

MEMORANDUM OF UNDERSTANDING

BETWEEN

MARINE RESOURCES ASSESSMENT GROUP & CAPRICORN FISHERIES
MONITORING

&

XXXXX (CARRIER VESSEL OPERATOR)

Insofar as the Consortium of Marine Resources Assessment Group Ltd. and Capricorn Fisheries Monitoring (the "Supplier") has an agreement with the International Commission for the Conservation of Atlantic Tunas (ICCAT) (the Purchaser) for the implementation of the ICCAT Regional Observer Programme (the "Programme"), which requires the placing on board of participating vessels independent observers to record data and information as described in Appendix 1 (*the ICCAT Recommendation*)

And

XXXXX ("Carrier Vessel Operator") has carrier vessels operating within the ICCAT Convention Area that will participate in the Programme and have been entered into the ICCAT Record of Carrier Vessels authorised to receive tuna and tuna-like species in the Convention Area from Large Scale Tuna Longline Vessels (LSTLVs).

The Supplier and the Carrier Vessel Operator in order to promote the objectives of the Programme, and ensure observance of the provisions of ICCAT, have reached the following understandings:

Section 1

General Terms & Conditions

1. The Carrier Vessel Operator wishing to receive one or more Observers will take appropriate measures within its competence to ensure to the extent possible that any Observer designated by ICCAT will be taken on board such carrier vessels designated by Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities (CPCs) to observe and report on the activities of the said vessel as set out in the **2006 Recommendation by ICCAT Establishing a Programme for Transshipment (Rec 06-11)** (The Recommendation – attached herein as Appendix 1.)
2. For the implementation of the Programme, vessel Captains shall accept deployment of observers on carrier vessels without regard to, inter alia, observer race, gender, age, religion, or sexual orientation. Carrier Vessel Operators will also be required to ensure seaworthiness and safety of the vessel platform consistent with agreed ICCAT guidelines on safety. Proof of seaworthiness and safety will be submitted to the Supplier in order to satisfy the **Standards of Conduct and Behaviour of Suppliers** as requested by ICCAT (Appendix 2; Point 4).

Section 2

Suppliers Conditions for Providing Observers for Deployment

3. The anticipated duration of a single observer deployment on board a Carrier Vessel is 60 days, and shall not, without prior agreement between the Supplier and the Carrier Vessel Operators exceed 90 days. The Carrier Vessel Operator shall take such steps as are necessary, including the instruction of its Carrier Vessel(s) and/or Fishing or Support Vessel(s) to assist in the prompt, efficient and safe disembarkation of the out-going observer and the embarkation of the replacement Observer, in accordance with agreed procedures for placing or recovering observers from vessels (see point 5).
4. The Supplier may need to recover the observer from the vessel at any time during the deployment period. Replacement of an observer prior to the completion of a 60 day deployment may become necessary, for example in the following circumstances (this list is provided for guidance only and is not exhaustive):
 - The observer is injured or becomes ill to the extent they are prevented from performing their duties for the remainder of their intended/planned deployment
 - The observer is involved in an incident which requires urgent medical attention unavailable on the vessel.
 - As a result of an unforeseen family emergency involving the Observer (e.g. death or serious illness of a member of the Observer's immediate family: Parents, Siblings or Children)
 - If the provisions of Section 3 are violated.

In such circumstances the Carrier Vessel Operator will instruct its vessel(s) to take such steps as necessary for the prompt, efficient and safe recovery of the affected observer including cooperation with the Supplier. The Supplier will provide a replacement Observer in order to allow transshipment operations to proceed.

5. Where possible, observer embarkation/disembarkation directly onto carrier vessels shall take place in port by the quayside in order to ensure the safest means of transferring observers to/from vessels. However, when this is not feasible, 3 options exist for observer transfer:
 - Option 1: Transfer at-sea from a vessel that has recently left port to a carrier vessel;
 - Option 2: Transfer at-sea from a carrier vessel onto a vessel returning to port; and
 - Option 3: Transfer from/to a launch in and around a port area.

The Carrier Vessel Operator shall take such steps to ensure that these operations are performed under the conditions set out in Appendix 4.

The arrangements for observers on transshipment vessels, as described by the **Obligations of the Flag States of Carrier Vessels** (Appendix 1; Annex 2; Point 9a-

e) will be extended to include all vessels that carry observers, including those that only participate in observer transfers between ports and carrier vessels.

Prior to sailing Observers shall conduct a pre-sea inspection and familiarisation tour of the vessel as described in Appendix 5. Should there be any major deficiency recorded in the safety standards onboard during this inspection this shall be reported to the Supplier and the Supplier retains the right to refuse to allow the observer to embark until the deficiency has been rectified. In this situation a full report will be submitted to the Purchaser and Carrier Vessel Operator.

