

**ROP-BFT**  
**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**MRAG & COFREPECHE**

**&**

\_\_\_\_\_ **(BLUEFIN TUNA VESSEL/FARM/TRAP OPERATOR)**

Insofar as the Consortium of MRAG Ltd. and Cofrepêche (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 ROP-BFT) in accordance with ICCAT Recommendation 18-02 which requires independent Observers to observe and monitor farm, trap and fishing operations.

And

\_\_\_\_\_ (the Operator) with vessels, farms or traps in the East Atlantic and Mediterranean that will participate in the ROP-BFT and have been entered into the ICCAT Record of authorized bluefin tuna catching vessels, the ICCAT Record of authorised tuna farms or the ICCAT Record of authorised tuna traps.

The Supplier and the Operator in order to promote the objectives of the ROP-BFT, and ensure observance of the provisions of ICCAT, have reached the following terms under this Memorandum of Understanding:

**Section 1**

**General Terms & Conditions**

1. The 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 provided access to all vessel facilities and/or to tuna farm/trap facilities, support vessels and personnel designated by Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities (CPCs) to observe, monitor and report on compliance with the relevant conservation and management measures adopted by the Commission as set out in Recommendation 18-02, ***Recommendation by ICCAT Establishing a Multi-Annual Management Plan for Bluefin Tuna in the Eastern Atlantic and the Mediterranean Sea*** (Rec. 18-02, Annex 6) (the Recommendation – attached herein as Appendix 1).
2. For the implementation of the ROP-BFT, the Operator shall accept deployment of Observers without regard to; inter alia, Observer race, gender, age, religion, or sexual orientation. The Operator shall also ensure the seaworthiness and safety of all vessels; and all farm and trap and factory facilities consistent with all applicable national and international safety regulations (Torremolinos Convention, 1977, Appendix 5) and the ICCAT guidelines on safety.

**Section 2**

**Suppliers Conditions for Providing ICCAT Observers for Deployment**

3. The Supplier shall provide an ICCAT Observer in response to a request received from the ICCAT Secretariat in accordance with procedures agreed with the Purchaser.
4. The minimum duration of a single Observer deployment on a farm or trap shall be 5 days.
5. The maximum duration of a single observer deployment on a farm and/or trap shall not exceed 90 days, (irrespective of the number of deployment extension requests) without prior written agreement between the Supplier, the Operator and the Purchaser.

6. The Operator shall take such steps as are necessary, including but not limited to the instruction of its personnel on the vessel, farm and/or trap (including support vessels), to assist in the prompt, efficient and safe deployment to and recovery from vessels, farms and/or traps of the ICCAT Observer and ensure safe working conditions whilst the ICCAT Observer is working on the vessel, farm and/or trap and factory facilities.
7. The Supplier may need to recover an Observer from a vessel, farm and/or trap at any time during the deployment period. Replacement of an Observer prior to the completion of an agreed deployment may become necessary, for example in the following circumstances (this list is provided for guidance only and is not exhaustive):
  - i. If the deployment period exceeds 90 days;
  - ii. The Observer is injured or becomes ill to the extent they are prevented from performing their duties effectively;
  - iii. The Observer is involved in an incident which requires urgent medical attention unavailable locally;
  - iv. 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);
  - v. If the provisions of Section 3 are violated.
8. In such circumstances the Operator shall instruct its personnel to take such steps as necessary for the prompt, efficient and safe recovery of the Observer including cooperation with the Supplier, and, where necessary, the immediate and direct transit of the vessel to the nearest port with appropriate medical facilities and/or transport links as agreed with the Supplier. The Supplier shall provide a replacement ICCAT Observer in order to allow vessel, farm and/or trap operations requiring the presence of an ICCAT observer to proceed.
9. The Supplier shall not be responsible for any loss of business or other costs to the Operator arising from the early recovery and/or non-availability of the Observer to perform his or her duties under the ROP-BFT for whatever reason. It is the Operator's responsibility to carry adequate and appropriate insurance to cover such potential losses.
10. In the event that the Operator breaches the guidelines of the ROP-BFT as laid out in the ***Obligations of the Flag States of purse seine vessels; and Farm and Trap States***; (Appendix 1: ICCAT Recommendation 18-02; Annex 6; article 11), the Supplier shall require the immediate recovery of the ICCAT Observer. In such circumstances the Operator shall instruct its personnel to take such steps as necessary for the prompt, efficient and safe recovery of the Observer concerned, including cooperation with the Supplier, and the immediate and direct transit of the vessel to the nearest port with appropriate transport links (to be agreed with the Supplier).
11. In such a situation, a full report will be submitted by the Supplier to the Purchaser and Operator. The Supplier shall only provide a replacement Observer when the issue(s) surrounding the event has been resolved to the satisfaction of the Supplier and the Purchaser. The provisions of Section 2 paragraph 7 shall also apply.
12. All vessels on which Observers are required to embark, including purse seine vessels and any vessels used to transport the Observer to and from purse seine vessels and/or to and from farms and/or traps at sea must be seaworthy and satisfy all applicable national and international safety regulations and the ICCAT guidelines on safety. To this end:

- i. All certificates related to seaworthiness must be made available to observers upon request in order to satisfy the Standards of Conduct and Behaviour of Suppliers as requested by ICCAT (Appendix 2; Point 4).
  - ii. Observers shall conduct a Pre-sea Inspection (Appendix 4) and familiarisation tour of all vessels. The following shall be considered mandatory safety requirements for life saving appliances during the inspection (Appendix 5):
    - a) Life rafts shall be of sufficient capacity for all personnel onboard and possess a valid certificate of maintenance;
    - b) Life jackets shall be of sufficient number for all personnel onboard and be compliant with SOLAS<sup>1</sup> standards;
    - c) An Emergency Personal Indicator Response Beacon (EPIRB) or a Search and Rescue Transponder (SART) shall be present on the vessel and possess a valid certificate of maintenance.
13. Should there be any major deficiency recorded in the safety standards onboard during the Pre-sea 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 shall be submitted to the Purchaser and Operator.
14. In the event that the Operator intends to provide accommodation for the ICCAT observer deployed to the Operator's farm and/or trap, the Operator shall ensure that the lodgings are of a suitable standard, which:
- i. Satisfies applicable national and international health and safety regulations;
  - ii. Provides the following:
    - a) A secure private bedroom for the sole use of the observer;
    - b) All rooms are en suite or have private facilities;
    - c) A restaurant or dining room which serves breakfast daily and dinner most evenings; or are located close by to these facilities;
    - d) Access to telephone facilities; and
  - iii. Is in the opinion of the Supplier within a reasonable travelling distance to the farm and/or trap.
15. The Supplier reserves the right to place the observer into separate accommodation, organised by the Supplier should the accommodation provided by the Operator not meet the standard set out in paragraph 14. In the event that the Supplier deems it necessary to arrange separate accommodation, the Operator shall be charged by ICCAT the farm and/or trap day rate including accommodation costs as provided by ICCAT.

### **Section 3**

#### **Operator's Responsibilities for Observer Deployment**

16. The Supplier shall make travel arrangements for the Observer in accordance with the information forwarded by Vessel Flag State, Farm State and or Trap State authorities to the Purchaser. The Operator shall make every effort to provide accurate information to enable the Supplier to make travel arrangements for the Observer in a timely and efficient manner.
17. Wherever possible, the Supplier will confirm this information directly with the Operator prior to making travel bookings for the Observer. In the event that the planned deployment date is within 96 hours of the receipt of notification from the Secretariat, the Supplier shall make travel bookings immediately without confirming with the Operator.

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<sup>1</sup> SOLAS: International Convention for the Safety of Life at Sea.

