provider pursuing accreditation under the SPRFMO OP indicating whether the nominated national observer programme or service provider has met the minimum standards for accreditation under the SPRFMO OP.

24.- When preparing a Preliminary Evaluation Report, and in addition to assessing the fulfilment of the standards indicated in Annex C, the SPRFMO OP Accreditation Provider shall also take into consideration, on a case-by-case basis, those national programmes and service providers currently accredited by other RFMOs.

The SPRFMO OP Accreditation Provider shall assess the consistency and compatibility between the SPRFMO Minimum standards for accreditation under Annex C and those required by other RFMOs,

along with their practical implementation and functioning. The Member or CNCP shall provide to the Secretariat the name of the national observer programme or service provider accredited by other RFMO, the RFMO that has accredited it, and any other supporting information requested by the Accreditation Provider.

25. The Secretariat shall circulate every Preliminary Evaluation Report to all Members and CNCPs. Members shall have the opportunity to comment, confidentially if desired, on any Preliminary Evaluation Report within 30 days of communication. The SPRFMO OP Accreditation Provider shall take these comments into account before providing the Final Evaluation Report to the Secretariat and the Member, CNCP or service provider concerned.

26.- If the Final Report by the SPRFMO OP Accreditation Provider is favourable, it will indicate the extent of the accreditation period. Accreditation under the SPRFMO OP shall not be extended for less than 4 years and more than 6 years from the date upon which accreditation is granted or was last granted. Once the SPRFMO OP Accreditation Provider has ensured that the minimum standards for accreditation are met, it shall decide on the duration of the accreditation period considering the following factors: experience, safety records, quality data assurance, previous SPRFMO accreditations and potential accreditations by other RFMOs.

27.- If the Final Evaluation Report by the SPRFMO OP Accreditation Provider indicates that the application does not meet the minimum standards required for accreditation, or that having met the minimum standards it should be granted for a longer accreditation period, the Member, CNCPs or service provider concerned may ask for the case to be included on the agenda of the next annual CTC meeting. The CTC shall consider the Final Evaluation Report and any other document or information provided by the Member, CNCPs or service provider in accordance to the Rules of Procedure, and advise the Commission thereon.

28. If the Commission decides that, despite the findings of the Final Evaluation Report by the SPRFMO OP Accreditation Provider, the application meets the minimum standard required for accreditation (Annex C), the SPRFMO OP Accreditation Provider shall be required to provide accreditation to the Member or CNCP's national observer programme or to the service provider under any conditions as may be specified by the Commission. These conditions may include the accreditation of a national observer programme or a service provider on a temporary and conditional basis pending the fulfilment by that Member, CNCP or service provider of the deficiencies detected during the accreditation process.

29. If the Commission decides that accreditation should be granted for a longer period, but no longer than 6 years, it shall express the reasons to do so and the SPRFMO OP Accreditation Provider shall proceed accordingly.

30.- In case an application for accreditation is not granted, nothing prevents a Member, CNCP or service provider from presenting a new application to seek accreditation. When reapplying for accreditation Members, CNCPs and service providers shall consider the findings and recommendations of the SPRFMO OP Accreditation Provider.

31.- Members, CNCPs and service providers shall be entitled to renew accreditation.

32.- A Member may request that the Commission revoke, condition or suspend accreditation for a national observer programme or service provider at any time but not later than 30 days in advance of the next CTC meeting by providing evidence that the national observer programme or service provider is not meeting the minimum standards for accreditation. The Executive Secretary shall circulate the request for revocation, condition or suspension to Members as soon as possible but no later than 15 days, and the SPRFMO OP Accreditation Provider shall be asked to advise the CTC on the matter no later than 20 days after the request was circulated.

33. The CTC shall assess the request to revoke, condition or suspend an accreditation and the information provided at its next annual meeting, as well as any information provided by other Members, and may provide recommendations to the Commission. The Commission shall consider the CTC's recommendations and the request to revoke or suspend accreditation at its next annual meeting.

34.- The Secretariat shall publicise all observer programmes accredited under the SPRFMO OP, together with relevant contact details, on the SPRFMO website and shall include a list of all national observer programmes or service providers accredited under the SPRFMO OP in the annual OP Implementation Report described in paragraph 38.

## **DATA COLLECTION**

35.- Members and CNCPs shall ensure that observers deployed on vessels flying their flag, or complementary means of collecting data and information, collect and provide the information specified in Annex 7 of CMM 02-2018 (Standards for the Collection, Reporting, Verification and Exchange of Data) in the manner set forth in that CMM and shall also provide relevant observer information required under any other CMM.

36.- Nothing in this CMM shall prevent Members and CNCPs from taking additional actions related to data collection compatible with this measure.

## **REPORTING**

37.- Members and CNCPs shall include a brief overview of the national observer programmes or service providers covering its fishing activity as a component of the Annual National Reports submitted

by Members and CNCPs to the SC and developed in accordance with the “Guidelines for Annual National Reports to the SPRFMO Scientific Committee”.