The following selection of items that will be covered by **Pre-Sea Inspection** (Appendix 5) are essential for an observer to join the designated vessel. If these requirements are not met to the required standard during the Pre-sea Inspection, the ICCAT Observer will not be embarked on the vessel. For the avoidance of doubt, the ICCAT Observer will only be embarked on the vessel once these requirements have been met.¹

¹ Any time that the observer spends in port following the Pre-sea Inspection awaiting rectification of items that do not meet the required standard will be charged a the standard day rate for travelling. If the observer needs to be returned to his or her home base and re-deployed at a later date, the additional travel costs and travel days will also be charged.

The following items that will be checked as part of the “**Pre-Sea Inspection**” will be considered as the **minimum compulsory requirements**. Should any of these items not comply the Observer will not be permitted to embark onboard the vessel.

Safety Certificate (Safety Management Certificate)

- The vessel must have onboard a current and valid Safety Certificate that does not expire for a period of **at least four months from the date of embarkation of the observer**.

Life Rafts

- The Life rafts must have the capacity to accommodate the full crew compliment including the observer.
- Life Rafts must be within their serviceable date, which must cover the expected maximum duration of observer deployment.
- All Life Rafts must be fitted with a Hydrostatic Release mechanism.

Life Jackets

- There must be a total number of life jackets onboard, readily available at the emergency muster stations to accommodate each of the compliment onboard the vessel.
- All Life Jackets must comply with IMO – SOLAS LSA standards.

Immersion Suits

- There must be a total number of Immersion Suits onboard, readily available at the emergency muster stations to accommodate each of the compliment onboard the vessel.
- All Immersion Suits must comply with IMO – SOLAS LSA standards.

GMDSS Requirements

- The vessel must be GMDSS compliant in accordance to its tonnage and its area of operation.
- Any component of the GMDSS requirement that is out of date or unserviceable will render the vessel as NOT being GMDSS compliant.

This procedure will apply to all vessels onto which an observer is embarked; including any vessels used to transfer observers from land to transshipment vessels. It is noted however, that a pre-sea inspection will not be possible in the case of observers not embarked in port. For this reason, the Supplier requires all carrier vessels embarking an observer for the first time to do so in port. Subsequent observer changeovers may take place without the carrier vessel returning to port, following the procedures described in Appendix 4.

6. In the event the Carrier Vessel Operator breaches the guidelines of the Programme as laid out in the **Obligations of the Flag States of Carrier Vessels**; (Appendix 1; Annex 2; Point 9e), the Supplier shall remove the observer. In such circumstances the Carrier Vessel Operator will instruct its vessel(s) to take such steps as necessary for the prompt, efficient and safe recovery of the observer concerned, including cooperation with the Supplier.

In such a situation, a full report will be submitted by the Supplier to the Purchaser and Carrier Vessel Operator. The Supplier shall only provide a replacement Observer when the issue(s) surrounding the event has been satisfactorily resolved.

Section 3

Carrier Vessel Operator's Responsibilities for Observer Deployment

7. In order to initiate observer deployment, the CVO shall submit the following information to the appropriate CPC authorities for forwarding to ICCAT:
- Name of Carrier vessel / Transfer vessel;
 - ICCAT No.;
 - Port of departure / observer embarkation;
 - Method of deployment onto the vessel;
 - Date of departure of Carrier Vessel / Transfer Vessel;
 - Planned transshipments
 - Names and ICCAT numbers of LSTLVS from which transshipments will be received.
 - Date & location of expected transshipments
 - Port of arrival / observer disembarkation²
 - Date of arrival / observer disembarkation
 - Other port visits expected (location and date)

The Supplier will make travel arrangements for the observer in accordance with the information forwarded by CPC authorities to ICCAT. Every effort shall be made by the CVO to provide accurate information regarding ports of embarkation and disembarkation at the earliest opportunity to enable the Supplier to make travel arrangements for the observer in a timely and efficient manner. Wherever possible, the Supplier will confirm this information directly with the CVO prior to making travel bookings for the observer. In the event that the planned embarkation date is within 96 hours of the receipt of notification from the Secretariat, the Supplier will make travel bookings immediately without confirming with the CVO. Once the bookings have been made by the Supplier, if the plans of carrier or transfer vessels subsequently deviate from those originally provided to ICCAT by the CPC authorities (e.g. change of dates and ports of embarkation and/or disembarkation), CVOs shall be responsible for paying any and all costs (flights, accommodation, etc.) incurred in revising the observer's travel arrangements.

There are two options for revising the observer's travel arrangements and paying the associated costs:

- i. The CVO can make and pay for the revised travel arrangements for the observer directly (e.g. through an agent in the port in the case of a change in the port of disembarkation). In this case, travel and accommodation arrangements must be approved in advance by the Supplier. In the event that the CVO is unable to make arrangements that meet with the Supplier's approval, the Supplier shall make their own arrangements for the repatriation of the observer and the costs will be passed on to the CVO via the Secretariat (see point ii below).
- ii. The Supplier can make and pay for the revised travel arrangements for the observer. In this case, the Supplier will itemise their costs in an invoice to the ICCAT Secretariat and the ICCAT Secretariat shall pass on to the CVO those costs deemed to have resulted from the change in travel arrangements made subsequent to the time of the original travel bookings.