18. Once the bookings have been made by the Supplier, if the plans deviate from those originally provided to the Purchaser by the Operator (including but not limited to; cancellation of Observer requirements, change of dates/locations of deployment and/or recovery), the Operator shall be responsible for paying any additional costs incurred in revising the Observer's deployment.
19. There are two options for revising the Observer's travel arrangements and paying the associated costs:
  - i. The Operator can make and pay for the revisions to the Observer's travel arrangements directly provided all travel and accommodation arrangements are approved in advance by the Supplier.
  - ii. In the event that the Operator 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 itemised costs will be passed on to the Operator via the Purchaser.
20. The deployment of the Observer shall not commence before this **MoU, signed by the Operator**, has been received by the Supplier. It is the responsibility of the Operator to send the signed copy of the MoU to the Supplier directly.
21. Operators shall ensure that their personnel make the following arrangements for the Observer whilst deployed on **Purse Seine Vessels**:
  - i. Upon request, ICCAT Observers shall be allowed access to the following information, documents and equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in Section 4 of this MoU.
    - a) The following vessel records:
      - Fishing Logbook
      - Pre-Transfer Notifications
      - Transfer Authorisations
      - Tuna Release Orders
      - ICCAT Transfer Declarations
      - Bluefin Catch Documents (BCD)
    - b) Cage reference number or identification details;
    - c) Satellite navigation equipment;
    - d) Radar display viewing screens when in use;
    - e) Electronic means of communication;
    - f) Video records of tuna transfer and release operations;
    - g) Viewing facilities equipped with software compatible with video records of tuna transfer or release operations;
    - h) Dead fish; or fish products in storage on the Tug/Carrier vessel and fish that may be killed/sampled or harvested during fishing, transshipment or transfer to the towing cages.
22. Observers shall be provided accommodations, including lodging, food and adequate sanitary facilities, equal to those of officers.
23. 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.

24. When a vessel is in port during the deployment period and the observer is onboard, the operator shall ensure that electricity and potable water are available on the vessel. If electricity and potable water cannot be provided, then the operator shall provide accommodation for the observer in on shore lodgings that are of a suitable standard while the vessel remains in port.
25. If a vessel remains in port over night during the deployment period and the observer is onboard, the operator shall ensure that a crew member / night watchman is onboard and is responsible for the security of the vessel. If a crew member or night watchman is not provided, the operator shall provide accommodation for the observer in on shore lodgings that are of a suitable standard while the vessel remains in port.
26. No personnel shall obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an Observer in the performance of his/her duties.
27. Operators shall be required to confirm that the vessel possesses valid Protection and Indemnity (P&I) insurance. The deployment of the observer shall not commence before evidence of P&I insurance has been received by the Supplier.
28. 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.
29. Operators shall ensure that their personnel make the following arrangements for the Observer whilst deployed on **Farms and/or Traps**:
  - i. Observers shall be allowed to access the following information, areas, items, documents and personnel in order that they can fulfil their responsibilities as set forth in Section 4 of this MoU:
    - a) Farm and/or trap vessels and platforms involved in the transfer and harvesting phases and for transporting fish to carrier and/or processing vessels;
    - b) The following farm, trap and towing vessel records:
      - Caging authorisations;
      - Release orders;
      - Bluefin Catch Documents (BCD) and/or electronic Bluefin Catch Documentation (eBCD);
      - ICCAT Caging Declaration;
      - ICCAT Transfer Declarations (information on transfer of fish at-sea between the purse seine and towing vessel);
      - Video records of transfer of fish at-sea between the purse seine and towing vessel).
    - c) Cage registration number or identification details;
    - d) Electronic means of communication;
    - e) Video records of tuna caging or release operations;
    - f) Viewing facilities equipped with software compatible with video records of tuna caging or release operations;
    - g) Dead fish; or fish products in storage on the Tug/Carrier vessel and fish that may be killed/sampled or harvested during towing or transfer to the farm and/or trap cages;
    - h) Farm and/or Trap personnel and to farm and /or trap gear, cages and equipment;
    - i) Access to tuna which have been harvested for fresh export; or
    - j) Provided with accurate details of tuna harvested for fresh export including inter alia:

- Individual length and weight of each tuna harvested
  - Respective Bluefin Catch Document reference number(s)
  - Export destination (country and importer)
30. No personnel shall obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an Observer in the performance of his/her duties.