38.- The Secretariat shall prepare a report on the implementation of the SPRFMO OP for presentation at each annual meeting of the CTC, using information from annual reports, observer data, and all other suitably documented and relevant information in its possession. The SPRFMO OP Implementation Report will address, *inter alia*: (1) information on problems that have been encountered; (2) recommendations for improving current standards and practices; (3) developments in observer programs and observational methods; (4) constraints to accreditation and (5) in general any identifiable problem or obstacle in fulfilling the objectives and purpose of this CMM as outlined in paragraphs 1 and 2.

39. The SPRFMO OP Implementation Report shall be distributed to Members and CNCPs 30 days prior to each annual CTC meeting.

40.- The CTC shall review the recommendations delivered by the SPRFMO OP Implementation Report and provide advice to the Commission thereon, including proposed actions to be taken.

41.- The Secretariat shall make available observer data to the SC, at its request. Data confidentiality shall be maintained as set forth in procedures specified in Paragraph 6 of CMM 02-2018 and in any other data procedures that may be adopted by the Commission.

## **REVIEW**

42.- The CTC shall review the implementation and effectiveness of this CMM at least every five years, including the observer safety requirements, the applicability of the SPRFMO OP to other fishing vessels and any additional requirements as necessary to meet the objectives of both the Article 28 of the Convention and this CMM.

43.- The SC shall periodically review and provide advice on the appropriate level of observer coverage needed in each fishery to meet data needs.

44. Should the SC recommend that a change in coverage or research priorities for specific fisheries is needed, the revised coverage levels, if adopted by the Commission, will be specified in the relevant fishery CMMs.

## **ENTRY INTO FORCE**

45.- This CMM shall enter into force 120 days after the conclusion of the Commission’s 2019 Annual Meeting.

46.- Paragraph 4 of this CMM shall enter into force 120 days after the conclusion of the Commission's 2020 Annual Meeting.

47.- Members and CNCPs may continue using their own non-accredited national observer program to meet observer coverage requirements until 31 December 2023. From 1 January 2024 Members and CNCPs shall only deploy observers from national observer programmes or service providers accredited under the SPRFMO OP.

## Annex A Minimum Standards for Observers

### Observer rights

In fulfilling their tasks and duties, observers shall have the following rights:

- a) Freedom to carry out their duties without being assaulted, obstructed, delayed, intimidated or interfered with.
- b) Access to and use of all facilities and equipment of the vessel necessary to carry out the observer's duties, including but not limited to full access to the bridge, catch before being sorted, processed catch and any bycatch on board, as well as areas which may be used to hold, process, weigh, and store fish, as safety permits.
- c) Access to the vessel's records, including logbooks, vessel diagrams and documentation for reviewing records, inspection and copying, as well as access to navigational equipment, charts,, and other information related to fishing activities.
- d) Access to and use of communications equipment and personnel, upon request, for entry, transmission, and reception of work-related data or information
- e) Use the communication equipment on board to communicate with the observer programme on land at any time, including emergencies.
- f) 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, freezer to store specimens, scales, etc.
- g) Access to the working deck or hauling station, once determined to be safe by both the crew and the observer, during net or line retrieval and access to specimens on deck (alive or dead) in order to collect samples.
- h) Access to food, accommodation and sanitary facilities of a standard equivalent to those normally available to an officer on board the vessel as well as medical facilities that meet international maritime standards.
- i) Access to verify safety equipment on board (through a safety orientation tour provided by officers or crew) before the vessel leaves the dock.
- j) Unrestrained permission to record any pertinent information relevant for scientific purposes and data collection.
- k) A permanent contact or supervisor on land to communicate with at any time while at sea.
- l) To refuse deployment on board a fishing vessel for justified reasons, including where safety issues have been identified. The national observer programme or service provider shall ensure that the reasons for such refusal are documented and a copy of such document is provided to the SPRFMO Secretariat, which will forward it to the flag State of the vessel.
- m) The ability to communicate at any time the occurrence of safety issues to the vessel captain, national observer programme, service provider, the Secretariat, and flag State, as appropriate.

- n) Upon request by the observer, receiving reasonable assistance by the crew to perform their duties including, among others, sampling, handling large specimens, releasing incidental specimens and measurements.
- o) Privacy in the observer's personal areas.
- p) Not performing duties assigned to the crew, such as gear handling (for fishing purposes), offloading fish, etc.
- q) Observer data, records, documents, equipment and belongings will not be accessed, harmed, or destroyed.

Members and CNCPs shall ensure that operators, captains, officers and crew on board vessels flying their flag respect the rights of observers and that a copy of these rights are provided to the crew and/or prominently displayed.

### **Observer duties**

The duties of observers include:

- a) Carrying complete and valid documents before boarding the vessel, including, when relevant, identification documents, passport, visas, and certificates of at sea security training.
- b) Submitting copies of the documents indicated above to the programme managers of the national observer programme or service provider, as required.
- c) Maintaining independence and impartiality at all times while on duty.
- d) Complying with the laws and regulations of the Member or CNCP whose flag the vessel is flying, as applicable.
- e) Respecting the hierarchy and general rules of behaviour that apply to the vessel personnel.
- f) Performing duties in a manner that does not unduly interfere with the operations of the vessel and while carrying out their functions giving due consideration to the operational requirements of the vessel and communicating regularly with the captain or master of the vessel.
- g) Being familiar with the emergency procedures aboard the vessel, including the locations of life rafts, fire extinguishers, and first aid kits, and participating regularly in emergency drills for which the observer has received training.
- h) Communicating regularly with the vessel captain on relevant observer issues and duties.
- i) Refraining from actions that could negatively affect the image of the SPRFMO OP.
- j) Adhering to any required codes of conduct for observers, including any applicable laws and procedures.
- k) Communicating as regularly as is required with the program managers and/or national program coordinator on land.
- l) Complying with any SPRFMO Conservation and Management Measures whose provisions are directly applicable to observers.

## Annex B Duties of Vessel Operators, Captain, Officers and Crew

Members and CNCPs shall ensure that vessel operators and captains, officers and crew, as applicable, comply with the following provisions regarding the SPRFMO OP:

### *Rights of vessel operators and captains*

Vessel operators and captains shall have the following rights:

- a. To agree to the timing and placement, when required to take on board one or more observers;
- b. To conduct operations of the vessel without undue interference due to the observer's presence and performance of the observer's duties;
- c. 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.

### *Duties of vessel operators and captains*

Vessel operators and captains shall have the following duties:

- a. Accept on board the vessel one or more persons identified as observers by the SPRFMO OP when required by the Member or CNCP to which the vessel is flagged.
- b. Ensure the vessel crew is properly briefed and does not assault, harass, obstruct, resist, intimidate, influence, or interfere with the SPRFMO OP observer or impede or delay the observer in the performance of duties.
- c. If required by a SPRFMO CMM, as a complementary monitoring tool, install and maintain functioning electronic monitoring systems or devices throughout the selected fishing trips.
- d. Ensure the observer has access to the catch before any sorting, grading or other separation of the components of the catch are made.
- e. Ensure that vessels operating in the Convention Area include adequate space for the observer to conduct bycatch sampling or other sampling as needed, in a safe manner that limits interference with vessel operations. A dedicated sample station and other equipment such as compensated platform scales (MCP scales) and/or flow scales satisfy this responsibility.
- f. Maintain a suitable, safe and clean sampling station to be used by the observer.
- g. Maintain an inspection report of the sampling station, and making a diagram available to the observers.
- h. Not alter the sampling station during an observed trip without consultation with the observer. Any alterations shall be documented and transmitted to the relevant observer program.
- i. Inform the crew regarding the timing and objectives of the SPRFMO OP and schedule for observer boarding, as well as their responsibilities when an observer from the SPRFMO OP boards the vessel.



- j. Assist the SPRFMO OP observer to safely embark and disembark the vessel at an agreed upon place and time.
- k. Allow and assist the SPRFMO OP observer to carry out all duties safely and ensure the observer is not unduly obstructed in the execution of duties unless there is a safety issue that requires intervention.
- l. Allow and assist the SPRFMO OP observer to remove and store samples from the catch and allow the observer access to stored specimens.
- m. Provide the observer, while on board the vessel, at no expense to the observer, national programme or service provider, with food, accommodation, adequate sanitary amenities and medical facilities of a standard equivalent to those normally available to an officer on board the vessel according to generally accepted international standards.
- n. Allow and assist full access to and use of all facilities and equipment of the vessel that is necessary for the observer to carry out his or her duties, including but not limited to full access to the bridge, catch before being sorted, processed catch and any bycatch on board, as well as areas which may be used to hold, process, weigh and store fish.
- o. Follow an established mechanism, if adopted by the Commission, for solving conflicts that would complement the established dispute settlement processes provided by observer programmes and providers.
- p. Cooperate with the observer when the observer is sampling the catch.
- q. Provide notice to the observer at least fifteen (15) minutes before fishing gear hauling or setting procedures, unless the observer specifically requests not to be notified.
- r. Provide adequate space to the observer in the bridge or other designated area for clerical work, as well as adequate space on deck or the factory to perform the observer's duties.
- s. Provide personal protective equipment, and, where appropriate, an immersion suit.
- t. Provide to the observer timely medical attention in case of physical or psychological illness or injury.
- u. Develop and maintain an emergency action plan (EAP) regarding observer safety.