² Wherever possible, in order to minimise travel costs for the observer, the port of embarkation of the observer and the port of disembarkation should be the same.

In the event that the CVO does not wish to pay the additional travel costs, they must disembark the observer at the port which they specified before the original travel bookings were made.

8. In addition, the CVO shall be responsible for submitting the following information to the Supplier, in order to satisfy information requirements to initiate observer deployment:

- Name of the carrier or transfer vessel and its ICCAT number
- Call Sign
- The name and contact details of the agents/operators responsible for managing operations
- Port of departure / observer embarkation
- Carrier Vessel Operator Date of departure of Carrier Vessel / Transfer Vessel
- Method of deployment onto the vessel
- Port of arrival / observer disembarkation
- Date of arrival / observer disembarkation
- Confirmation that the carrier vessel has Protection and Indemnity (P&I) or equivalent insurance.³

The mobilisation of the observer from their home to the point of embarkation will commence when **the MoU signed by the CVO** has been received by the Supplier. It is the responsibility of the CVO to send the signed copy of the MoU to the Supplier directly.

For carrier vessels receiving an ICCAT Observer for the first time, the observer will be embarked in port at the quayside. The CVO shall make arrangements for the carrier vessel to be in port at the pre-arranged time and place for embarkation of the observer.

Thereafter, if a separate vessel is required to transport the Observer to the carrier vessel, the CVO is required to provide the details of this vessel and the date and location of transferring the observer to the transshipment vessel.

9. Carrier Vessel Operators shall ensure that their captains and crew make the following arrangements for the observer whilst onboard the carrier vessel:

- The Observer signs on ships articles and is designated part of ships crew (this is to be facilitated by the vessel's agent)
- Observers shall be allowed access to vessel personnel and to the fishing gear and equipment;
- Observers shall be informed of any notification or request for transshipment received by the Carrier Vessel and not previously included in the initial transshipment schedule within two hours of such receipt.
- Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties:

³ Since the observer is designated as part of the ship's crew he/she is included in the ship's insurance provisions for officers as provided by the vessel's P&I certificate. The Supplier has arranged additional, independent and adequate insurance provision for observers deployed under the ICCAT ROP.

- Satellite navigation equipment;
 - Radar display viewing screens when in use;
 - Electronic means of communication;
-
- Observers shall be provided accommodations, including lodging, food and sanitary facilities, equal to those of the officers on board the carrier vessel;
 - Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out their duties as ICCAT Observers (see Section 4);
 - The Carrier Vessel Operator shall ensure that captains, crew and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an observer in the performance of his/her duties

Section 4

Observer's Responsibilities onboard Carrier Vessels

- iii. For the implementation of the Programme, Observers shall monitor the carrier vessel's compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:
- Record and report upon the transshipment activities carried out;
 - Verify the position of the vessel when engaged in transshipping;
 - Observe and estimate products transshipped;
 - Verify and record the name of the LSTLV concerned and its ICCAT number;
 - Verify the data contained in the transshipment declaration;
 - Certify the data contained in the transshipment declaration;
 - Countersign the transshipment declaration;
 - Issue a daily report of the carrier vessel's transshipping activities;
 - Establish general reports compiling the information collected in accordance with ICCAT Programme requirements and provide the captain the opportunity to include therein any relevant information.
 - Exercise any other functions as defined by the Commission.
- iv. Observers shall comply with the ICCAT ***Standards of Conduct and Behaviour of Observers*** (Appendix 3), specifically:
- Observers shall treat as confidential all information with respect to the fishing operations of the LSTLVs and of the LSTLVs owners and accept this requirement in writing as a condition of appointment as an observer;
 - Observers shall comply with requirements established in the laws and regulations of the flag State which exercises jurisdiction over the vessel to which the observer is assigned; and
 - Observers shall respect the hierarchy and general rules of behavior which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer.

Section 5

Entry into Effect, Duration and Termination

- v. The arrangements described by this MoU are applicable upon its signature.

- vi. This MoU may be subject to amendment, if both Parties agree, through notification in writing.

- vii. Activities under this MoU may continue throughout the duration of the Contract between the Purchaser and the Supplier. Either Party (Supplier or Carrier Vessel Operator) may discontinue its participation in activities under this MoU at any time, and should notify the ICCAT Secretariat and other Party in writing six months in advance of its intention so to do.

- viii. The notification referred to in paragraph 14 above by a Carrier Vessel Operator shall imply that such Operator no longer participates in the ICCAT Regional Observer Programme.

