

6th Meeting of the Scientific Committee
Puerto Varas, Chile, 9 - 14 September 2018

SC6-Doc08

SPRFMO Observer programme

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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. The proposal that is now presented to the SC has been developed based on discussions at the 2018 annual meeting and other feedback received since the negotiations commenced in 2016. It has not been circulated before, and therefore it has the objective of initiating the discussions with the aim of achieving a workable and suitable CMM at the next COMM in The Hague, in January 2019.

The proposal of the CMM is attached to this letter and is presented for the SC consideration according to the SPRFMO Rules of Procedure. The text submitted is presented with no track changes but rather as a revised, clean version. I would aim to have a comparative form with both the current and the proposed texts over the next week.

Consultation with the Scientific Committee

The SC is invited to comment on the suitability and benefit of any part of the proposal it considers 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 would like to encourage the SC to look at the following aspects during its next meeting in Puerto Varas, September 2018, and which would benefit from the SC review:

1. Paragraph 6: Recognising that observer data is one means to achieve verification, this paragraph asks the SC 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. Paragraph 12: This paragraph asks Members and CNCPs to ensure that, where 100% observer coverage is not in effect, 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. This is relevant for almost all fisheries – only the bottom trawl and exploratory fisheries require 100% observer coverage.
3. Paragraph 13: This paragraph encourages Members and CNCPs to document the method used for observer placements and provide this information to the SC as part of its annual National Report. The SC is then asked to review each Member/CNCP's methods and recommend any improvements.
4. Paragraph 41: This paragraph asks the Secretariat to provide the *most recent year's* data holdings to the SC. I would appreciate specific advice on this point, and in particular:
 - a. What data is most useful for the SC to receive, and in what format?
 - b. Is *most recent year's data* a clear and useful timeframe? If not, what would the SC suggest?
5. Paragraph 43: This paragraph asks the SC to periodically review and provide advice on the appropriate level of observer coverage in each fishery. It recognises that the principal driver for observer coverage is to meet data needs.
6. Annex C: This Annex sets out the minimum standards for accreditation under the SPRFMO Observer Programme. Most of these elements are matters for the CTC. However, some elements are relevant to the skills and capacity of the observer to collect data. Therefore, I would like to posit two specific questions for the SC:
 - a. Are the training areas listed in *Observer Training* fit for purpose?
 - b. Noting that paragraph 4 of the Data Standard (CMM 02-2018) requires Members and CNCPs to ensure that fishery data are verified through an appropriate system (which includes scientific observer programmes), is the *Data Validation Process* suitable?
7. Any views on other matters which are relevant to the Scientific Committee's functions are encouraged and welcome.

There are many substantive and new aspects of this proposal that will require careful consideration and compromise. I strongly invite SC members to participate in these exchanges and to prepare for the discussions in September.

After the SC meeting takes place, I would also urge all Members and CNCPs to commit for further work in the run-up of the next Commission Meeting and particularly once we meet in The Hague in January 2019.

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 September.

Oswaldo Urrutia

SPRFMO Chairperson

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

The Commission of the South Pacific Regional Fisheries Management Organisation;

RECOGNISING United Nations General Assembly Sustainable Fisheries Resolution 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);

ACKNOWLEDGING that high-quality data is essential for the Commission to adopt effective and timely Conservation and Management Measures (CMMs);

DETERMINED to ensure the collection of data that can be used for effective 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 information needs to be coupled with safe conditions for observers while on board;

ACKNOWLEDGING that electronic monitoring systems, study fleets and self-sampling have been successfully tested 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 ensuring 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 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 SPRFMO OP setting the standards, rules and procedures to govern the effective conduct of 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 catch and effort data, other scientific data and additional information related to fishing in the Convention Area and its impacts on the marine environment, and to support the functions of the Commission and its subsidiary bodies, including the CTC.
- 3.- The SPRFMO OP shall apply to 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.- Observers shall have the rights and obligations set out in Annex A. Members and CNCPs, as the flag States, shall ensure that such rights and obligations are enforced and complied with.
- 5.- Members and CNCPs, as the flag States, shall also ensure that owners and fishing operators, vessel captains, officers and crew comply with the standards and duties set out in Annex B.
- 6.- The Commission, based on the advice of the SC, may explore and, where feasible, implement other means of collecting data and information. This can include using other means of collecting data in conjunction with human observers.

DEPLOYMENT OF OBSERVERS

- 7.- 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, including Annex C, with the sole exception provided in the next paragraph.
- 8.- Members and CNCPs may continue using their own 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.

9.- Observers from a national observer programme of a Member or CNCP shall only be made available for deployment on vessels flagged to another Member or CNCP with the consent of both Members or CNCPs involved.

10.- Individual observers have the right to refuse to deployment on board a particular fishing vessel for any reason, 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.

LEVELS OF COVERAGE

11.- Members and CNCPs shall ensure that all applicable fishing vessels flying their flag carry observers from a national observer programme or service provider accredited under the SPRFMO OP to meet the minimum level of observer coverage required by the relevant SPRFMO CMMs while operating in the Convention Area¹.