#### *Safety orientation briefing*

Vessel captains or a crew member designated by the captain shall provide the observer with a safety orientation briefing at the time of boarding the vessel and before it leaves the dock. The orientation briefing shall include:

- a. Safety documentation of the vessel.
- b. Location of life rafts, raft capacities, observer's assignment, expiration, installation, and any other relevant safety related information.
- c. Location and instructions for use of emergency radio beacons indicating position in case of an emergency.
- d. Location of immersion suits and personal floating devices, their accessibility, and the quantities for everyone onboard.

- e. Location of flares, types, numbers, and expiration dates.
- f. Location and number of fire extinguishers, expiration dates, accessibility, etc.
- g. Location of life rings.
- h. Procedures in case of emergencies and essential actions of the observer during each type of emergency, such as a fire on board, recovering a person overboard, etc.
- i. Location of first aid materials and familiarity with crew members in charge of first aid.
- j. Location of radios, procedures for making an emergency call, and how to operate a radio during a call.
- k. Safety drills.
- l. Safe places to work on deck and safety equipment required.
- m. Procedures in case of illness or accident of the observer or any other crew member.

*Procedure in the event of an emergency*

If a SPRFMO observer dies, is missing or presumed fallen overboard, the Member whose flag the vessel is flying shall ensure that the fishing vessel:

- a. Immediately ceases all fishing operations;
- b. Immediately commences search and rescue if the observer is missing or presumed fallen overboard, and searches for at least 72 hours, unless the observer is found sooner, or unless instructed by the Member whose flag the vessel is flying to continue searching;
- c. Immediately notifies the Member whose flag the vessel is flying;
- d. Immediately notifies the Member or observer provider to whom the SPRFMO OP observer belongs, if applicable;
- e. Immediately alerts other vessels in the vicinity by using all available means of communication;
- f. Cooperates fully in any search and rescue operation;
- g. Whether or not the search is successful, return the vessels for further investigation to the nearest port, as agreed by the Member whose flag the vessel is flying and the national observer program or service provider;
- h. Provides the report to the observer providers and appropriate authorities on the incident; and
- i. Cooperates fully in any and all official investigations, and preserves any potential evidence and the personal effects and quarters of the deceased or missing observers.

Flag States shall take and implements all steps, as a matter of due diligence, to prevent incidents causing serious harm or death to observers on board vessels flying their flag, and to sanction or punish those involved, including through criminal investigation and prosecution. The flag State and other Members and CNCPs shall cooperate to that end.

## Annex C

### Minimum standards for accreditation under the SPRFMO OP

This annex contains the Commission's minimum standards for accreditation under the SPRFMO OP. In accordance to paragraph 24 of this CMM, the OP Accreditation Provider shall assess and decide all the applications against these standards.

#### **Impartiality, independence and integrity**

1. National observer programmes and service providers shall only deploy independent and impartial observers. This means that neither the national observer programme or service provider, as the case requires, nor the individual observers, have a direct financial interest, ownership or business links with vessels, processors, agents and retailers involved in the catching, taking, harvesting, transporting, processing or selling of fish or fish products.
2. The national program or service provider, and the individual observers:
  - a) Shall not have a direct financial interest, other than the provision of observer services, in the fisheries under the purview of the Commission, including, but not limited to: i) any ownership, mortgage holder, or other secured interest in a vessel or processor involved in the catching, taking, harvesting or processing of fish; ii) any business selling supplies or services to any vessel or processor in the fishery; iii) any business purchasing raw or processed products from any vessel or processor in the fishery;
  - b) Shall not solicit or accept, directly or indirectly, any gratuity, gift, favour, entertainment, inordinate accommodation, loan or anything of monetary value from anyone who either conducts activities that are regulated by a Member or CNCP connected with its services or the Commission, or has interests that may be substantially affected by the performance or non-performance of the observer's official duties;
  - c) Shall not serve as an observer on any vessel or at any processors owned or operated by a person who previously employed the observer in another capacity within the last three years (e.g., as a crew member); and,
  - d) Shall not solicit or accept employment as a crew member or an employee of a vessel or processor while employed by a national observer programme or service provider.

#### **Observer Qualifications**

The qualification of individual observers is the responsibility of national observer programmes or service providers. The national observer programme or service provider shall demonstrate that observers that are recruited into their programme have relevant education or technical training and/or experience for the fleets concerned; ability to meet the observer duties described in this annex; no record of convictions calling into question the integrity of the observer or indicating a propensity

towards violence; and the ability to obtain all necessary documentation, including passports and visas.