For the Suppliers

For the Carrier Vessel Operator

Signed: _____

Signed: _____

Date: _____

Date _____

Appendix 1

2006 Recommendation by ICCAT Establishing a Programme for Transshipment (Rec 06-11)

TAKING ACCOUNT of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the conservation and management measures already adopted by ICCAT;

EXPRESSING GRAVE CONCERN that organized tuna laundering operations have been conducted and a significant amount of catches by IUU fishing vessels have been transshipped under the names of duly licensed fishing vessels;

IN VIEW THEREFORE OF THE NEED to ensure the monitoring of the transshipment activities by large-scale longline vessels in the Convention area, including the control of their landings;

TAKING ACCOUNT of the need to collect catch data of such large-scale longline tuna to improve the scientific assessments of those stocks;

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

SECTION 1. GENERAL RULE

1. Except under the special conditions outlined below in Section 2 for transshipment operations at sea, all transshipment operations of tuna and tuna-like species in the ICCAT Convention area must take place in port.⁴
2. The flag Contracting Party, Cooperating non-Contracting Party, Entity or Fishing Entity (hereafter referred to as CPCs) shall take the necessary measures to ensure that large-scale tuna longline vessels (hereafter referred to as the "LSTLVs") flying their flag comply with the obligations set out in **Annex 3** when transshipping in port.

SECTION 2. PROGRAMME TO MONITOR TRANSHIPMENT AT SEA

3. The Commission shall establish a program of transshipment which applies initially to large-scale tuna longline fishing vessels (hereafter referred to as the "LSTLVs") and to carrier vessels authorized to receive transshipment from these vessels.

The Commission shall at its 2008 annual meeting, review and, as appropriate, revise this Recommendation. Pending this review, small-scale albacore longline vessels shall be exempt from the requirements of paragraph 4.

4. The flag CPCs of LSTLVs shall determine whether or not to authorize their LSTLVs which fish for tuna and tuna-like species to transship at sea. However, the flag CPC may authorize the at-sea transshipment by its flag LSTLVs on the condition that such

⁴ By derogation, this provision shall not apply until 31 December 2009 to four Russian vessels, the characteristics of which shall be notified to the ICCAT Secretariat. However, the extension to 2009 shall be subject to the results of the review process in 2008.

transshipment is conducted in accordance with the procedures defined in Sections 3, 4 and 5, and **Annexes 1 and 2** below.

SECTION 3. RECORD OF VESSELS AUTHORISED TO RECEIVE TRANSHIPMENT IN THE ICCAT AREA

5. The Commission shall establish and maintain an ICCAT Record of Carrier Vessels authorized to receive tuna and tuna-like species in the Convention area from LSTLVs. For the purposes of this Recommendation, carrier vessels not entered on the record are deemed not to be authorized to receive tuna and tuna-like species in transshipment operations.
6. Each CPC shall submit, electronically where possible, to the ICCAT Executive Secretary by 1 July 2006 the list of the carrier vessels that are authorized to receive transshipments from its LSTLVs in the Convention area. This list shall include the following information:
 - The flag of the vessel
 - Name of vessel, register number
 - Previous name (if any)
 - Previous flag (if any)
 - Previous details of deletion from other registries (if any)
 - International radio call sign
 - Type of vessels, length, gross registered tonnage (GRT) and carrying capacity
 - Name and address of owner(s) and operator(s)
 - Time period authorized for transshipping
7. Each CPC shall promptly notify the ICCAT Executive Secretary, after the establishment of the initial ICCAT record, of any addition to, any deletion from and/or any modification of the ICCAT record, at any time such changes occur.
8. The ICCAT Executive Secretary shall maintain the ICCAT record and take measures to ensure publicity of the record and through electronic means, including placing it on the ICCAT website, in a manner consistent with confidentiality requirements notified by CPCs for their vessels.
9. Carrier vessels authorized for at-sea transshipment shall be required to install and operate a VMS in accordance with the 2003 *Recommendation by ICCAT Concerning Minimum Standards for the Establishment of a Vessel Monitoring System in the ICCAT Convention Area* [Rec. 03-14].

SECTION 4. AT-SEA TRANSHIPMENT

10. Transshipments by LSTLVs in waters under the jurisdiction of the CPCs are subject to prior authorization from the coastal State concerned. CPCs shall take the necessary measures to ensure that LSTLVs flying their flag comply with the following:

Flag State authorization

11. LSTLVs are not authorized to transship at sea, unless they have obtained prior authorization from their flag State.

Notification obligations

Fishing vessel:

12. To receive the prior authorization mentioned in paragraph 11 above, the master and/or owner of the LSTLV must notify the following information to its flag State authorities at least 24 hours in advance of the intended transshipment:
- the name of the LSTLV and its number in the ICCAT record of fishing vessels,
 - the name of the carrier vessel and its number in the ICCAT record of carrier vessels authorized to receive transshipments in the ICCAT area, and the product to be transshipped,
 - the tonnage by product to be transshipped,
 - the date and location of transshipment,
 - the geographic location of the tuna catches

The LSTLV concerned shall complete and transmit to its flag State, not later than 15 days after the transshipment, the ICCAT transshipment declaration, along with its number in the ICCAT record of fishing vessels, in accordance with the format set out in **Annex 1**.