12.- For fisheries where 100 percent observer coverage is not in effect, Members and CNCPs shall ensure that the method of observer coverage is representative of the fishery, subject to practical constraints relating to Members and CNCPs with a small number of fishing vessels or trips.

13.- Members and CNCPs are encouraged to explain or document the reasons or methods used to allocate observers on fishing vessels flying their flag and provide this information in its Annual National Report to the SC. The SC shall review the method used by each Member or CNCP and provide recommendations for improvement, as needed.

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 submitted by national observer programmes or service providers 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 provisional accreditation provided for in paragraph 28.

15.- The SPRFMO OP Accreditation Provider shall grant accreditation to those national programmes and service providers that meet the requirements and standards set by the Commission in Annex C. Only national observer programmes and service providers that meet the minimum standards prescribed in Annex C shall be accredited by the OP Accreditation Provider under the SPRFMO OP.

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.

¹ 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.

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

All the costs associated with accreditation shall be borne by the Commission budget.

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

18.- 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.

19.- Members and CNCP seeking to accredit its observer program or a service provider 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.

20. The Secretariat shall promptly provide the information and documentation to the SPRFMO OP Accreditation Provider. The Secretariat may also recommend that the Member or CNCP to complete the application when there is clear evidence that substantive or essential information is missing.

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

22.- The SPRFMO OP Accreditation Provider shall liaise with the Member, CNCP or service provider, as applicable. 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 Final Evaluation Report to 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, and therefore whether accreditation is granted.

24. The SPRFMO OP Accreditation Provider will have special consideration for those national programmes and service providers currently accredited by other RFMOs. The Member or CNCP shall provide to the Secretariat the name of the national observer programme or service provider, the RFMO that has accredited it, and any other supporting information it wishes to include.

25. The Secretariat shall circulate every Final Evaluation Report to all Members and CNCPs. Members shall have the opportunity to comment on any Final Evaluation Report.

26.- If the decision by the SPRFMO OP Accreditation Provider is favourable, it will indicate the

duration of the accreditation period. Accreditation under the SPRFMO OP shall not extend 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, previous SPRFMO accreditations and other RFMOs or arrangements accreditations.

27.- If the Final Evaluation Report by the SPRFMO OP Accreditation Provider indicates that the application does not meet the minimum standard required for accreditation, or that having met the minimum standards it should be granted a longer accreditation period, the Member or CNCP 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 presented by the Member or CNCP in accordance to the Rules of Procedure and advise the Commission thereon. Only Members and CNCPs may request the CTC to advise the Commission on the Final Evaluation Report by the SPRFMO OP Accreditation Provider, including on the findings related to service providers.

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, the SPRFMO OP Accreditation Provider shall be asked 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 will ask the SPRFMO OP Accreditation Provider to proceed accordingly.

30.- In case an application for accreditation is not accepted, nothing prevents a Member, CNCP or service provider from presenting a new application to seek accreditation. Members and CNCPs are encouraged to take into account 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 the Commission revoke 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 or suspension to Members as soon as possible 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 and 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 programs accredited under the SPRFMO OP, together with relevant contact details, on the SPRFMO website and include a list of all national observer programmes or service providers accredited in the SPRFMO OP in the annual OP Implementation Report described in paragraph 38.

DATA COLLECTION

35.- Members and CNCPs shall ensure observers deployed on vessels flying their flag 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 flag States from taking additional measures compatible with this measure in relation to data collection.

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 SPRFMO OP Implementation 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 relevant information. 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 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 produced by the SPRFMO OP Implementation Report and provide advice to the Commission thereon, including in relation to any proposed actions to be taken.

41.- The Secretariat shall make available the most recent year’s observer data holdings to the SC, at its request, to ensure that the best scientific information is available. Data confidentiality shall be maintained as set forth in procedures specified in Paragraph 6 of CMM 02-2018 and in any other data confidentiality procedures that may be adopted by the Commission.

REVIEW

42.- The CTC shall review the effectiveness and implementation of this CMM at least every five years, including the development of additional observer safety requirements, the applicability of the

SPRFMO OP to other fishing vessels and any additional requirements as may be necessary to meet the objectives of Article 28 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 Should the SC recommend that a change in coverage 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

44.- This CMM shall enter into force 120 days after the conclusion of the Commission's 2019 Annual Meeting. Members and CNCPs may continue using their own national observer program to meet observer coverage until 31 December 2023, as provided in paragraph 8 of this CMM.

Minimum Standards for Observers

Observers 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 its logbooks and documentation for reviewing records, inspection and copying, vessel diagrams, as well as access to navigational equipment, charts and radios, and access to other information related to fishing activities.
- d) Access to and use of communications equipment and personnel, upon request, for entry, transmission, and receipt of work-related data or information and that allows the observer to communicate with the observer program on land at any time, including in case of emergencies.
- e) 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.
- f) 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 to specimens (alive or dead) on deck in order to collect and remove samples.
- g) Access to food, accommodations and medical facilities that meet international maritime standards, as well as sanitary facilities of a standard equivalent to those normally available to an officer on board the vessel.
- h) Access to verify safety equipment onboard (through a safety orientation tour provided by officers or crew) before the vessel leaves the dock.
- i) Unrestrained permission to record any pertinent information relevant for scientific purposes and data collection.
- j) A permanent contact or supervisor on land to communicate with at any time while at sea.
- k) To refuse deployment on board a particular fishing vessel for any reason, 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.
- l) The ability to communicate the safety issues to the vessel captain, observer provider, the Secretariat, and flag State, as appropriate.
- m) Upon request, receiving assistance of the crew to perform their activities including sampling, handling large specimens, releasing incidental specimens, measurements, etc.
- n) Privacy in the observer's personal areas.
- o) Observer data, records, documents, and equipment 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.

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 onboard security training, and submitting copies of such documents to the programme managers of the national observer programme or service provider, as required.
- b) Maintaining independence and impartiality at all times while on duty.
- c) Complying with SPRFMO OP protocols for observers while carrying out SPRFMO OP duties on board a vessel.
- 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, emergency drills, and first aid kits.
- 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.

Duties of Vessel Operators, Captain, Officers and Crew

Members and CNCPs shall ensure that its observer programmes or service providers comply with the following provisions regarding vessel operators and captains, and officers and crew as applicable, on their flagged vessels:

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 an observer;
- 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 Commission or the Member or CNCP to which the vessel is flagged.
- b. Ensure the vessel crew 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 the Commission, 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 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 MCP scales and/or flow scales) to the extent that there are established standards set by the Commission for different types of vessels would satisfy this responsibility.
- f. Maintain an inspection report of the sampling area, and making a diagram available to the observers.
- g. Not alter the sampling space during an observed trip without consultation with the observer. Any alterations shall be documented.
- h. 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.
- i. Assist the SPRFMO OP observer to safely embark and disembark the vessel at an agreed upon place and time.

- j. 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.
- k. Allow and assist the SPRFMO OP observer to remove and store samples from the catch and allow the observer access to stored specimens.
- l. Provide the SPRFMO OP observer, while onboard the vessel, at no expense to the observer or the SPRFMO OP observer's provider or government, with food, accommodation, adequate sanitary amenities, and medical facilities of a standard equivalent to those normally available to an officer onboard the vessel.
- m. 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.
- n. 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.
- o. Cooperate with the observer when the observer is sampling the catch.
- p. 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.
- q. Provide to the observer adequate space on the bridge or other designated area for clerical work and adequate space on the deck or factory to perform observer duties.
- r. Provide personal protective equipment, and, where appropriate, an immersion suit.
- s. Provide to the observer timely medical attention in case of physical or psychological illness or injury.
- t. Develop and maintain an emergency action plan (EAP) regarding observer safety.

Safety orientation briefing

Vessel captains shall also provide the observer with a safety orientation briefing at the time of boarding and before the vessel leaves the dock. The orientation shall include:

- a. Safety documentation of the vessel.
- b. Location of life rafts, raft capacities, observer's assignment, expiration, installation, and any other relevant information.
- c. Location 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

In the event that 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 criminal investigation and procedure. The flag State and other Members and CNCPs shall cooperate to that end.

Minimum standards for accreditation under the SPRFMO OP

These minimum standards are the Commission's minimum standards for accreditation under the SPRFMO OP. Therefore, 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) may 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) may 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) may 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) may 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, including for the fisheries involved; 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. Fisheries management
2. The relevant provisions of the Convention and SPRFMO CMMs relevant to the functions of observers
3. Importance of observer programmes, including understanding the authority and responsibilities of observers
4. Safety at sea, including emergencies at sea, 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, including target, non-target, protected species, seabirds, marine mammals, sea turtles, invertebrates indicating vulnerable marine ecosystems, etc.
7. Fishing vessel and fishing gear types relevant to SPRFMO
8. Techniques for estimating catch and species composition
9. Fish sampling, measuring and weighing techniques, and sampling methodologies
10. Preservation of samples for analysis
11. Data collection codes and data collection formats
12. Familiarity with catch logbooks and recordkeeping requirements to aid observers' collection of data as required under SPRFMO CMMs
13. Use of digital recorders or electronic notebooks
14. Electronic equipment used for observer work and understanding their operation
15. Verbal debriefing and report writing

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 is a system for briefing and debriefing observers and 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. This process shall be conducted by properly trained personnel.

Data Validation Process

National observer programmes or service providers shall demonstrate that they have in place an

observer data validation process. 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 and is corrected before the information is entered into a database or used for analysis.

Observer Identification Cards

National observer programmes or service providers shall provide observers with identification cards that include the full name of the observer, 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 provider must 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 also seek, to the extent possible, to avoid deploying observers 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 completed 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 to carry out their duties onboard a vessel. Essential equipment includes a lifejacket, independent two-way communication device capable of sending and receiving voice or text communications, personal locator beacons, 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.