### **Observer Training**

National observer programmes or service providers shall demonstrate that observers are adequately trained before their deployment. Training shall include the following:

1. The relationship between fisheries science and fisheries management and the importance of data collection in this context.
2. The relevant provisions of the Convention and SPRFMO CMMs relevant to the functions and duties of observers.
3. Importance of observer programmes, including understanding the duties, rights authority and responsibilities of observers.
4. Safety at sea, including emergencies at sea, donning survival suits, use of safety equipment, use of radios, survival at sea, management of conflicts, and cold-water survival.
5. First aid training, appropriate to working at-sea or in remote situations.
6. Species identification and record of species encountered at sea, including target and non-target species, protected species, seabirds, marine mammals, sea turtles, invertebrates indicating vulnerable marine ecosystems, etc.
7. Knowledge of the different types and functioning of bycatch mitigation devices required by SPRFMO CMMs.
8. Safe handling protocols to rehabilitate and release seabirds, marine mammals and sea turtles.
9. Fishing vessel and fishing gear types relevant to SPRFMO.
10. Techniques and procedures for estimating catch and species composition.
11. Use and maintenance of sampling equipment including scales, callipers, etc.
12. Sampling methodologies at sea, i.e., fish sampling, fish sexing, measuring and weighing techniques, specimens collection and storage, and sampling methodologies.
13. Understand potential biases in sampling, how they arise and how they could be avoided.
14. Preservation of samples for analysis.
15. Data collection codes and data collection formats.
16. Familiarity with catch logbooks and recordkeeping requirements to aid observers' collection of data as required under SPRFMO CMMs.
17. Use of digital recorders or electronic notebooks.
18. Electronic equipment used for observer work and understanding their operation.
19. Use of electronic monitoring systems as a complement to their work, when applicable.
20. Verbal debriefing and report writing.
21. Training on relevant aspects of the International Convention for the Prevention of Pollution from Ships (MARPOL).

Refresher training should be ongoing dependent on the qualification requirements. Relevant updates to CMMs and observer requirements should be communicated to observers before each deployment as part of the briefing process, for example in an updated manual.

### **Observer Trainers**

National programmes or service providers shall demonstrate that observer trainers have the appropriate skills and have been authorised by that national programme or service provider to train observers.

### **Briefing and Debriefing**

National observer programmes or service providers shall demonstrate that there are systems for briefing and debriefing observers and communicating at any time with vessel captains. The briefing and debriefing process shall be conducted by properly trained personnel and shall ensure that observers and vessel captains clearly understand their respective roles and duties.

### **Data Validation Process**

National observer programmes or service providers shall demonstrate that they have in place an observer data validation process in place. The data validation process shall be conducted by properly trained personnel and shall ensure that data and information collected by an observer are checked for discrepancies or inaccuracies that are corrected before the information is entered into a database or used for analysis. This includes ensuring that the national observer program or service provider has in place a mechanism to receive data, reports and any other relevant information from an observer in such a way that prevents interference in that data from other sources. The data validation process shall ensure that the data meet the following standards:

- a) A system that allows the observer to enter and send data from a vessel directly to the national observer programme (or service provider) in a safe and confidential manner;
- b) Vessel information uniquely identifies the actual vessel from which the fishing occurred;
- c) Dates and times of fishing effort are included and internally consistent (for example an end time should be after a start time);
- d) Location of fishing is included and valid (for example, logical latitude/longitude combinations), internally consistent and entered in the correct units;
- e) Effort data allows quantification of the amount of effort invested by the vessel, appropriate to the fishing method used, which is also identified;
- f) Catch information identifies the fishery resource (to the species level where possible) and the quantity of that species retained or discarded. If used, species codes are accurate;

- g) Where biological or length information is collected for a fish, it is directly linked to the effort in which it was caught – including date and time, location, and fishing method information, and includes the methodology of data collection;
- h) If the observer programme extends to transshipment and/or landings, then the amount and species of fishery resources transhipped/landed is quantified and recorded according to a standard methodology;
- i) Interaction data involving marine mammals, seabirds, reptiles and/or other species of concern identifies the individual species (where possible), the number of animals, fate (retained or released/discarded), life status if released (vigorous, alive, lethargic, dead), and the type of interaction (hook/line entanglement/warpstrike/net capture/other).

### **Observer Identification Cards**

National observer programmes or service providers shall provide observers with identification cards that include the full name of the observer, date of issue and expiration, the name of the national observer programme or service provider, a unique identifying number (if issued by the national observer programme or service provider) a passport style photo of the observer, an emergency phone number and an expiry date.

### **Coordinating Observer Placements and Observer Deployments**

National observer programmes or service providers shall demonstrate responsibility and capacity for the timely deployment of observers and will ensure that the selected observer receives all possible assistance during the entire length of their placements.

National observer programmes or service providers shall have in place a protocol to replace an observer if the observer becomes unable to perform their duties.

National observer programmes or service providers shall also seek, to the extent possible, to avoid deploying a single observer on multiple consecutive trips on the same vessel.

It is the responsibility of a national observer programme or service provider to administer observer placements, to maintain the independence and impartiality of observers as described in this measure and ensure that all placements are administratively finalised as soon as practicable after the observers return to port. The national observer programme or service provider is expected to communicate with the observer regarding upcoming deployments, coordinate observer travel, and provide the necessary supplies for observer duties.

### **Observer Safety Equipment**

National observer programmes or service providers must demonstrate that observers are provided

with appropriate equipment, including safety equipment, which is in good working order, routinely checked and renewed to carry out their duties on board a vessel. Essential equipment includes a lifejacket, independent two-way communication device capable of sending and receiving voice or text communications, personal locator beacons (PLBs), immersion suits, hard hat, proper deck working boots or shoes, gloves and protective glasses (including sunglasses).

### **Responding to Allegations of Observer Misconduct**

National observer programmes or service providers must establish procedures for preventing, investigating, and reporting on the misconduct of observers, in coordination with observers, vessel captains, and relevant Members and CNCPs.

### **Dispute Settlement**

National observer programmes or service providers shall demonstrate the existence of a dispute resolution process fair to all parties that provides a process to resolve issues through appropriate means including facilitation and mediation.

### **Observer Safety**

National programmes or service providers must demonstrate that procedures are in place to support observers in their ability to carry out their duties unimpeded and in a safe working environment, including an established Emergency Action Plan (EAP). The EAP must provide instructions on sending reports to the provider's designated 24-hour point(s) of contact to report unsafe conditions, including instances of harassment, intimidation or assault.

National observer programmes or service providers must also provide a permanent delegate or supervisor on land to communicate with the observer at any time while at sea.

### **Insurance and Liability**

National observer programmes or service providers must demonstrate that observers have health, safety and liability insurance commensurate with the national standards of the observer programme or service provider for such insurance for the duration of any deployment before placing the observer on a vessel.

# Call for Proposals for a SPRFMO Observer Program Accreditation Provider

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## 1. Background

The South Pacific Regional Fisheries Management Organisation is an inter-governmental organisation responsible for the long-term conservation and sustainable use of the fishery resources of the South Pacific Ocean and in so doing, safeguarding the marine ecosystems in which the resources occur. The SPRFMO Convention applies to the high seas of the South Pacific, covering about a fourth of the Earth's high seas areas.

Currently, the main commercial resources fished in the SPRFMO Convention Area are Jack mackerel and jumbo flying squid in the Southeast Pacific and, to a much lesser degree, deep-sea species often associated with seamounts in the Southwest Pacific.

The Organisation consists of a Commission and a number of subsidiary bodies. The Commission currently has 15 Members (Australia, the Republic of Chile, People's Republic of China, the Cook Islands, the Republic of Cuba, the Republic of Ecuador, the European Union, the Kingdom of Denmark in respect of the Faroe Islands, the Republic of Korea, New Zealand, the Republic of Peru, the Russian Federation, Chinese Taipei, The United States of America and the Republic of Vanuatu). The Commission also has four cooperating non-Contracting Parties (Republic of Colombia, Curaçao, Republic of Liberia and Republic of Panama).

The SPRFMO Secretariat is based in Wellington, New Zealand.

## 2. Objective of the Call for Proposals

SPRFMO is in the process of establishing its Observer Programme, as is called for in Article 28 of its constituent Convention. Currently, all Members and CNCPs are required to establish a national observer program<sup>1</sup> and ensure they meet prescribed observer coverage levels<sup>2</sup>.

In 2016, the Commission commenced efforts to develop a SPRFMO Observer Program which would utilise independent and impartial observers sourced from national observer programmes or service providers to be accredited under consistent standards adopted by the Commission. To this end, the Commission has adopted [CMM XX-2019] which prescribe, inter alia, the process for attaining accreditation and the minimum standards which must be met to receive accreditation.

Consistent with Article 28 of the Convention, the SPRFMO Observer Program will be coordinated by the Secretariat. The Commission is seeking an external consultancy to undertake the review and evaluation of any observer program submitted for accreditation by a Member, CNCP or service provider.

The successful tenderer will be required to, consistent with the process outline in [CMM OP -2018]:

- Liaise with relevant Members, CNCPs, service providers, Chairpersons and the Secretariat throughout the evaluation process;
- Review nominated observer programs against the Commission's minimum standards; and
- Provide a Final Evaluation Report to the Secretariat in respect of each programme nominated for accreditation.

It is envisaged that, from [1 January 2024], SPRFMO Members and CNCPs shall only deploy observers from national observer programmes or service providers accredited under the SPRFMO OP. Observer programmes may be accredited under the SPRFMO Observer Program for a

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<sup>1</sup> See paragraph 2 of CMM 02-2018

<sup>2</sup> CMM 01-2018 (*Trachurus murphyi*), CMM 03-2018 (bottom fishing) and CMM 13-2016 (management of new and exploratory fisheries) specifies observer coverage levels for these fisheries.



maximum of [6] years before undergoing re-evaluation. To this end, the successful tenderer may have an opportunity to continue its work with SPRFMO following the initial round of accreditation should the Commission decide.

### 3. Guidelines for the tender and conditions for the contract

Tenders are expected to contain a detailed description including itemised pricing for accrediting national observer programs, or observer programs of a service provider, under the SPRFMO Observer Program. All prices must be expressed in New Zealand dollars, exclusive of taxes, and should specify any variable or fixed costs.

The tender must include the following information:

- (a) Full breakdown of costs;
- (b) Detailed outline of experience, including of relevant personnel, and technical capacity to review and evaluate national observer programmes or observer programmes of service providers;
- (c) Demonstrated understanding of SPRFMO's needs, particularly in relation to relevant CMMs such as [CMM OP] and CMM 02-2018.
- (d) Proposed approach for undertaking the evaluations, including scheduling and timeframes; and
- (e) Confirmation that the tenderer will maintain the security and confidentiality of any information provided to it by the Secretariat, a Member, CNCP or service provider in its capacity as SPRFMO OP accreditation provider.

### 4. Information for the tenderer

#### *Submission requirements*

- The deadline for proposals is 5pm NZST [29 April 2019]. Proposals from interested tenderers must be received by via email to [secretariat@sprfmo.int](mailto:secretariat@sprfmo.int) no later than this deadline.
- If a proposal includes information which can only be provided in hard copy, tenderers must post such information to the SPRFMO Secretariat using registered post by the deadline [c/o Level 26 Plimmer Towers, 2-6 Gilmer Terrace, Wellington 6011, New Zealand] [update if the premises changes].
- The SPRFMO Secretariat will acknowledge receipt of all proposals received and any hard copy information received in accordance with paragraph 2.
- All proposals must be received in English and in a format compatible with Microsoft Office (eg Microsoft word, excel) and/or Adobe Reader (eg .pdf files). Hard copy information provided pursuant to paragraph 2 may be exempt from this requirement.
- All measurements must be in New Zealand units of measurements.
- All proposals must identify a designated Contact Point (including a name, phone number and email address).
- SPRFMO is not obliged to accept any proposals that do not meet these submission requirements.

#### *Confidentiality*

Tenderers should identify in their proposal any information which should be protected as confidential under any contract between the tenderer and SPRFMO, including the reason for its confidentiality. If the tenderer fails to identify any information in the proposal, SPRFMO will consider that the respondent has no information which should be protected as confidential under the contact. SPRFMO reserves the right, at its discretion, to refuse the request to treat information as confidential. In this case, SPRFMO will notify the respondent in writing.

### *Conflict of interest*

Tenderers must disclose in their proposals any potential or actual conflict of interest in the course of delivering this service, and must specify how the tenderer proposes to address this conflict of interest. This will not automatically exclude the tenderer from consideration; however, SPRFMO reserves the right to consider the potential or actual conflict in relation to the proposal before the final decision is made.

### *Late proposals*

Proposals received by email after the deadline of 5pm NZST, 29 April 2018 will be neither considered nor acknowledged by SPRFMO.

### *Modifications to Proposals*

If a tenderer wishes to revise or modify any aspect of its submitted proposal, revisions must be in writing from the Contact Point, clearly identified and accompanied by a clear statement from the tenderer about the action it would like SPRFMO to take with the original submission. All revisions must be submitted by the due date. If a revision is received after the deadline, the revision (but not the whole proposal) will be disregarded.

### *Process and Evaluation Method*

Tenders will be assessed by the SPRFMO Commission. The SPRFMO Commission will select a provider at its 7th Annual Meeting in January 2019 unless otherwise decided.

Tenderers must submit evidence of their legal, economic, financial, technical and professional capacity to perform the contract. The information must be signed by the tenderer. As proposals are submitted by email, electronic email signature is acceptable.

Tenders will be evaluated based on the following criteria:

- ability of tenderer to meet the objectives of the contract
  - experience
  - qualifications
  - technical capacity
- planning and execution of accreditation for nominated programs of projects
- cost-efficiency

SPRFMO may request additional information from one or more tenderers to aid its assessment. Additional information must be received by email within the timeframe requested. Additional information received for this purpose within the requested timeframe will be recorded as supplementary information received on request of the Commission. It will not be considered as a late submission or as a revision. Requests for additional information will be sent by email to the Contact Officer from the SPRFMO Secretariat.

### *Contact with SPRFMO regarding the tender process*

The SPRFMO Secretariat is the designated liaison point between the SPRFMO Commission and any potential tenderers. All enquiries should be directed to [secretariat@sprfmo.int](mailto:secretariat@sprfmo.int).

The SPRFMO Secretariat may respond to any enquiries received orally or in writing. The response will be provided to all tenderers that have submitted a proposal. The Secretariat will aim to respond within three working days but may need to consult the SPRFMO Commission in relation to specific technical enquiries, in which case a response may take more time.

The SPRFMO Secretariat will not accept or respond to requests for information on the status and

progress of the evaluation and selection progress. The outcome will be posted on the SPRFMO website following the 7th Annual Meeting of the SPRFMO Commission.

### *Selection*

The successful tenderer can expect to be notified following the 8th Annual Meeting of the SPRFMO Commission, commencing in January 2020.

The successful tenderer will be expected to enter into a contract with SPRFMO for the provision of VMS services. The contract shall be governed by and construed in accordance with New Zealand law and the company must submit to the jurisdiction of the New Zealand courts. The contact duration will be no greater than 5 years, but will provide for the possibility of renewal.

### *Disclaimer*

Tenderers are responsible for ensuring that:

- They have examined this Call for Proposals and the requirements specified within.
- They have examined any information made available to tenderers for the purpose of the proposal, including the relevant conservation and management measures referred to in this Call for Proposals.
- The proposal submitted is complete, accurate and realistic in terms of its delivery and cost.

Tenderers are responsible for all costs incurred in the preparation and lodgement of any proposals; and in respect of any discussions, negotiations, enquiries or any work undertaken by them after the proposal has been submitted. SPRFMO is not liable for any costs or compensation in relation to these matters, regardless of whether SPRFMO terminates, varies or suspends the Call for Proposals process; or takes any other option under this Call for Proposals.

Proposals are submitted on the basis that the tenderer acknowledges that:

- It does not rely on any representation, letter, document or arrangement, whether oral or in writing, or other conduct as adding to or amending these conditions.
- it does not rely upon any warranty or representation made by or on behalf of SPRFMO, except as expressly provided for in this Call for Proposals, but the tenderer has relied entirely upon its own enquiries and inspection in respect of the subject of its proposal.

SPRFMO will not accept responsibility for any misunderstanding arising from the failure by a tenderer to comply with the requirements set out in this Call for Proposals, or arising from any ambiguity, discrepancy, inconsistency, error or omission contained in a proposal.

Nothing in this Call for Proposals or any proposal submitted by a tenderer gives rise to contractual obligations between SPRFMO and the tenderer.

Any proposal submitted becomes the property of SPRFMO for the purpose of this Call for Proposals process and will be made available for use by SPRFMO and its Members and cooperating non-Contracting Parties for any purpose connected with the proposal process.

Intellectual property owned by the tenderer or third parties in material contained in the proposal does not pass to SPRFMO with physical property in the submitted documents. However, SPRFMO is granted an irrevocable, royalty free licence to use, reproduce and circulate any material contained in the proposal, or provided by the tenderer in response to this Call for Proposals, to the extent necessary to conduct the proposal process.

SPRFMO reserves the right to enter into negotiations or discussions with any one or more tenderers.

## Process for Tender Evaluation of the SPRFMO Observer Programme Accreditation Provider

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1. The SPRFMO Commission will approve the Call for Proposals at its annual meeting in January 2019.
2. SPRFMO Secretariat will publish the approved Call for Proposals on the SPRFMO website ([www.sprfmo.int](http://www.sprfmo.int)) no later than four weeks following the conclusion of the 7th Annual Meeting of the SPRFMO Commission.
3. Proposals from interested tenderers must be emailed to the SPRFMO Secretariat by 5pm New Zealand Standard Time, [29 April 2019]. Information that is not able to be received electronically may be posted to the SPRFMO Secretariat.
4. The SPRFMO Secretariat will acknowledge receipt of all submissions and is only obliged to accept submissions that meet the specifications outlined in the tender.
5. The SPRFMO Secretariat may respond to enquiries from interested tenderers that are of a general nature. The SPRFMO Secretariat shall seek advice from the CTC Chair before responding to enquiries of a technical nature.
6. The SPRFMO Secretariat will circulate all proposals by the deadline received to Members and CNCPs of the SPRFMO no later than [2 May 2019]. Each Member and CNCP will acknowledge receipt of these proposal.
7. Members and CNCPs will evaluate the proposals received according to the evaluation criteria specified in the Call for Proposals. Members' and CNCPs' assessment should rank each proposal and describe the basis for each ranking. Members and CNCPs may make recommendations to exclude an application on the basis of an identified conflict of interest; but no exclusions will be made on this basis during the shortlisting process. Members and CNCPs are encouraged to exchange views regarding the received proposals. Members and CNCPs shall provide their assessment to the SPRFMO Secretariat by [30 June 2019].
8. On the basis of responses received by 30 June 2019 the SPRFMO Secretariat will prepare a summary of responses received and a proposed shortlist of the three highest scoring proposals and circulate this to the CTC by 29 July 2019.
9. Based on the proposed shortlist, the Chairperson, in consultation with the CTC Chairperson and FAC Chairperson, shall prepare a technical and financial analysis of the three best options and provide advice to the CTC, FAC and Commission by [1 December 2019]. This report should also identify any declared conflicts of interest and a proposed course of action, as appropriate.
10. The SPRFMO Commission will select the SPRFMO OP accreditation provider during its 8th Annual Meeting in January 2020 and authorise the Secretariat to commence contract negotiations with the successful provider on the basis of parameters set by the Commission, unless otherwise decided by the Commission.