#### **Section 4**

##### **Observer's Responsibilities on Vessels**

31. For the implementation of the ROP-BFT, Observers shall monitor the purse seine vessels' compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:
- i. in cases where the observer observes what may constitute non compliance with ICCAT recommendation he/she shall submit this information without delay to the observer implementing company who shall forward it without delay to the flag state authorities of the catching vessel. For this purpose the observer implementing company shall set up a system through which this information can be securely communicated;
  - ii. record and report upon the fishing activities carried out;
  - iii. observe and estimate catches and verify entries made in the logbook;
  - iv. issue a daily report of the purse seiner vessels' transfer activities;
  - v. sight and record vessels which may be fishing in contravention to ICCAT conservation and management measures;
  - vi. record and report upon the transfer activities carried out;
  - vii. verify the position of the vessel when engaged in transfer;
  - viii. observe and estimate products transferred, including through the review of video recordings;
  - ix. verify and record the name of the fishing vessel concerned and its ICCAT number;
  - x. carry out scientific work such as collecting Task II data when required by the Commission, based on the directives from the SCRS.

##### **Observer's Responsibilities at Farms and Traps**

32. For the implementation of the ROP-BFT, Observers shall monitor the farms' and/or traps' compliance with the relevant conservation and management measures adopted by the Commission. In particular the Observers shall:
- i. verify the data contained in the transfer declaration, caging declaration and BCDs, including through the review of video records;
  - ii. certify the data contained in the transfer declaration, caging declaration and BCD and/or eBCD;
  - iii. issue a daily report of the farms' and traps transfer activities;
  - iv. countersign the transfer declaration and caging declarations and BCDs only when he/she agrees that the information contained within them are consistent with his/her observations including a compliant video record as per the requirements in paragraphs 75 and 76;
  - v. carry out such scientific work, for example collecting samples, as required by the Commission, based on the directives from the SCRS;
  - vi. register and verify the presence of any type of tag, including natural marks, and notify any sign of recent tag removals;
  - vii. measure the length of at least 10% of harvested fish;

- viii. establish general reports compiling the information collected in accordance with this paragraph; and
  - ix. provide the Operator the opportunity to include therein any relevant information;
  - x. submit to the Supplier the aforementioned general report at the end of the deployment;
  - xi. exercise any other functions as defined by the Purchaser.
33. Observers shall comply with the ICCAT **Standards of Conduct and Behaviour of Observers** (Appendix 3), specifically:
- i. Observers shall treat as confidential all information with respect to the fishing and transfer operations of the purse seiners and of the farms and accept this requirement in writing as a condition of appointment as an observer;
  - ii. Observers shall comply with requirements established in the laws and regulations of the flag, farm or trap State which exercises jurisdiction over the vessel, farm or trap to which the observer is assigned;
  - iii. Observers shall respect the hierarchy and general rules of behaviour which apply to all vessel, farm and trap personnel, provided such rules do not interfere with the duties of the Observer under the Programme; and with the obligations of vessel and farm personnel as laid out in the **Obligations of the Flag States of purse seine vessels and Farm and Trap States**; (Appendix 1: Recommendation 18-02; Annex 6; article 11).

**Section 5**

**Entry into Effect, Duration and Termination**

- 34. The arrangements described by this MoU are applicable upon its signature.
- 35. This MoU represents the entire understanding between the parties in respect of the ROP-BFT and supersedes any prior written or oral representations, warranties or agreements.
- 36. Activities under this MoU may continue throughout the duration of the Contract between the Purchaser and the Supplier. Either Party (Supplier or Operator) may discontinue its participation in activities under this MoU at any time, and should notify the Purchaser and other Party in writing six months in advance of its intention so to do.

The notification referred to in paragraph 36 above by a vessel farm and or trap Operator shall imply that such Operator no longer participates in the ROP-BFT.

<p>For the Supplier</p>  <p>Signed _____</p> <p>Name _____</p> <p>Position _____</p> <p>Date _____</p>	<p>For the Operator</p>  <p>Signed _____</p> <p>Name _____</p> <p>Position _____</p> <p>Date _____</p>
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## Appendix 1

### ICCAT RECOMMENDATION 18-02

#### *Recommendation by ICCAT Establishing a Multi-Annual Management Plan for Bluefin Tuna in the Eastern Atlantic and the Mediterranean Sea*

#### Annex 6

#### ICCAT Regional Observer Programme

1. Each CPC shall require its farms, traps and purse seine vessels as referred to in paragraph 89 to deploy an ICCAT regional observer.
2. The Secretariat of the Commission shall appoint the observers before 1 April each year, and shall place them on farms, traps and on board the purse seine vessels flying the flag of Contracting Parties and of non-Contracting Cooperating Parties, Entities or Fishing Entities that implement the ICCAT observer programme. An ICCAT observer card shall be issued for each observer.
3. The Secretariat shall issue a contract listing the rights and duties of the observer and the master of the vessel or farm or trap operator. This contract shall be signed by both parties involved.
4. The Secretariat shall establish an ICCAT Observer Programme Manual.

#### Designation of the observers

5. 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 and based on ICCAT training guidelines;
  - the ability to observe and record accurately;
  - a satisfactory knowledge of the language of the flag of the vessel or farm or trap observed.

#### Obligations of the observer

6. 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 farm State, trap State or flag State of the purse seine vessel;
  - c) be capable of performing the duties set forth in point 7 below;
  - d) be included in the list of observers maintained by the Secretariat of the Commission;
  - e) not have current financial or beneficial interests in the bluefin tuna fishery.
7. The observer tasks shall be, in particular:
  - a) As regards observers on purse-seine vessels, to monitor the purse seine vessels' compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:
    - i) in cases where the observer observes what may constitute non-compliance with ICCAT recommendation he/she shall submit this information without delay to the observer implementing company who shall forward it without delay to the flag State authorities of the catching vessel. For this purpose the observer implementing company shall set up a system through which this information can be securely communicated;

- ii) record and report upon the fishing activities carried out;
  - iii) observe and estimate catches and verify entries made in the logbook;
  - iv) issue a daily report of the purse seiner vessels' transfer activities;
  - v) sight and record vessels which may be fishing in contravention to ICCAT conservation and management measures;
  - vi) record and report upon the transfer activities carried out;
  - vii) verify the position of the vessel when engaged in transfer;
  - viii) observe and estimate products transferred, including through the review of video recordings;
  - ix) verify and record the name of the fishing vessel concerned and its ICCAT number;
  - x) carry out scientific work such as collecting Task II data when required by the Commission, based on the directives from the SCRS.
- b) As regards observers in the farms and traps to monitor their compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:
- i) verify the data contained in the transfer declaration, caging declaration and BCDs, including through the review of video records;
  - ii) certify the data contained in the transfer declaration, caging declaration and BCDs;
  - iii) issue a daily report of the farms' and traps transfer activities;
  - iv) countersign the transfer declaration and caging declarations and BCDs only when he/she agrees that the information contained within them are consistent with his/her observations including a compliant video record as per the requirements in paragraphs 75 and 76;
  - v) carry out such scientific work, for example collecting samples, as required by the Commission, based on the directives from the SCRS;
  - vi) register and verify the presence of any type of tag, including natural marks, and notify any sign of recent tag removals.
- c) Establish general reports compiling the information collected in accordance with this paragraph and provide the master and farm operator 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.
8. Observers shall treat as confidential all information with respect to the fishing and transfer operations of the purse seiners and of the farms and traps and accept this requirement in writing as a condition of appointment as an observer.
9. Observers shall comply with requirements established in the laws and regulations of the flag or farm State which exercises jurisdiction over the vessel, farm or trap to which the observer is assigned.
10. Observers shall respect the hierarchy and general rules of behaviour which apply to all vessel, farm and trap personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel and farm personnel set forth in paragraph 11 of this Programme.

### **Obligations of the flag States of purse seine vessels and farm and trap States**

11. The responsibilities regarding observers of the flag States of the purse seine vessels and their masters shall include the following, notably:
- a) Observers shall be allowed to access to the vessel, farm and trap personnel and to the gear, cages 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 7 of this Programme:
    - 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 masters, crew, farm, trap 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 farm State, trap State or flag State of the purse seine vessel, 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.

### **Observer fees and organization**

- 12a) The costs of implementing this program shall be financed by the farm and trap operators and purse seiner's owners. The fee shall be calculated on the basis of the total costs of the program. This fee shall be paid into a special account of the ICCAT Secretariat and the ICCAT Secretariat shall manage the account for implementing the program;
- b) No observer shall be assigned to a vessel, trap and farm for which the fees, as required under sub-paragraph a), have not been paid.

## Appendix 2

### STANDARDS OF CONDUCT & BEHAVIOUR 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 ICCAT guidelines on safety.

### Appendix 3

#### STANDARDS OF CONDUCT & BEHAVIOUR 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 ROP-BFT 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 Operator's personnel.

## Appendix 4

## Pre-Sea Inspection (PSI) Checklist

## 1. Inspected by:

Observer / Co-ordinator		Date		Signature	
Vessel Agent		Date		Signature	
Port					

## 2. Vessel Details:

Vessel Name		
Captain Name		
Call Sign/Flag Registration #		
Flag		
Number of Crew		
Vessel contacts	Email	
	Telephone	
	Fax	
	Inmarsat (A/C/M) & No.	
Vessel Agent contact	Name	
	Telephone	
	Fax	
	Mobile	

## 3. Safety Equipment:

<b>Valid Safety Certificate</b>					
Issued (Y/N)		Issuing Authority			
<b>Life Rafts</b>					
Type	Number	Capacity	Hydrostatic Release Yes / No	Certificate of Maintenance Yes / No	Valid Until
<b>Life Jackets</b>					
Type Inflatable/Packed	Number	SOLAS Yes / No		Location Cabin /Muster Station/ Both	
<b>Immersion Suits</b>					
Type	Number	SOLAS Yes / No		Location Cabin/Muster Station/ Both	
<b>Life Buoys</b>					
Type	Number	Free Release Yes / No		Light/SART Attached	

Appendix 4: Pre-Sea Inspection Checklist

Flares			
Type	Number	Reference No. / Expiry Date	Location
Fire Extinguishers			
Type	Number	Charge seals intact Yes / No	Location
Other			
Vessel Emergency Evacuation and Muster Stations Lists – Displayed (Y/N)			
First Aid Materials Location		Certified Medical Officer	

**4. GMDSS Requirements:**

Radio Equipment	HF Operational yes or no	MF Operational yes or no	VHF Operational yes or no	INMARSAT Operational yes or no	NAVTEX Operational yes or no
EPIRBs					
Type	Number	Location	Certificate of Maintenance Yes / No	Valid Until	Release manual / float free
SARTs					
Type	Number	Location	Certificate of Maintenance Yes / No	Valid Until	Release manual / float free

**5. General Comments:**

**Appendix 5**

**Torremolinos International Convention  
for the  
Safety of Fishing Vessels, 1977**

**Conditions Relevant to ROP-BFT**

1. Survival craft to accommodate at least 100 per cent of the persons on board shall be provided (Regulation 110 (4 a)).
2. Survival craft and life-saving appliances shall be in working order and available for immediate use before the vessel leaves port and kept so at all times when at sea (Regulation 116 (2)).
3. SOLAS approved personal floatation device shall be carried for every person on board (Regulation 118 (1)).
4. EPIRB/SART shall be carried and located so as to be readily accessible (Regulation 122).