

## **CPC: CHINA**

### **Emergency Action Plan on protecting the health and safety of observers in ICCAT Regional Observer Program**

This Emergency Action Plan (EAP) intends to provide a list of immediate actions and measures to be taken. China hereby establishes an Emergency Action Plan for Chinese vessels carrying observers deployed under an ICCAT ROP to be followed by Chinese vessels and relevant authorities, as follows,

1. In the event that an ROP observer dies, is missing or presumed fallen overboard, Chinese vessel :
  - a) ceases fishing operations as soon as practicable;
  - b) immediately notifies the appropriate Maritime Rescue Coordination Center (MRCC), the Chinese authorities and the observer provider;
  - c) immediately commences search and rescue if the observer is missing or presumed fallen overboard, and searches for at least 72 hours, unless the observer is found sooner, or unless instructed by the Chinese authorities to continue searching<sup>1</sup>;
  - d) immediately alerts other vessels in the vicinity by using all available means of communication;
  - e) cooperates fully in any search and rescue operation;
  - f) whether or not the search is successful , promptly returns to the nearest port for further investigation ,if required by the Chinese authorities.;
  - g) promptly provides a report on the incident to the observer provider and appropriate Chinese authorities; and
  - h) cooperates fully in all official investigations, and preserves any potential evidence and the personal effects and quarters of the deceased or missing observer.
2. In addition, in the event that an ROP observer dies while deployed, the Chinese vessel ensures that the body is well-preserved for the purposes of an autopsy and investigation, except for the limited cases for which Chinese relevant law allows burial at sea (e.g. in the case of infectious disease).
3. In the event that an ROP observer suffers from a serious illness or injury that threatens his or her health or safety, Chinese fishing vessel:
  - a) ceases fishing operations as soon as practicable, takes all reasonable actions to care for the observer and provide any medical treatment available and possible on board the vessel;
  - b) immediately notifies the Chinese authorities, observer provider, and relevant MRCC to advise if a medical evacuation is warranted;
  - c) where directed by the Chinese authorities, facilitates the disembarkation and transport of the observer to a medical facility equipped to provide the required care, as soon as practicable; and
  - d) cooperates fully in any and all official investigations into the cause of the illness or injury.

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<sup>1</sup> In the event of force majeure, the Chinese authorities may allow their vessels to cease search and rescue operations before 72 hours have elapsed.

4. For the purposes of paragraphs 1 through 3, the Chinese authorities will ensure that the appropriate MRCC, observer provider, and the Secretariat are immediately notified of the incident, actions taken or underway to address the situation, and any assistance that may be required.
5. In the event that there are reasonable grounds to believe an ROP observer has been assaulted, intimidated, threatened, or harassed such that their health or safety is endangered and the observer or the observer provider indicates to the Chinese authorities that they wish for the observer to be removed from the fishing vessel, Chinese vessels:
  - a) immediately takes action to preserve the safety of the observer and mitigate and resolve the situation on board;
  - b) notifies the Chinese authorities and the observer provider of the situation, including the status and location of the observer, as soon as possible;
  - c) where directed by the Chinese authorities, facilitates the safe disembarkation of the observer in a manner and place, that facilitates access to any needed medical treatment; and
  - d) cooperates fully in any and all official investigations into the incident.
6. In the event that there are reasonable grounds to believe that an ROP observer has been assaulted, intimidated, threatened, or harassed but neither the observer nor the observer provider wishes that the observer be removed from the fishing vessel, Chinese authorities will require the fishing vessel:
  - a) takes action to preserve the safety of the observer and mitigate and resolve the situation on board as soon as possible;
  - b) notifies the Chinese authorities and the observer provider of the situation as soon as possible; and
  - c) cooperates fully in all official investigations into the incident.
7. If any of the events in paragraphs 1 through 5 occur, the Chinese authorities will facilitate entry of the fishing vessel to allow disembarkation of the ROP observer and, to the extent possible, assist in any investigations if so requested by the flag CPC or non - CPC.
8. In the event that, after disembarkation from a fishing vessel of an ROP observer, an observer provider identifies, such as during the course of debriefing the observer, a possible situation involving assault or harassment of the observer while on board the fishing vessel, the observer provider shall notify, in writing, the flag CPC or non - CPC and the Secretariat.
9. If notified, under paragraph 5b,6b, or 8, that an observer has been assaulted or harassed, the Chinese authorities will:
  - a) investigate the event based on the information provided by the observer provider and take any appropriate action in response to the results of the investigation;
  - b) cooperate fully in any investigation conducted by the observer provider, including providing the report to the observer provider and appropriate authorities of the incident; and
  - c) promptly notify the observer provider and the Secretariat of the results of its investigation and any actions taken.
10. Any other vessels flying the Chinese flag are encouraged to participate, to the greatest extent possible, in any search and rescue operations involving an ROP observer.
11. Where requested, Chinese authorities will cooperate with relevant observer providers in each other's investigations, including providing their incident reports for any incidents indicated in paragraphs 1 through 6 to facilitate any investigations as appropriate.
12. Nothing in this plan prejudices the rights and discretion of master of the Chinese vessel, which are exercised according to Chinese domestic law.