



SEVENTH REGULAR SESSION
Honolulu, Hawaii, USA
6-10 December 2010

**EUROPEAN UNION, JAPAN, KOREA, CHINESE TAIPEI PROPOSAL
ON ENSURING THE OPPORTUNITY FOR VESSEL CAPTAINS/OPERATORS
TO REVIEW AND COMMENTS ON THE COMMISSION'S ROP REPORT**

WCPFC7-2010-DP/19
19 November 2010

Paper prepared by EU, Japan, Korea, Chinese Taipei

The Commission's Regional Observer Programme (ROP) that commenced in 2009 is rapidly becoming a key Commission's 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. The program is entering its full-fledged operation, led by the 100% ROP for purse seiners operating in the area bounded 20N and 20S started at the beginning of 2010.

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 (1) 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.

For the purpose of ensuring the defined procedure in Para 1 c) of Annex B, CMM 2007-01, EU, Japan, Korea and Chinese Taipei propose the following new paragraph be added as the responsibilities of observer providers in Annex A of CMM 2007-01.

“3. The responsibilities of observer providers shall include:

The observer provider shall ensure timely provision of draft observer reports to vessel operators/captains as well as to the competent authority in the flag CCM upon completion of their observer trips and ensure the opportunity for vessel operators/captains to review and comment on the observer reports under paragraph 1.c), Annex B.”

Guidelines on the Rights and Responsibilities of Observers

In accordance with Annex III Article 3, and article 28 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The following guidelines for the Rights and Responsibilities of Observers shall apply to observers placed on a vessel under the Commission ROP.

1. The rights of observers shall include:

- a) Full access to and use of all facilities and equipment of the vessel which the observer may
////////////////////////////////////
- i) Freedom to carry out their duties without being assaulted, obstructed, resisted, delayed, intimidated or interfered with in the performance of their duties.

2. The responsibilities of observers shall include:

- a) Being capable of performing the duties set out by the Commission.
////////////////////////////////////
- l) Promptly writing and submitting reports to the Commission or national programme in accordance with procedures adopted by the Commission.

3. The responsibilities of observer providers shall include:

The observer provider shall ensure timely provision of draft observer reports to vessel operators/captains as well as the competent authority in the flag CCM upon completion of their observer trips and ensure the opportunity for vessel operators/captains to review and comment on the observer reports under paragraph 1.c), Annex B..