Receiving carrier vessel:

13. The master of the receiving carrier vessel shall complete and transmit the ICCAT transshipment declaration to the ICCAT Secretariat and the flag CPC of the LSTLV, along with its number in the ICCAT record of carrier vessels authorized to receive transshipment in the ICCAT area, within 24 hours of the completion of the transshipment.
14. The master of the receiving carrier vessel shall, 48 hours before landing, transmit an ICCAT transshipment declaration, along with its number in the ICCAT record of vessels authorized to receive transshipment in the ICCAT area, to the competent authorities of the State where the landing takes place.

Regional Observer Program

15. Each CPC shall ensure that all carrier vessels transshipping at sea have on board an ICCAT observer, not later than 31 March 2007, in accordance with the ICCAT regional observer program in **Annex 2**. The ICCAT observer shall observe the respect of this Recommendation, and notably that the transshipped quantities are consistent with the reported catch in the ICCAT transshipment declaration.
16. Vessels shall be prohibited from commencing or continuing transshipping in the ICCAT area without an ICCAT regional observer on board, except in cases of *force majeure* duly notified to the ICCAT Secretariat.

SECTION 5. GENERAL PROVISIONS

17. To ensure the effectiveness of the ICCAT conservation and management measures pertaining to species covered by Statistical Document Programs:
- a) In validating the Statistical Document, flag CPCs of LSTLVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLV.
 - b) The flag CPC of LSTLVs shall validate the Statistical Documents for the transshipped fish, after confirming that the transshipment was conducted in accordance with this

Recommendation. This confirmation shall be based on the information obtained through the ICCAT Observer Program.

- c) CPCs shall require that the species covered by the Statistical Document Programs caught by LSTLVs in the Convention area, when imported into the territory of a Contracting Party, be accompanied by statistical documents validated for the vessels on the ICCAT record and a copy of the ICCAT transshipment declaration.

18. The CPCs shall report annually before 15 September to the Executive Secretary:

- The quantities by species transshipped during the previous year.
- The list of the LSTLVs registered in the ICCAT record of fishing vessels which have transshipped during the previous year.
- A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from their LSTLVs.

19. All tuna and tuna-like species landed or imported into the CPCs either unprocessed or after having been processed on board and which are transshipped, shall be accompanied by the ICCAT transshipment declaration until the first sale has taken place.

20. Each year, the Executive Secretary of ICCAT shall present a report on the implementation of this Recommendation to the annual meeting of the Commission which shall review compliance with this Recommendation.

21. This Recommendation replaces the *Recommendation by ICCAT Establishing a Programme for Transshipment by Large-scale Longline Fishing Vessels* [Rec. 05-06].

Annex 2: ICCAT REGIONAL OBSERVER PROGRAMME

1. Each CPC shall require carrier vessels included in the ICCAT record of vessels authorized to receive transshipments in the ICCAT area and which transship at sea, to carry an ICCAT observer during each transshipment operation in the Convention area.
2. The Secretariat of the Commission shall appoint the observers and shall place them on board the carrier vessels authorized to receive transshipments in the ICCAT area from LSTLVs flying the flag of Contracting Parties and of non-Contracting Cooperating Parties, Entities or Fishing Entities that implement the ICCAT Regional Observer Programme.

Designation of the observers

3. The designated observers shall have the following qualifications to accomplish their tasks:
 - Sufficient experience to identify species and fishing gear;
 - Satisfactory knowledge of the ICCAT conservation and management measures;
 - The ability to observe and record accurately;
 - A satisfactory knowledge of the language of the flag of the vessel observed.

Obligations of the observer

4. Observers shall:
 - a) Have completed the technical training required by the guidelines established by ICCAT;
 - b) Be nationals of one of the CPCs and, to the extent possible, not of the flag State of the receiving carrier vessel;
 - c) Be capable of performing the duties set forth in point 5 below;
 - d) Be included in the list of observers maintained by the Secretariat of the Commission;
 - e) Not be a crew member of an LSTLV or an employee of an LSTLV company.
5. The observer tasks shall be in particular to:
 - a) Monitor the carrier vessel's compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:
 - i) Record and report upon the transshipment activities carried out;
 - ii) Verify the position of the vessel when engaged in transshipping;
 - iii) Observe and estimate products transshipped;
 - iv) Verify and record the name of the LSTLV concerned and its ICCAT number;
 - v) Verify the data contained in the transshipment declaration;
 - vi) Certify the data contained in the transshipment declaration;
 - vii) Countersign the transshipment declaration;
 - b) Issue a daily report of the carrier vessel's transshipping activities;
 - c) Establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information.

- d) Submit to the Secretariat the aforementioned general report within 20 days from the end of the period of observation.
 - e) Exercise any other functions as defined by the Commission.
6. Observers shall treat as confidential all information with respect to the fishing operations of the LSTLVs and of the LSTLVs owners and accept this requirement in writing as a condition of appointment as an observer;
7. Observers shall comply with requirements established in the laws and regulations of the flag State which exercises jurisdiction over the vessel to which the observer is assigned.
8. Observers shall respect the hierarchy and general rules of behavior which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel personnel set forth in paragraph 9 of this program.

