



**COMMISSION
NINTH REGULAR SESSION**
Manila, Philippines
2-6 December 2012

**ROP report PROPOSAL ON ENSURING THE OPPORTUNITY FOR VESSEL
CAPTAINS/OPERATORS TO REVIEW AND COMMENT ON THE COMMISSION'S
ROP REPORT**

**WCPFC9-2012-DP10_rev1
26 November2012**

The Commission's Regional Observer Programme (ROP) that commenced in 2009 is rapidly becoming a key Commissions programme, with the objectives to collect verified catch data, other scientific data and additional information related to the fishery, as well as to monitor the implementation of the conservation and management measures adopted by the Commission. Since the start in 2010 of the 100% ROP coverage for purse seiners operating in the area bounded 20N and 20S the program entered its fully-fledged operation.

An important part of this programme is the report to be promptly written and submitted by the observer at the end of the trip (para 2 (l) of Annex A). The data in this report can serve, among other, for the monitoring of compliance with CMMs (para 6 of CMM 2007-01). For example, the information about eventual infringements contained in the report can be used by the Flag State for corrective actions against vessel operators. It is therefore essential that CMM 2007-01 provisions on the observer's obligation to draft such a report are strengthened.

Furthermore, Para 1 c) of Annex B, CMM 2007-01 clearly defines the rights of vessel operators/captains to be notified by the observer providers on completion of the observer's trip of any comments regarding the vessel operations, as well as to have the opportunity to review and comment on the observer's report, and shall have the right to include additional information deemed relevant or a personal statement. However, in most cases, so far, the rights of vessel operators/captains have not been fulfilled due to failures of provision by observer providers.

In addition, the low level of observer data submission is of a great concern to the Commission members. The annual report on ROP by the Secretariat (WCPFC-TCC8-2012/16_rev1) reports that 44% for 2011 and 21% for 2010 of observer trip data are yet to be submitted.

For the purpose of ensuring the defined procedure in Para 1 c) of Annex B, CMM 2007-01, China, EU, Japan, Korea and Chinese Taipei, decided to resubmit the proposal to address the legitimate concerns expressed by other CCMs, namely those operating Observer Programmes. The current document proposes the following modifications to clarify the rights and responsibilities of observer providers in Attachment K of Annex A and the Rights of Vessels Operators and Captains in Attachment K Annex B of CMM 2007-01.

Attachment K, Annex A

Guidelines on the Rights and Responsibilities of Observers and Observers Providers¹

1. The rights of observers shall include

a) Full access to and use of all facilities and equipment, while respecting all rules of procedure, and of operation of the equipment, and; of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish on board, and areas which may be used to hold, process, weight, and store fish.

3. The responsibilities of observer providers shall include:

The observer provider shall ensure ~~timely~~ provision, upon arrival of the vessel in port, of the FORM-GEN3 of the observer report preliminary observer report to vessel operators/captains as well as to the competent authority in the flag CCM upon completion, and ensure the opportunity ~~for~~ Vessel operators/captains to will review and comment on the FORM-GEN3 of the observer reports under paragraph 1.c), Annex B.

The FORM-GEN3 preliminary observer reports shall contain all non-compliance findings, if any, to be reported by the observer in the final report. ~~The preliminary report shall be delivered to the vessel operator/captain for review and eventual comments upon arrival of the vessel in port.~~

The observer provider shall also ensure ~~prompt~~ submission within 90 days upon arrival of the vessel in port of the final observer report to the WCPFC Secretariat/Commission and the competent authority of the flag CCM.

Attachment K, Annex B

Guidelines on the Rights and Responsibilities of Vessel Operators, Captain and Crew

Rights and responsibilities of vessel operators and captains

1. The rights of vessel operators and captains shall include:

(...)

c) ~~Timely~~ Notification upon arrival of the vessel in port from the observer provider on completion of the observer's trip of any comments regarding the vessel operations the FORM GEN-3 of the observer report.

The captain shall have the opportunity to review and comment on the observer's report, and shall have the right to include additional information deemed relevant or a personal statement.

¹ For this purpose, Observer Provider is the entity directly responsible to embark and disembark the observer on board the vessel.

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Proposed amendment to the FORM-GEN3 report

to be added after the "observer's signature" field and before de "Notes on Gen3" part of the FORM-GEN3 report.

(.....)

If a "YES" is indicated for any of the above indicate a page number in the Observer Trip Daily Journal (or other document) in which a more detailed report has been written.

An explanation must be provided for any reported "YES"

OBSERVER SIGNATURE	DATE :
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Captain's/vessel operator's comments:

Note: if needed add extra sheet duly identified with: vessel's name, WIN and Observer's Trip ID number, signed and dated.
 At _____ time ____ : ____ H Date ____ / ____ / 20__

Captain's/vessel's operator signature:
