

Original: English

**DRAFT RECOMMENDATION BY ICCAT TO ESTABLISH
AN ICCAT SCIENTIFIC OBSERVER PROGRAMME
WITHIN THE ICCAT CONVENTION AREA**

(Presented by the EU)

RECALLING that Article IX of the Convention requires Contracting Parties to furnish, on the request of the Commission, any available statistical, biological and other scientific information needed for the purposes of the Convention;

FURTHER RECALLING the 2001 *Resolution by ICCAT on the Deadlines and Procedures for Data Submission* [Res. 01-16], in which the Commission established clear guidelines for the submission of Task I and Task II data;

ACKNOWLEDGING that poor quality data impacts the ability of the SCRS to complete robust stock assessments and provide management advice as well as the ability of the Commission to adopt effective conservation and management measures;

CONSIDERING that the constitution of an ICCAT Scientific Observer Programme, by enlarging the minimum standards for fishing vessel scientific observer programmes detailed in Recommendation 10-10, would ensure the availability of sound scientific information on fishing activities in the ICCAT Convention area;

DETERMINED to ensure the collection of data accounting for all sources of mortality in ICCAT fisheries, for both target species and by-catch, to improve the certainty of future scientific advice while taking into account ecosystem considerations;

RECOGNIZING that, in relation with the protection of juveniles, a specific focus should be given to surface fishing in association with fish aggregating objects, including FADs, where area/time closures are implemented by ICCAT;

REITERATING the responsibilities of the flag CPC to ensure that their vessels conduct their fishing activities in a responsible manner, fully respecting the ICCAT Recommendations in force;

RECOGNIZING that scientific observer programmes are used successfully at both the national and Regional Fisheries Management Organization (RFMO) level for the purposes of collecting scientific data;

[...]

RECOGNIZING the international nature of the fishing activity on ICCAT species and the consequent need to embark well-trained and mandated observers to improve the collection of relevant data, in terms of continuity, coherence and quality;

TAKING INTO ACCOUNT the needs of developing States with regard to capacity building;

RECOGNIZING the United Nations General Assembly Sustainable Fisheries Resolution 63/112, that encourages the development of observer programmes by Regional Fisheries Management Organizations and arrangements to improve data collection;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

An ICCAT Scientific Observer Programme is established as follows:

Definitions

1. For the purpose of the ICCAT Scientific Observer Programme:

- a) "**ICCAT scientific observer**" means a person, hereafter referred to as the "**observer**", selected and appointed by a flag CPC to collect scientific information on fishing activities for ICCAT species;
- b) "**ICCAT species**" means tuna and tuna-like species, and other species caught in association with these species within the Convention area;
- c) "**Fishing activity**" means fishing and any other activity in preparation for, in support of, or related to fishing, including storage, processing, transporting, transshipment of fish or fish products and fishing for, or supported activities to fish for ICCAT species in association with objects that could affect fish aggregation, including Fish Aggregating Devices (FADs);
- d) "**Fishing vessel**" means any powered vessel, hereafter referred to as "vessel", used for, intended to be used for, or equipped for use for the purpose of commercial exploitation of fishery resources covered by the Convention area, including catching vessels, support vessels, fish processing vessels, vessels engaged in transshipment and transport of fishery resources, vessels equipped for the transportation of fishery products and auxiliary vessels, but does not include container vessels;

[...]
- e) "**National authority**" means the authority of a CPC designated by that CPC to select and appoint the observer, and disseminate the scientific information collected by the observer;
- f) "**Scientific institute**" means a scientific body cooperating with the SCRS, designated by a CPC to mandate of the observer, and to analyse and validate the scientific information collected by the observer;

[...]
- g) "**Observed data**" means the raw scientific information collected by the observer during its assignment on the vessel observed;
- h) "**Observer report**" means the report summarising the scientific information collected by the observer;
- i) "**Programme**" means the ICCAT Scientific Observer Programme established by this Recommendation;
- j) "**CPC**" means Contracting Parties and Cooperating non-Contracting Parties, Entities, or Fishing Entity.

Scope of the Programme

2. The scope of this Programme is to collect scientific information related to fishing activities on ICCAT species by scientific observers designated by a CPC, in accordance with the observer tasks referred to in paragraph 13.

[...]

General Provisions

3. Notwithstanding additional requirements that may be in place or adopted by ICCAT in the future for specific fishing activities, each CPC shall take the measures as may be necessary to ensure that fishing vessels entitled to fly its flag, their Masters and the observers it has assigned to the Programme fulfil their respective tasks and requirements under the Programme.

[...]

Notification requirements

4. Each CPC shall notify the Executive Secretary:
- a) its national authority (including telephone, fax numbers and e-mail address) in charge of selecting and appointing the observer, and disseminate the observer data ;
 - b) the scientific institute (including telephone, fax numbers and e-mail address) in charge of mandating the observer and collecting, analysing and validating the observer data;
 - c) the list of observers it has assigned to the Programme, providing for each observer:
 - i. name, sex, date of birth, nationality and passport number;
- [...]
- ii. the date the qualification of scientific observer has been obtained, the training organization and the date of entry into the list of ICCAT scientific observers;
 - iii. the name of the scientific institute that will mandate the observer, collect, analyse and validate the observed data;
- d) any changes to the information as soon as possible, but no more than 14 days after the effective date of the change.

Qualifications of Observers

5. Without prejudice to any training or technical qualifications recommended by the SCRS, CPCs shall ensure that their observers have the following qualifications to accomplish their tasks:
- a) sufficient knowledge and experience to identify ICCAT species and fishing gear configurations, and be capable of performing the tasks set forth in paragraph 13;
 - b) satisfactory knowledge of the ICCAT Conservation and Management measures in force;

- c) the ability to observe and record accurately the data to be collected under the Programme;
- d) the ability to collect biological samples;
- e) the ability to analyse images from on board cameras;
- f) not be a crew member of the vessel being observed;
- g) be independent of the vessel owner, the Master and any crew member, or of an NGO;
- h) a satisfactory knowledge of the language of the flag State of the vessel observed; and
- i) be trained in safety and sea survival.

Mutual Recognition of Observers

- 6. When active under a regional programme organized by several CPCs or decided by ICCAT, the observer shall automatically be recognized by all CPCs participating in the CPCs regional programme, or concerned by the ICCAT regional programme.
- 7. Such recognition shall
 - i. allow the observer to continue the collection of data throughout the EEZ and high sea fishing area visited by the vessel on which the observer is embarked, and
 - ii. provide the coastal CPCs concerned scientific information related to fishing activities on ICCAT species in their EEZ.
- 8. CPCs that do not accept that their national observer may collect data in the EEZ of another CPC, or that do not recognize as valid the data collected in their EEZ by an observer of another CPC, must inform the Executive Secretary, for immediate transmission to the SCRS and the Compliance Committee, of their refusal within three months after the entry into force of this Recommendation or their accession to ICCAT. By such refusal, the CPC concerned shall refrain to require the deployment of its national observer on vessels of another CPC.

Observer Coverage

- 9. Each CPC shall ensure the following with respect to its domestic observer programs:
 - a) A minimum of 5% observer coverage of fishing effort in each of the pelagic longline, purse seine, and, as defined in the ICCAT glossary, baitboat, traps and fixed gillnet fisheries, as measured:
 - a) for purse seine fisheries, in number of sets or trips;
 - b) for pelagic longline fisheries, in fishing days, number of sets, hooks or trips;
 - c) for baitboat and trap fisheries, in fishing days;
 - d) for fixed gillnet fisheries, in net length;
 - b) the coverage rate in sub paragraph a) shall be adapted to any request adopted in accordance with specific ICCAT Recommendations;
 - c) Notwithstanding paragraph 1a), for vessels less than 15 meters, where an extraordinary safety concern may exist that precludes deployment of an onboard observer, a CPC may employ an alternative scientific monitoring approach (sampling plan) that will collect data equivalent to that specified in this recommendation in a manner that ensures comparable coverage. In any

such cases, the CPC wishing to avail itself of an alternative approach must present the details of the approach to the SCRS for evaluation. The SCRS will advise the Commission on the suitability of the alternative approach for carrying out the data collection obligations set forth in this Recommendation.

Alternative scientific monitoring approaches may consist in monitoring at the landing place by field samplers, providing these field samplers do collect information during the landing of the vessels concerned.

- d) Representative temporal and spatial coverage of the operation of the fleet to ensure the collection of adequate and appropriate data as required under this Recommendation and any additional domestic CPC observer programme requirements, taking into account characteristics of the fleets and fisheries;
- e) Data collection on all aspects of the fishing operation, including catch and fishing effort.

10. Each flag CPC may deploy either national or non-national observers on vessels flying its flag.

11. CPCs may conclude bilateral arrangements whereby one CPC places national observers on vessels flying the flag of another CPC, until the flag CPC provides a replacement, or the target coverage level is met.

12. CPC shall endeavour to ensure that observers alternate vessels between their assignments.

Tasks of the Observer

13. CPCs shall require observers to:

- a) record and report upon the fishing activity of the observed vessel, which shall include at least the following:
 - i. data collection, that includes quantifying total target catch and by-catch (including sharks, sea turtles, marine mammals, and seabirds), size composition, disposition status (i.e., retained, discarded dead, released alive), the collection of biological samples for life history studies (e.g., gonads, otoliths, spines, scales), and the collection of tags markings;
 - ii. fishing operation information, including:
 - area of catch by latitude and longitude;
 - fishing effort information (e.g., number of sets, number of hooks, etc.);
 - date of each fishing operation, including, as appropriate, the start and stop times of the fishing activity;
 - use of fish aggregation objects, including FADs;
 - reasons for discarding, and general state of catch released animals;
 - iii. exercise any other scientific work as recommended by SCRS and agreed by the Commission;
- b) observe and record the use of by-catch mitigation measures and other relevant information;
- c) analyse images from on board cameras, in support of the data collection referred to in a and b above;

- d) observe and report environmental related elements;
[...]
[...]
[...]
- e) present to their CPC, as feasible and appropriate, any proposals the observer considers appropriate to improve the efficiency of conservation measures and scientific monitoring.
- f) perform any other scientific related task as required by a specific ICCAT Recommendation;
[...]

Obligations of the Observer

14. CPCs shall ensure that the observer:

- a) carry a document issued by the appointing CPC identifying the observer as operating under the Programme;
- b) do not interfere with the electronic equipment of the vessel;
- c) be familiar with the emergency procedures aboard the vessel, including the location of life rafts, fire extinguishers and first aid kits;
- d) communicate regularly in the language of the flag CPC with the Master on relevant observer issues and tasks;
- e) do not hinder or interfere with the fishing activities and the normal operations of the vessel;
- f) minimize endangering situations for the observer or a discomfort for the Master and crew when performing their fishing activity;
- g) participate in a debriefing session with the Master, and possibly a delegate of the scientific institute or the national authority which appointed it;
- h) treat as confidential all the observed data and information with respect to the fishing activities of the vessel, and accept this requirement in writing as a condition of appointment as an observer;
- i) comply with requirements established in the laws and regulations of the flag CPC which exercises jurisdiction over the vessel to which the observer is assigned;
- j) respect the hierarchy and general rules of behaviour which apply to all vessel personnel, provided such rules do not interfere with the tasks of the observer under this Programme, and with the obligations of the Master set forth in paragraph 15;
- k) report without delay to its scientific institute, or to the national authority which appointed it, for immediate information of the vessel owner, any incident that may have occurred during the deployment.

Obligations of the Master

15. CPCs shall ensure that the Master of the vessel to which the observer is assigned shall:

- a) permit appropriate access to the vessel and its operations;
- b) allow the observer to carry out its responsibilities in an effective way, by
 - i. having access to the vessel's crew and gears;
 - ii. communicate at any time with the scientific institute, or a coordinator representing the scientific institutes participating in the Programme;
 - iii. authorize the observer on request, to have access to the following equipment, if present on the vessel on which the observer is assigned, and to facilitate the fulfilment of its duty:
 - Satellite navigation equipment
 - Radar display screens during utilisation
 - Electronic means of communication;
- c) Provide accommodation to observers, including lodging, food and adequate sanitary facilities, equal to those of officers;
- d) provide the observer adequate space on the bridge or pilot house to perform its tasks, as well as space on deck adequate for carrying out observers tasks ;
- e) participate in a debriefing session with the observer, and possibly a delegate of the scientific institute or the national authority which appointed the observer.

Observer Report

16. CPC shall ensure that the observer:

- a) establish observer reports, if possible in electronic format, using the template defined by the SCRS, compiling the information collected in accordance with this Programme. The observer signs the observer report and offers the Master the opportunity to include therein any relevant comment; and
- b) within [10] days after the fishing trip, submit the observer report and the observed data to the scientific institute which mandated the observer, and to the Master.

Duties of the CPCs

17. Each CPC shall:

- a) require its vessels, when conducting fishing activities on ICCAT species, to carry an observer in accordance with the provisions of this Programme. No vessel shall be required to carry more than one observer at any time;
- b) ensure that the observers appointed by its national authority under this Programme are capable of performing the requested duties, in particular that the observer meets the qualification standards referred to in paragraph 5;
- c) ensure that a scientific institute is in charge of mandating the observer, and collecting, analysing and validating the observer data and report;

[...]

- d) ensure that the timeframe for boarding and reporting procedures set out in Annex 1 are complied with;
- e) provide in its Annual report to the Commission:
 - i. the number of vessels monitored and the coverage achieved by gear type;
 - ii. information on how vessels are selected for coverage to achieve the target level of observer coverage;
 - iii. the coverage level achieved within their respective fisheries, and details on how coverage levels were calculated;

18. The CPC that appoints the observer shall meet the cost of the boarding, including the salary, the equipment and the insurance coverage of the observer, with the possibility to charge all or part of the costs to the vessel owners.

Safety of the observer

19. CPCs shall take appropriate action with respect to their vessels to ensure safe working conditions, the protection, security and welfare of observers under this Programme, in the performance of their duties, and to provide them with medical care and safeguard their freedom and dignity in adherence to all pertinent international maritime regulations.

20. For transfers at sea, CPCs shall:

- a) ensure that their vessel operators conduct transfers of observers under safe conditions and with the agreement of the observers;
- b) conduct the transfer in a manner which maximizes the safety of observers and crew during the procedure, and
- c) provide experienced crew members to assist observers during any transfer which is made.

Duties of the Executive Secretary

21. The Executive Secretary shall:

- a) establish, maintain and post on the secure part of the ICCAT website a register of national authorities and ICCAT scientific observers as referred to in paragraph 4, in a manner consistent with the confidentiality requirements noted by CPCs;
- b) report to the SCRS and to the Compliance Committee the CPCs that do not accept their national observers to be deployed in foreign EEZ, as referred to in paragraph 8;
- c) with due consideration to the confidentiality requirements noted by CPCs, transmit immediately the observer reports and observed data referred to in Annex 1 to the SCRS, to the Compliance Committee and to the national authority of the CPCs under whose jurisdiction the vessel fished;
- d) facilitate the required exchange of information between each CPC concerned and the SCRS and the implementation of any other aspects of this Programme as necessary and appropriate.

Duties of the SCRS

22. The SCRS shall:

- a) establish minimum qualification standards for the selection of observers, including, for the purpose of standardization, minimum technical content of training for observers and technical prerequisites for training institutions. These guidelines shall be endorsed by the Commission at its annual session in [2016];
- b) elaborate an observer working manual, including standardized data collection sheets and procedures, taking into account the experience acquired in ICCAT and in other tuna RFMOs;
- c) elaborate a template for reporting to be used by the observer;
- d) report to the Commission at the Annual meeting on the coverage level achieved by each CPC and by fishery;
- e) provide the Commission with a summary of the scientific data and information collected and reported pursuant to this Programme, and any relevant findings associated with that data and information;
- f) make recommendations as necessary and appropriate on how to improve the effectiveness of the Programme in order to meet the data needs of the Commission, including possible revisions to this Recommendation and/or with respect to implementation of these minimum standards by CPCs.

Support to Developing States

23. The Commission shall take due regard of the special requirements of developing States in the implementation of the provisions of this Recommendation.

24. The ICCAT funds available may be used to support the implementation of this Programme in developing States, notably the training of observers and of field samplers.

Final provision

25. Rec [10-10] and Annex 4 of Rec [14-01] are repealed and replaced by this Recommendation. Reference to Annex 4 of Rec [14-01] is equal to a reference to this Recommendation.

Timeframe for the boarding and reporting procedures related to the observer boarding

| Timing | Action |
|--|---|
| 45 days in advance of the fishing trip | Request for the boarding of an ICCAT <u>scientific</u> observer addressed to the vessel owner by the scientific institute or the national authority |
| 30 days in advance of the fishing trip | Validation of the boarding planning by the vessel owner and the national authority |
| Before the fishing trip | Support by the vessel owner of the transport of the observer to the boarding port |
| During the fishing trip | Collection of observed data |
| At the end of fishing trip | Debriefing between the observer, the Master and, if possible, the national authority |
| [10] days after the fishing trip | Transmission of the observer report, the observed data and the supporting material to the scientific institute. Delivery of the observer report to the Master |
| [30] days after the fishing trip | Validation of the observer report and the observed data made anonymous by the scientific institute (inclusion of daily totals of catch by species and EEZ). The validation may use the images recorded by the on board cameras |
| [45] days after the fishing trip | Transmission of the observer report and the observed data made anonymous by the scientific institute to the national authority |
| [60] days after the fishing trip | Transmission <u>by the flag CPC</u> of the observer report and observed data made anonymous to the Executive Secretary, for immediate transmission to the SCRS, to the Compliance Committee and to the <u>national authority</u> of the CPCs under whose jurisdiction the vessel has fished |