Obligations of the Flag States of Carrier Vessels

9. The responsibilities regarding observers of the flag States of the carrier vessels and their captains shall include the following, notably:
- a) Observers shall be allowed access to the vessel personnel and to the gear and equipment;
 - b) Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in paragraph 5:
 - i) Satellite navigation equipment;
 - ii) Radar display viewing screens when in use;
 - iii) Electronic means of communication;
 - c) Observers shall be provided accommodations, including lodging, food and adequate sanitary facilities, equal to those of officers;
 - d) Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties; and
 - e) The flag States shall ensure that captains, crew and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an observer in the performance of his/her duties.

The Secretariat, in a manner consistent with any applicable confidentiality requirements, is requested to provide to the flag State of the carrier vessel under whose jurisdiction the vessel transhipped and to the Flag CPC of the LSTLV, copies of all raw data, summaries, and reports pertaining to the trip.

The Secretariat shall submit the observer reports to the Compliance Committee and to the SCRS.

Annex 3: IN-PORT TRANSHIPMENT BY LSTVs

1. Transshipment operations in port may only be undertaken in accordance with paragraph 3 of the Introduction and the procedures detailed below:

Notification obligations

2. Fishing vessel:

- 2.1 Prior to transshipping, the captain of the LSTV must notify the following information to the Port State authorities, at least 48 hours in advance:

- the name of the LSTV and its number in the ICCAT record of fishing vessels,
- the name of the carrier vessel, and the product to be transshipped,
- the tonnage by product to be transshipped,
- the date and location of transshipment,
- the major fishing grounds of the tuna catches

- 2.2 The captain of a LSTV shall, at the time of the transshipment, inform its flag State of the following;

- the products and quantities involved
- the date and place of the transshipment
- the name, registration number and flag of the receiving carrier vessel
- the major fishing grounds of the tuna catches.

The captain of the LSTV concerned shall complete and transmit to its flag State the ICCAT transshipment declaration, along with its number in the ICCAT record of fishing vessels, in accordance with the format set out in **Annex 1** not later than 15 days after the transshipment.

Receiving vessel:

3. Not later than 24 hours before the beginning and at the end of the transshipment, the master of the receiving carrier vessel shall inform the port State authorities of the quantities of catches of tuna and tuna-like species transshipped to his vessel, and complete and transmit the ICCAT transshipment declaration to the competent authorities within 24 hours.

Landing State:

4. The master of the receiving carrier vessel shall, 48 hours before landing, complete and transmit an ICCAT transshipment declaration, to the competent authorities of the landing State where the landing takes place.
5. The port State and the landing State referred to in the above paragraphs shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag CPC of the LSTV to ensure that landings are consistent with the reported catches amount of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.
6. Each flag CPC of the LSTV shall include in its Annual Report each year to ICCAT the details on the transshipments by its vessels.

Appendix 2

STANDARDS OF CONDUCT & BEHAVIOR OF SUPPLIERS

Definitions

Conflict of interest - Participation in activities or relationships with other persons, resulting in the impairment or possible impairment of a person's objectivity in performing the contract work.

Direct financial interest - Any source of income to, or capital investment or other interest held by, an individual, partnership, or corporation or an individual's spouse, immediate family member or parent that could be influenced by performance or non-performance of duties under the contract.

Conduct

1. The Supplier shall not hold any direct financial interest in the observed fishery (other than the provision of observer service to ICCAT) including, but not limited to, vessels or shoreside facilities involved in the catching or processing of the products of the fishery, companies selling supplies or services to those vessels or shoreside facilities, or companies purchasing raw or processed products from these vessels or shoreside facilities. The interests of a spouse or minor child of a Director or an employee of the Supplier are considered those of the Supplier.
2. The Supplier shall recruit observers without regard to, *inter alia*, race, gender, age, religion, or sexual orientation and assign observers without regard to any preference expressed by representatives of vessels based on, but not limited to, observer race, gender, age, religion, or sexual orientation.
3. The Supplier shall not solicit or accept, directly or indirectly, any gratuity, gift, favour, entertainment, loan or anything of monetary value from anyone who conducts activities that are regulated by ICCAT, or who has interests that may be substantially affected by the performance or non-performance of the official duties of the Supplier and/or its employees.
4. The Supplier shall not deploy ICCAT observers in a manner or under such circumstances that are inconsistent with the agreed ICCAT guidelines on safety.

Appendix 3

STANDARDS OF CONDUCT & BEHAVIOR OF OBSERVERS

Definitions

Conflict of interest - Participation in activities or relationships with other persons, resulting in the impairment or possible impairment of a person's objectivity in performing the contract work.

Direct financial interest - Any source of income to, or capital investment or other interest held by, an individual, partnership, or corporation or an individual's spouse, immediate family member or parent that could be influenced by performance or non-performance of duties under the contract.

Conduct

1. An individual is only considered an ICCAT certified observer when employed by a Contractor that holds a contract with ICCAT to provide observer services and is acting within the scope of his/her employment.
2. Observers may not participate in any activity which would:
 - a) Cause a reasonable person to question the impartiality or objectivity with which the Observer Program is administered;
 - b) Significantly impair the observer's ability to perform his/her duties.
 - c) Adversely affect the efficient accomplishment of the Program's mission
3. Observers may not have direct financial interest in the observed fishery, other than the provision of observer services including, but not limited to, vessels or shore-side facilities involved in the catching or processing of the products of the fishery, companies selling supplies or services to those vessels or shore-side facilities, or companies purchasing raw or processed products from these vessels or shore-side facilities. The interests of a spouse or minor child are considered those of the observer.
4. Observers may not solicit or accept, directly or indirectly, any gratuity, gift, favour, entertainment, loan or anything of monetary value from anyone who conducts activities that are regulated by ICCAT, or who has interests that may be substantially affected by the performance or non-performance of the observers' official duties.
5. Observers may not serve as observers on any vessel or at any shore-side facility owned or operated by a person who previously employed the observer in any capacity.
6. Observers may not solicit or accept employment as a crew member or an employee of the vessel or shore-side processor in any fishery while employed as an observer.
7. A person may not serve as an observer in a fishery during the 3 consecutive months following the last day of his/her employment as a paid crew member or employee in that fishery.
8. Observers may not engage in an activity that may give rise to the appearance of a conflict of interest that may cause another individual to question the observer's impartiality, fairness or judgment.

9. Observers must avoid any behaviour that could adversely affect the confidence of the public in the integrity of the ICCAT Observer Programme or of the ICCAT, including, but not limited to the following:

- a) Observers must diligently perform their duties.
- b) Observers must accurately record their sampling data, write complete reports. If the observer chooses to report any suspected violations of regulations relevant to conservation of marine resources or their environment that they observe, it must be done honestly.
- c) Observers must preserve the confidentiality of the collected data and observations made on board the carrier vessels
- d) Observers must refrain from engaging in any illegal actions or any activities that would reflect negatively on their image, on other observers, or the Observer Program, as a whole. This includes, but is not limited to:
 - i) Engaging in drinking of alcoholic beverages while on duty
 - ii) Engaging in the use or distribution of illegal substances
 - iii) Becoming physically or emotionally involved with vessel personnel

Appendix 4

CONDITIONS FOR OBSERVER DEPLOYMENT & RECOVERY OPERATIONS

In the event that observer embarkation/disembarkation directly onto carrier vessels is not possible in port by the quayside, 3 options exist for observer transfer. In each case, transfers shall be made during daylight hours if possible and sea conditions must be evaluated and judged to pose no undue risk to the observer before any at sea transfer can take place.

- Option 1: Transfer at-sea from a vessel that has recently left port to a carrier vessel;
- Option 2: Transfer at-sea from a carrier vessel onto a vessel returning to port; and
- Option 3: Transfer from/to a launch in and around a port area.

All of these options involve transfers between the transshipment vessel and another vessel at-sea and do not permit a **Pre-sea Boarding Inspection** (see Appendix 5) to be performed. This procedure is not without risk and the Supplier shall agree to its implementation under the following terms and Conditions:

The Supplier will apply the following protocol when taking decisions regarding observer deployments:

1. **Low risk** options will have priority

Embarkation

- In port
 - Directly onto transshipment vessel tied up alongside
- In port
 - Onto vessel at anchor via local port services

Disembarkation

- In port
 - Directly from transshipment vessel tied up alongside
- In port
 - From vessel at anchor via local port services

2. **Medium risk options** will be considered, but only if the vessels involved have been identified and approved by ICCAT and Consortium partners to undertake such transfers. These transfer vessels will require port inspection and must have a clean safety record issued by the flag state safety authority. As far as possible, Consortium partners will inspect these vessels, but when this is not possible, agents for these vessels must submit safety certification and inspection documentation.

Embarkation

- In port
 - Directly onto fishing vessel
 - 1 leg transfer on high seas; transfer from fishing vessel to transshipment vessel

Disembarkation

- 1 leg transfer on high seas
 - From transshipment vessel to fishing vessel returning to port

3. **High risk options will not be considered** unless circumstances prevail where the observer has to return urgently to home base or unless vessel operators can satisfy Consortium technical advisors that such transfers can be safely performed without endangering the observers' safety unduly.

Embarkation

- Directly onto fishing vessel in port
 - 2 leg transfer on high seas; transfer from fishing vessel to transshipment vessel via third vessel (i.e. two at-sea transfers)

Disembarkation

- 2 leg transfer on high seas
 - From transshipment vessel to vessel returning to port via third vessel (i.e. two at-sea transfers)

For Options 1 & 2

- Option 1: Transfer at-sea from a vessel that has recently left port to a carrier vessel
 - Option 2: Transfer at-sea from a carrier vessel onto a vessel returning to port
1. Carrier Vessel Operators must notify the Suppliers, and through the appropriate CPC authorities the Purchaser, at least 3 days (72 hours) prior to an at-sea transfer and supply the following details (these will be logged in the Programme Database):

Vessel Details

- Name
- ICCAT Record Number, if applicable
- Flag
- Registration Number
- Call sign
- Agent/Owner/Charterers details
- Vessel's Communication
 - Telephone
 - Fax
 - Telex
- Confirmation of valid Protection & Indemnity certification

Operational Details

- Current date
- Current position
- Transfer date
- Transfer position
- Port of arrival / departure
- Estimate time of arrival / departure

2. Transfers must be conducted using the following operational guidelines which reflect best practice health and safety standards for transferring individuals at sea:
- Only Observers that have been trained and instructed in vessel safety requirements to be deployed;
 - All vessels designated by Carrier Vessels Operators must be identified and cross referenced with the list of vessels previously inspected or verified by the Supplier;
 - Prior to transfer onto a transfer or carrier vessel, valid safety certification must be submitted⁵ to the Supplier
 - The Supplier will approve transfer on the basis of safety certification;
 - For an Observer being transferred from a transfer vessel onto a carrier vessel:
 - i. A Safety Inspection (equivalent to the **Pre-sea Boarding Inspection**; see Appendix 5) will be performed on all vessels;
 - ii. Observers will notify the Supplier of the results of the Inspection. If satisfactory the transfer can proceed and report “safe transfer” to the Supplier. If the Inspection results are not satisfactory, the Supplier will notify the Purchaser and the Carrier Vessel Operator.
 - iii. 1 hour prior to transferring the Observer to the carrier vessel, Observers will report details of the timing and location of the transfer to the Supplier.
 - iv. Once the transfer as been completed the Observer will conduct an Inspection on the vessel and report the results to the Supplier;
 - For returning Observers being transferred from a carrier vessel onto a transfer vessel:
 - i. Only in exceptional circumstances will observers be transferred to vessels with the intention to deploy gear prior to returning to port;
 - ii. 1 hour prior to the transfer, Observers will report details of the timing and location of the transfer to the Supplier.
 - iii. Once the transfer as been completed the Observer will conduct an Inspection on the vessel and report the results to the Supplier;
 - iv. Observers will notify the Supplier of the results of the Inspection. If satisfactory the transfer can proceed and report “safe transfer” to the Supplier. If the Inspection results are not satisfactory, the Supplier will notify the Purchaser and the Carrier Vessel Operator.
 - The Observer will notify the Supplier of any change in conditions;
 - The Observer will notify the Supplier once within port limits;
 - The Observer will notify the Supplier when vessel is alongside and disembarkation is successful and customs and immigration requirements have been completed.

⁵ The information should be submitted to the following address iccatrop@mrag.co.uk
Or faxed to + 44 207 499 5388 or + 27 21 425 1994

For Option 3

- Option 3: Transfer from/to a launch in and around a port area.

When Observer transfers are required in such circumstances, the Supplier will seek recognised agencies and abide by local legal and other statutory requirements as directed by the agency.

Any indication of poor sea conditions or inadequate protocols and equipment supplied by the vessels will result in the transfer being aborted. The Supplier will not compromise on observer safety and if conditions are not suitable, the observer will remain on the originating vessel until suitable transfer arrangements can be made.

Appendix 5

Pre-Sea Boarding Inspection

Fill in fields where possible and comments where necessary.

Inspected by;

Observer / Co-ordinator		Signature	
Vessel Agent		Signature	

Vessel Details:

Vessel Name			
Captain Name			
Call Sign			
Flag			
Size GRT			
LOA			
Number of Crew			
Vessel contact Number	Telephone		
	Fax		
	Inmarsat (A/C/M) & No.		
Vessel Agents	Name		
	Telephone		
	Fax		
	Mobile		
	Email		

Safety Equipment:

Valid Safety Certificate (Y/N)		Issuing Authority		
Life Boats				
Type	Number	Capacity	Launch method Gravity Davit or Free Fall	
Life Rafts				
Type	Number	Capacity	Hydrostatic release Yes / No	Date Service Due

Life Jackets			
Type Inflatable/Packed	Number	Location Cabin /Muster Station/ Both	SOLAS Approved Yes/ No
Immersion Suits			
	Number	Location Cabin/Muster Station/ Both	SOLAS Approved Yes/ No
Life Buoys			
	Number	Free Release Yes / No	Light/SART Attached
Flares: Location		If checked No. / Exp Date	
First Aid Materials Location		Certified Medical Officer	
Fire Extinguishers			
Positioned in main corridor's (Y/N)		Charge seals intact (Y/N)	
Positioned on bridge (Y/N)		Charge seals intact (Y/N)	

GMDSS Requirements:

Radio Equipment	HF	MF	VHF	INMARSAT	NAVTEX
	Operational yes or no	Operational yes or no	Operational yes or no	Operational yes or no	Operational yes or no
EPIRB's					
Type	Number	Location	Release manual / float free		
SART's	Number	Location	Release manual / float free		

Accommodation:

Single Cabin or Sharing	Comment
Vessel Emergency Evacuation and Muster Stations Lists – Displayed (Y/N)	

General Comments: