PNA Observer Program Information Booklet 2027






PNA Observer Agency

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Introduction

About the FSMA Observer Program

The FSM Arrangement was developed as a mechanism for domestic vessels of the PNA to access the fishing resources of other Parties. It was signed on the 30 Nov 1994 and came into force on the 23 Sep 1995. The FSM Arrangement aims to:

- provide access for domestic vessels to Parties' waters on terms no less favourable than those granted to distant water fishing nations;
- secure maximum sustainable economic benefits from tuna resources;
- promote greater participation by nationals of Parties in fisheries and assist in development of national fisheries industries; and
- allow access to vessels on terms consistent with the Palau Arrangement.

The FSM Arrangement provides that the Parties shall establish an observer program for the purposes of implementing and achieving the objectives of the Arrangement. In the context of the FSMA, the activities of observers shall include monitoring the level of compliance with the provisions of the Arrangement and reporting of their findings to the Administrator and the Home Party of the vessel.

About the US Treaty

The US Tuna Treaty came into force on 15 June 1988 and granted US-flagged purse seine vessels an entitlement to fish for tuna in the EEZs of the Pacific Island Parties to the US Tuna Treaty (PIPs) in return for annual payments from the US Government and industry. An amended US Tuna Treaty was agreed between the US and the PIPs in 2016, with the most recent renewal extending the agreement until 2033.

About the PNA Observer Agency

In April 2011, PNA Ministers agreed to the establishment of the PNA Observer Agency (POA). PNA Ministers agreed that the POA will assume responsibility for the FSMA Observer Program, and the administration of the FSM Arrangement will be transferred to the CEO of the PNAO. After considering a number of service delivery options, PNA agreed in May 2012 to outsource the administration of the POA to a commercial service provider, and to select a preferred provider through an open tender process. MRAG Asia Pacific Pty Ltd are contracted to administer the POA.

The POA has been established to support Parties' long term strategic interest in maintaining an independent scientific observer program of the highest quality. Data and information collected by observers is critical to the effective management of the fishery and accurate compliance reporting is essential in underpinning the integrity and effectiveness of the management arrangements. The POA aims to support these objectives by providing high quality observer services on behalf of the Parties based on strong regional coordination and meeting the needs of Parties, vessel owners and observers.

The focus of the POA is on coordinating placements for the FSMA and US Treaty observer programs. The POA's role is operational and focuses on the 'nuts and bolts' tasks involved in running the observer program. The main tasks include:

a) Coordinating with Parties and FFA members to identify available observers from national programs;
b) Facilitating observer contracts;

c) Coordinating flight arrangements and ticketing for observers;
d) Facilitating accommodation for observers;
e) Coordinating and facilitating allowances for observers for at sea and in transit;
f) Facilitating application for visas;
g) Coordinating placement of observers onboard vessels;
h) Administering financial arrangements;
i) Developing and administering a Code of Conduct for observers;
j) Facilitating insurance for observers;
k) Managing the provision of technical and safety equipment; and
l) Coordination of debriefing and data management.

About the WCPFC Regional Observer Program (ROP)

The ROP is established under the WCPF Convention and aims to, amongst other things, collect verified catch data, and to monitor the implementation of the conservation and management measures adopted by the Commission. The arrangements for the ROP are set out in CMM 2018-05 (see Annex 1).

Importantly, CMM 2025-02 provides that CMMs will require their purse seine vessels fishing within the area bounded by 20°N and 20°S exclusively on the high seas, on the high seas and in waters under the jurisdiction of one or more coastal States, or vessels fishing in waters under the jurisdiction of two or more coastal States, shall carry an observer from the Commission's ROP. It also requires CCMs to ensure that all purse seine vessels fishing solely within its national jurisdiction within the area bounded by 20° N and 20°S carry an observer. CCMs are encouraged to provide the data gathered by the observers for use in the various analyses conducted by the Commission.

Data collected by observers under the ROP are important in contributing to stock assessments, assessing the impact of the fishery on non-target species and monitoring compliance with CMMs.

About this Booklet

This booklet sets out the main operational arrangements relating to the placement of observers on licensed fishing vessels through the POA, as well as other information on the management of the fishery. The PNA Office and MRAG Asia Pacific have prepared this guide and we hope that you find it to be a useful source of information.

If there is anything that you do not understand in this booklet, if you need further information, or if you want to discuss your specific observer placement arrangements, please contact the POA Observer Program Manager on +61422045737 or at obs@pnaobserver.com.

We would also like to hear your feedback on the usefulness of this booklet and welcome your suggestions on ways we could improve it for next year. You can provide any comments you may have by emailing obs@pnaobserver.com.

POA Operational Arrangements

This section provides an overview of the main operational arrangements for the placement of observers on FSMA and UST vessels.

Coordinator Contacts

Program Coordinator

The Coordinator of the PNA Observer Agency is David Byrom. All requests for observers and questions in relation to observer placements should be directed to David at:

David Byrom,
Observer Program Manager
Tel: +61 422045737
Email: dbyrom@mragasiapacific.com.au or obs@pnaobserver.com

Regional Coordinators/Placement Officers

The POA also has regional staff and placement officers in the main PNA transhipment ports. POA Offices contact details:

Pohnpei	**Dylan Thomas** dthomas@pnaobserver.com Tel. +691 9253497
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Requesting an observer

Observer requests should be submitted with **as much advance notice as possible** in order to arrange observers prior to the planned departure of the vessel from port, as well as reduce travel costs. **Ideally, observer requests should be submitted at least seven (7) days in advance of the expected date of departure from port**. The expected date and port of return may not be known with certainty, although we ask

you to provide your best guess for planning purposes. A template form for observer requests is provided under 'Forms' in this booklet.

Completed forms are to be returned via email to obs@pnaobserver.com.

Vessels requiring a Marine Stewardship Council (MSC) Chain of Custody (CoC) trained observer to verify the eligibility of MSC product under the PNA's Group Chain of Custody scheme will need to specify this in their observer request. Similarly, vessels requiring an IATTC/WCPFC cross-endorsed observer will need to include this requirement in the observer request.

Observer Selection

Where a new observer is required, POA Coordinators will source a suitable, available observer to undertake the placement. All observers used on FSMA vessels will be drawn from PNA national pools of observers. Observers used on US Treaty vessels will be selected from PNA and FFA national programs. Observers selected will be PIRFO accredited and will be compliant with WCPFC and other relevant requirements.

Suitable observers for vessel placements will initially be sought from the most cost effective port (e.g. observers will be sought from the port of departure where they meet relevant requirements). If an appropriate observer is not available from the port of departure, an observer will be sought from the next most cost effective and logistically practical port, and so on until a suitable, available observer is located. This process will help minimise travel and other operational costs and improve efficiency and timeliness. POA Coordinators will liaise with national coordinators in the selection of observers to ensure coordination between programs. Where possible, experienced observers with a strong track record of excellence in data collection and conduct will be used. An observer's previous work history will be an important consideration in observer selection.

Travel and Accommodation

After identifying a suitable observer, POA Coordinators will arrange for travel and accommodation, where necessary, for the observer to the port of embarkation. Travel will be arranged by the most cost effective, economy class route and will be paid directly by the POA.

The POA has arrangements with accommodation providers in relevant ports. These arrangements will cover accommodation and meals and will be paid directly by the POA.

POA Coordinators will also arrange travel and accommodation for the observer back to their home port after disembarkation from the vessel.

Assistance with applications for visas for observer travel inbound and outbound, where necessary, will be provided by the POA.

Observer briefing and placement

Observers will be briefed on the upcoming trip by a POA Coordinator. Briefing will include expected trip details (vessel name, expected date and port of departure, expected date and port of return), as well as any specific sampling requirements.

At the port of embarkation, POA Coordinators will arrange for a formal placement meeting to be undertaken involving a placement officer, the vessel master, the observer and a translator where required. The placement officer will run through a checklist including checking the accommodation provided for the observer complies with

the PNA Minimum Standards for Observer Accommodation and outlining the obligations of both the observer and vessel operators. The vessel master and observer will be required to acknowledge their understanding of their obligations by signing the Placement Meeting Form.

Observer Accommodation Onboard the Vessel

Clause 21, Annex V, Part 7 of the FSMA requires that "The operator shall provide the observer, while on board the vessel, at no expense to the Parties or the Administrator, with full insurance cover and with food, accommodation and medical facilities equivalent to those provided to officers of the vessel."

The 27th meeting of the FSMA Parties in 2022 considered this issue, noting that some vessels in the fleet were failing to comply with clause 21. In that context, Parties endorsed the Minimum Standards for Observer Accommodation. The intent of these standards is to set out more clearly the minimum expectations for the provision of food and accommodation to observers that all vessels must comply with. The Minimum Standards were communicated to FSMA RAL holders through Circular No: 2023-05 (and included in this Booklet under 'PNA Circulars'). The same standards are also applicable to US Treaty licenced vessels.

Code of Conduct

Ensuring a high standard of observer behaviour at all times while on deployment is essential to maintaining the professionalism and integrity of the observer program. Observers on FSMA/UST trips will be subject to the POA Observer Code of Conduct (see "Code of Conduct" below). This code sets out the standards of behaviour expected of observers while on deployment, as well as investigation and disciplinary procedures.

Please also take note of Circular No: 2017-08 included in this booklet. Consumption of alcohol by observers onboard vessels is strictly prohibited.

Vessel operators will be encouraged to provide feedback about the observer's performance while on the vessel through the 'Vessel Feedback Form" under 'Forms" below. Through this form, vessel operators are also able to report any alleged breaches of the Code of Conduct for further investigation by the program coordinator.

Communication

Regular and predictable reporting by observers while at sea is important to monitor well-being as well as to plan disembarkation logistics. For this reason, observers on FSMA/UST trips are required to maintain weekly communication with POA Coordinators. Access to vessel communications equipment to allow for the observer to submit weekly reports and undertake other communications will be discussed and agreed with the vessel master during the placement meeting. Observers will also carry a two-way satellite communication device issued by the POA.

Calipers and safety equipment

Vessels are asked to retain observer scientific fish measuring calipers on board the vessel. Retaining calipers on the vessel avoids logistical problems associated with transporting calipers around the region and the possibility of delays associated with caliper unavailability. The POA will also arrange for each observer to be issued a safety pack containing an inflatable life jacket, personal locator beacon, strobe light and satellite 2-way communication device.

Length of deployment

Ideally, observers will be deployed for a **maximum of 60 days or 3 trips** after which debriefing must take place. Experience has shown that data quality submitted by observers can reduce after around 60 days on the same vessel.

In practice, observers will generally be disembarked at the completion of the trip in which the 60 day limit is reached, or after the 3rd trip if the combined trip length is less than 60 days. POA Coordinators will use their judgement in circumstances where a trip ends close to the 60 day limit.

POA Coordinators will discuss with observers and vessel operators the circumstances around future deployments at the end of each trip (e.g. observer continuing on with the same vessel, debriefing and moving to another vessel).

Disembarkation/debriefing

Upon return to port, POA Coordinators will arrange for the observer to be debriefed, as well as making any travel and accommodation arrangements necessary for repatriation. Where the observer disembarks the vessel after the trip end, POA Coordinators will work with vessel operators to place a new observer.

Observers will be required to submit trip reports and data within 7 days of returning to port and will be debriefed as soon as possible.

Data confidentiality

MRAG AP recognises the importance of maintaining confidentiality and security of data collected by observers on fishing vessels. The POA takes all reasonable steps to ensure the security of all confidential vessel information within its possession.

All observers working on behalf of the POA will be required to maintain confidentiality of all data collected, as well as other information such as fishing locations and fishing techniques. The information will not be divulged in any manner whatsoever without the prior written consent of the observer program manager. Data collected on board will not be discussed or made available to the fishing master, captain or crew while on board. Disclosing confidential information will result in disciplinary proceedings under the POA Observer Code of Conduct.

Payments to observers

The fees paid by FSMA/UST vessels to the POA are designed to cover all costs associated with observer placements. This means that direct payments by vessel operators to observers for advances, travel or accommodation should not be necessary. The POA will arrange for costs to be paid directly to the observer or relevant service provider. This is designed to ensure financial independence between the vessel and the observer, and to remove any perception, whether justified or otherwise, that the observer is not acting independently of the vessel.

Payments by vessels to observers are strictly prohibited, unless under exceptional circumstances and approved in writing by the POA manager. Vessel representatives should report any attempt by an observer to solicit a cash payment or other gratuity, and likewise observers will be encouraged to report any attempt by the vessel crew or agents to provide unauthorised direct payments.

Continual improvement/performance monitoring and reporting

A strong focus of the POA is on continual improvement. Opportunities to improve service delivery and strengthen program outputs are continually assessed.

The POA will continue to monitor operational performance against a framework of indicators, covering all aspects of the program. This includes overall indicators such as the average number of sea days per trip, the number of sea days each year by observer nationality, as well as specific indicators across deployment/logistics, data collection, debriefing/data quality and Code of Conduct issues amongst others.

The outputs of performance monitoring will be used to better plan and deliver observer deployments over time, as well as report annually on the performance of the POA to the Parties.

Both observers and vessel operators will have the opportunity to provide direct feedback on trips. The observer's feedback on the trip will primarily be picked up through the debriefing process. Vessels will be provided with a dedicated form to provide feedback on the observer's performance, as well as report any suspected breaches of the Code of Conduct for further investigation.

Additional Information

Additional information on operational arrangements for the POA is available from dbyrom@mragasiapacific.com.au.

PNA Observer Agency

Observer Code of Conduct

1. SCOPE

1.1 The Code of Conduct will apply for the duration of the observer trip inclusive of travel periods from the observer's home base to point of embarkation and travel from the point of disembarkation back to the observer's home base.

2. PROFESSIONALISM

2.1 Observers shall behave in a professional manner at all times and shall refrain from engaging in illegal activities or other behaviour that would adversely affect the integrity or reputation of the observer program.

2.2 A fisheries observer shall report objectively any suspected irregularities observed and submit an authentic verifiable data package and trip report.

3. BRIBES / GIFTS / GRATUITIES

3.1 A fisheries observer shall not accept any gratuity or gift that would place the observer in a compromising position. Gratuities and gifts include, but are not limited to, money, fish products, sponsored travel trips and particularly **alcoholic beverages**.

3.2 Any offer that may be perceived as a bribe, even when presented in a joking or non-serious manner, shall be reported immediately or as soon as possible to the observer program coordinator.

4. USE OF ALCOHOL AND DRUGS

4.1 **Observers are strictly prohibited from consuming or being under the influence of alcoholic beverages or illegal drugs while onboard the vessel**. Betel nut is not to be carried onto or chewed on the vessel.

4.2 Observers shall always ensure that they arrive to board the vessel in a healthy condition, and are not in any way under the influence of any illegal substances or alcohol.

5. CONFLICT OF INTEREST

5.1 Observer shall report in writing to the observer program coordinator any conflicts of interest as soon as they become aware of the conflict. A conflict of interest includes 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.

6. CONFIDENTIALITY OF INFORMATION

6.1 All information collected by the observer during the course of their trip is the property of the Parties to the Nauru Agreement.

6.2 Observers shall ensure that all information obtained in the course of their work is kept secure and treated as strictly confidential at all times on board and on shore. The information should not be divulged in any manner whatsoever without the prior written consent of the observer program manager.

6.3 Data collected on board will not be discussed or made available to the fishing master, captain or crew.

6.4 All collected data, photographs and literature shall be turned over to the observer program manager at the completion of a trip.

6.5 Observers must not post any photo or information relating to their work on any social media outlet. Photographs taken onboard vessels or depicting vessel officers or crew must never been posted on social media.

7. AUTHORITY

7.1 Observers are not law enforcement officers and have no enforcement powers.

7.2 Observers will not give any directions or notices outside their observer responsibilities to the captain/master or to any member of the crew. Observers will not collect or seek any material or information from vessels other than that which they are directed to collect.

7.3 Observers have no authority to apprehend or direct fishing operations of the vessel or give operational advice to the vessel such as whether fishing activity is in breach of regulations. The observer should however be open to the captain and crew about their duties.

7.4 Observers are not authorised to sign documents onboard vessels and must not sign vessel documents unless directed to do so by the observer program manager.

7.5 Observers are not authorised to disqualify catch from MSC certification, only the PNAO is authorised to make that decision.

8. WORK SAFETY

8.1 Observers will undertake a medical examination for fitness for duty before departing from their home port to board a vessel.

8.2 Observers will maintain a healthy and safe work routine. Whilst ensuring that they complete their prescribed duties, they will exercise appropriate caution and safe work practices in relation to their own safety and that of the crew.

8.3 Observers must wear an inflatable life vest at all times when on the open deck of the vessel.

9. CONDUCT

9.1 During travel to the point of embarkation and from the point of disembarkation to their home base, observers will conduct themselves in a professional manner. They will comply with national immigration, customs and quarantine laws and their behaviour and activities will comply with national laws.

9.2 Observers will attempt at all times to have a professional and courteous relationship with the captain/master and crew, but will not be required to compromise their duties as an observer, their independence from the vessel operators and crew or their health and safety.

9.3 Observers will respect all vessel property, private property and any other equipment on board the vessel, including documents, charts, logs and plans of the vessel, as well as the personal property and effects of the crew.

9.4 Observers will at all times maintain high levels of personal hygiene and dress standards appropriate for the conditions.

9.5 Observer duties should be conducted in a way that does not unduly hinder or interfere with the proper functioning of the vessel for fishing operations or navigation purposes, and that mitigates adverse effects on the quality of product retained by the vessel.

9.6 Observers shall respect the safety and sanitary rules of the ship.

9.7 Observers shall not have any personal or intimate relationships whilst on board the vessel.

9.8 Observers shall not use any vessel communication system for private or business use without the permission of the captain/master of the vessel (Observer communications costs will be paid by the observer or provider by arrangement with the captain/master)

9.9 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.

9.10 Observers must respect any instructions from the captain, port authority, immigration, customs or quarantine officer when arriving in port.

10. BREACHES, DISPUTES, PENALTIES AND APPEAL

10.1 All reported serious breaches of this Code of Conduct will be investigated by the observer program coordinator. A written copy of the reported breach will be provided to the WCPFC Secretariat. All parties involved in the reported breach will be given the opportunity to provide statements. Where appropriate, the reported breach may be dealt with through mediation or conciliation, led by the observer program coordinator or his delegate. Where a dispute is unable to be resolved, the POA will arrange to appoint an appropriately qualified independent person to hear the facts of the dispute and make a final judgement. All parties will be given the opportunity to make submissions to the independent adjudicator.

10.2 The penalties for a breach of this Code of Conduct may include repayment of costs to the POA or reimbursement for damages caused, suspension and/or termination.

10.3 Observers found to have breached this Code of Conduct while travelling to the vessel, or upon embarkation are unable to undertake their duties, will have their contract terminated and may be liable for all costs associated with their travel and or any advance payments.

10.4 Observers found to have breached this Code of Conduct while on board the vessel may have their contracts terminated. Observers will be responsible for the costs of any damages they may have caused whilst on the vessel.

10.5 Observers found to have breached this Code of Conduct while on a return journey to their home port after a trip will have their contract terminated and the observer may be asked to reimburse all travel costs. Observers will have any damage cost payments deducted from their termination salary.

10.6 At the discretion of the observer program coordinator, if an observer is found to have committed a breach of the Code of Conduct the observer may be suspended for a minimum of 6 months. If the observer is given another chance after the initial suspension is served

and the Code of Conduct is breached a second time an automatic life disqualification will occur.

10.7 If an observer is served with a notice that breach of the Code of Conduct has been committed, the observer will have the right to an appeal.

10.8 The outcomes of any investigation will be reported to the vessel flag state and home party, as well as to the WCPFC Secretariat.

Rights and Responsibilities

All parties involved in the FSMA observer program have defined rights and responsibilities set out in the FSM Arrangement and WCPFC CMM 2018-05. The main rights and responsibilities are set out below.

FSM Arrangement

The obligations on FSMA Regional Access License vessels in relation to observers are outlined in Annex V, Part 7 of the FSMA Arrangement:

ANNEX V, PART 7

OBSERVERS

20. The operator and each member of the crew of the vessel shall allow and assist any person duly identified as an observer to:

(a) board the vessel for scientific, compliance, monitoring and other functions;

(b) have full access to and the use of facilities and equipment on board 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, weigh and store fish;

(c) collect samples;

(d) have full access to the vessel's records, including its logs and documentation for the purpose of inspection and copying;

(e) have reasonable access to navigation equipment, charts, and radios;

(f) gather any other information relating to fisheries in the Arrangement Area without interfering unduly with the lawful operation of the vessel;

(g) disembark at the point and time notified by the Administrator; and

(h) carry out all duties safely, and no operator or crew member of the vessel shall assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an observer in the performance of his or her duties.

21. The operator shall provide the observer, while on board the vessel, at no expense to the Parties or the Administrator, with full insurance cover and with food, accommodation and medical facilities equivalent to those provided to officers of the vessel.

22. The operator of the vessel from which any fish taken in the Arrangement Area is offloaded shall allow, or arrange for, and assist any person authorized for this purpose by the Parties to have full access to any place where such fish is off-loaded, to collect samples and to gather any other information relating to fisheries in the Arrangement Area.

US Treaty

The obligations on US Treaty License vessels in relation to observers are outlined in the Multilateral Treaty on Fisheries and the relevant Conservation and Management Measures adopted by the WCPFC, most particularly CMM 2018-05.

WCPFC CMM 2018-05

Additional guidelines in relation to the rights and responsibilities of observers and of vessel operators, captains and crew operating under the WCPFC ROP are set out in CMM 2018-05.

Observers

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 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, weigh, and store fish.

b) Full access to the vessel's records including its logs and documentation for the purpose of records inspection and copying, reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.

c) Access to and use of communications equipment and personnel, upon request, for entry, transmission, and receipt of work related data or information.

d) Access to additional equipment, if present, to facilitate the work of the observer while on board the vessel, such as high powered binoculars, electronic means of communication, etc.

e) Access to the working deck during net or line retrieval and to specimens (alive or dead) in order to collect and remove samples.

f) Notice by the vessel captain of at least fifteen (15) minutes before hauling or setting procedures, unless the observer specifically requests not to be notified.

g) Access to food, accommodations, medical facilities, and sanitary facilities of a reasonable standard equivalent to those normally available to an officer on board the vessel.

h) The provision of adequate space on the bridge or other designated area for clerical work and adequate space on the deck for observer duties.

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.

b) Acceptance and compliance with agreed upon confidentiality rules and procedures with respect to the fishing operations of the vessels and of the vessel owners.

c) Maintenance of independence and impartiality at all times while on duty in the ROP.

d) Compliance with the ROP protocols for observers carrying out ROP duties on board a vessel.

e) Compliance with the laws and regulations of the CCM that exercises jurisdiction over the vessel.

f) Respecting the hierarchy and general rules of behavior that apply to all vessel personnel.

g) Performance of duties in a manner that does not unduly interfere with the lawful operations of the vessel and in carrying out their functions they shall give due consideration to the operational requirements of the vessel and shall communicate regularly with the captain or master of the vessel.

h) Familiarity with the emergency procedures aboard the vessel, including the locations of life rafts, fire extinguishers, and first aid kits.

i) Communicating regularly with the vessel captain on relevant observer issues and duties.

j) Observance of ethnic traditions of the crew and customs of the flag State of the vessel.

k) Adherence to the applicable Code of Conduct for observers. l) Promptly writing and submitting reports to the Commission or national programme in accordance with procedures adopted by the Commission.

Vessel operators, captains and crew

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

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 on the Rights and Responsibilities of Vessel Operators, Captain and Crew shall apply when an observer is placed under the Commission ROP.

Rights and responsibilities of vessel operators and captains

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

a) Expectation that a reasonable period of prior notice of the placement of an ROP observer shall be given.

b) Expectation that the observer will comply with the general rules of behaviour, hierarchy, and laws and regulations of the CCM of the Commission that exercises jurisdiction over the vessel.

c) Timely notification from the observer provider on completion of the observer's trip of any comments regarding the vessel operations. 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.

d) Ability to conduct lawful operations of the vessel without undue interference due to the observer's presence and performance of necessary duties.

e) Ability to assign, at his or her discretion, a vessel crew member to accompany the observer when the observer is carrying out duties in hazardous areas.

2. **The responsibilities of vessel operators and captains shall include**:

a) Accepting onboard the vessel any person identified as an observer under the ROP when required by the Commission.

b) Informing the crew of the timing of the ROP observer boarding as well as their rights and responsibilities when an ROP observer boards the vessel.

c) Assisting the ROP observer to safely embark and disembark the vessel at an agreed upon place and time.

d) Giving notice to the ROP observer at least fifteen (15) minutes before the start of a set or haul onboard, unless the observer specifically requests not to be notified.

e) Allow and assist the ROP observer to carry out all duties safely.

f) Allowing ROP observer full access to the vessel's records including vessel logs and documentation for the purpose of records inspection and copying.

g) Allowing reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing.

h) Permitting access to additional equipment, if present, to facilitate the work of the ROP observer while onboard the vessel, such as high powered binoculars, electronic means of communication, etc.

i) Allow and assist the ROP observer to remove and store samples from the catch.

j) The provision to the ROP observer, while onboard the vessel, at no expense to the observer or the ROP observer's provider or government, with food, accommodation, adequate sanitary amenities, and medical facilities of a reasonable standard equivalent to those normally available to an officer onboard the vessel.

k) The provision to the ROP observer, while onboard the vessel, insurance coverage for the duration of the observer's time onboard the vessel.

j) Allow and assist full access to and use of all facilities and equipment of the vessel that the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas which may be used to hold, process, weigh, and store fish.

m) Ensuring the ROP observer is not assaulted, obstructed, resisted, delayed, intimidated, interfered with, influenced, bribed or is attempted to be bribed in the performance of their duties.

Rights and responsibilities of vessel crew

3. The rights of vessel crew shall include:

a) Expectation that the ROP observer will comply with the general rules of behaviour, hierarchy, and laws and regulations of the CCM that exercises jurisdiction over the vessel.

b) Expectation that a reasonable period of prior notice of the placement of a ROP observer shall be given by the Captain.

c) Reasonable expectation of privacy in crew personal areas.

d) Ability to carry out duties associated with normal fishing operations without undue interference due to the ROP observer's presence and performance of their necessary duties.

4. The responsibilities of the vessel crew shall include:

a) Not assaulting, obstructing, resisting, intimidating, influencing, or interfering with the ROP observer or impeding or delaying observer duties.

b) Compliance with regulations and procedures established under the Convention and other guidelines, regulations, or conditions established by the CCM that exercises jurisdiction over the vessel.

c) Allowing and assisting full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish onboard, and areas that may be used to hold, process, weigh, and store fish.

d) Allow and assist the ROP observer to carry out all duties safely.

e) Allow and assist the ROP observer to remove and store samples from the catch.

f) Compliance with directions given by the vessel captain with respect to the ROP observer's duties.

PNA Circulars

Circular No: 2017-08 – Rev.1

Parties to the Nauru Agreement

PNA Office - P.O. Box 3992
Majuro, Marshall Islands (MH) 96960

Phone: (692) 625-7626/7627 Fax: (692)625-7628

1 December 2021

Circular No: 2017-08 – Rev.1

To: **FSMA RAL Vessel Operators**

SUBJECT: **Consumption of alcohol by observers on FSMA vessels prohibited**

Dear FSMA Regional Access License holder,

I am writing to advise that PNA Regional Observers on FSMA RAL vessels are not permitted under their terms of contract to consume alcohol while onboard FSMA RAL vessels.

Please strongly advise your Captains that **provision of alcohol to observers is forbidden** and that gifts of alcohol to observers could be interpreted as attempted bribery. Any report of alcohol being given to, or consumed onboard by observers will be investigated fully and may result in compliance action, and/or, delays to the vessel departure to fishing grounds.

Please note that alcohol consumption onboard is a real threat to observer safety and we take this matter seriously. Your cooperation in ensuring **observers do not have access to alcohol** while onboard is greatly appreciated.

For further information or clarification, please do not hesitate to contact:

i. Dr. Sangaa Clark, CEO, PNA Office
Email: Sangaa@pnatuna.com

ii. David Byrom, Observer Program Manager
Email: dbyrom@mragasiapacific.com.au

Thank you for your understanding and cooperation.

Yours sincerely,

Dr Sangaa Clark

Chief Executive Officer/FSM Arrangement Administrator

Circular No: 2023-05

Parties to the Nauru Agreement PNA Office – Uliga Docks P.O. Box 3992, Majuro Marshall Islands (MH) 96960
Phone: (692) 625-7626/7627

22 February 2023

CIRCULAR NO: 2023-05

To: FSMA Vessel Operators

Dear Operators,

Subject: Observer Accommodation onboard FSMA vessels

I am writing to you about observer accommodation onboard FSMA vessels which has been a longstanding area of concern on some vessels for observers and Observer Coordinators.

As you would be aware, clause 21, Annex V, Part 7 of the FSMA requires that "*The operator shall provide the observer, while on board the vessel, at no expense to the Parties or the Administrator, with full insurance cover and with food, accommodation and medical facilities equivalent to those provided to officers of the vessel*."

While many vessels are to be congratulated for the excellent accommodation they provide for observers, some vessels are clearly not yet providing "*…food, accommodation and medical facilities equivalent to those provided to officers of the vessel*".

The 27th meeting of the FSMA Parties in 2022 considered this issue and endorsed the Minimum Standards for Observer Accommodation set out in Attachment 1. The intent of these standards is to set out more clearly the minimum expectations for the provision of food and accommodation to observers by all FSMA vessels.

I would be grateful if you could ensure your vessel captains are aware of, and comply with, the Minimum Standards.

I am aware that the requirement for single cabin accommodation for 2023 may be difficult for some operators to meet in the short term. For those operators, we would certainly expect that dual cabin accommodation (shared with an officer) would be made available for observers immediately and that operators would work with their Home Parties to develop

practical plans to transition to single cabins for observers (at the earliest practical opportunity).

All other Minimum Standards should be able to be met immediately.

I have asked the PNA Observer Agency to report to me on fleet-wide compliance with the Minimum Standards towards the end of 2023. Thank you and I look forward to your cooperation. Yours sincerely,

Dr. Sangaalofa Clark
Chief Executive Officer



CC: Mr. Duncan Souter & Mr. David Byrom, PNA Observer Agency

Attachment 1

FSMA Vessels Observer Accommodation

Minimum Standards

1. **Accommodation** – observers should be provided with single cabin accommodation, or alternatively dual cabin accommodation shared with an officer, and from 2023 onwards, all observers should be provided with single cabin accommodation.

2. **Potable water** – a minimum of 2 litres of bottled water per observer per day should be provided by the vessel.

3. **Food** – food provided to the observer should be of a reasonable standard, equivalent to officers of the vessel.

4. **Smoking** – observer accommodation must be a non-smoking zone (if the observer is a non-smoker).

5. **Bed bugs** – a certification of regular fumigation of vessel for bed bugs must be provided at the observer placement meeting.

6. **Workplace** – the observer must be provided with a desk, chair and secure locker with privacy to work.

7. **Toilet and shower facilities** - clean, hygienic toilet and shower facilities that are operational, not shared with multiple crew and with reasonable levels of privacy, must be provided for the observer.

Forms

Observer Request Form

This form may be completed by fishing vessels with a FSMA Regional Access Licence or operating under the US Treaty seeking an observer from the PNA Observer Agency (POA).

PNA Observer Agency

Observer Request Form



Instructions:

This form is to be completed by fishing vessels with a FSMA Regional Access Licence or US Treaty vessel seeking an observer from the PNA Observer Agency (POA). Observer requests should be submitted with as much advance notice as possible in order to arrange observers prior to the planned departure of the vessel from port. Ideally, observer requests should be submitted at least seven (7) days in advance of the expected date of departure from port. The expected date and port of return may not be known with certainty, although we ask you to provide your best guess for planning purposes. Completed forms are to be returned via email to obs@pnaobserver.com.

Observer Request Details:

Vessel details

Name of Vessel:	
Flag of Vessel:	
Home Party:	
Vessel Phone #(s):	
Vessel Email:	

Trip details

Port of Departure:	
Expected Date of Departure:	
Expected Port of Return:	
Expected Date of Return:	
Is an MSC Chain of Custody Observer required?	(Yes/No)
Is a Cross Endorsed Observer required?	

Details of person making request

Name of person/position:	
Signature:	
Date:	

Vessel Feedback Form

This form is intended to allow for FSMA RAL holders and US Treaty license holders to provide feedback to the PNA Observer Agency (POA) on the performance of observers placed on their vessels. The purpose of the form is to allow the POA to monitor the performance of observers over time and to support continuous improvement of the program.

PNA Observer Agency

Vessel Feedback Form

This form is intended to allow for vessel operators to provide feedback to the PNA Observer Agency (POA) on the performance of observers placed on their vessels. The purpose of the form is to allow the POA to monitor the performance of observers over time, to allow vessel operators to report suspected breaches of the Observer Code of Conduct that require investigation and to support continuous improvement of the program. Completed forms should be submitted to obs@pnaobserver.com.

Vessel Name: **Vessel License No.:**

Vessel Captain (or Company representative):

Date observer boarded vessel: **Date observer disembarked vessel:**

Observer Name:

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1. How would you rate the observer's conduct in relation to their responsibilities as an observer?

☐ Excellent ☐ Good ☐ Moderate ☐ Poor ☐ Very Poor

2. How did the observer adjust to living conditions on the vessel?

☐ Excellent ☐ Good ☐ Moderate ☐ Poor ☐ Very Poor

3. How did the observer relate to officers?

☐ Excellent ☐ Good ☐ Moderate ☐ Poor ☐ Very Poor

4. How did the observer relate to the crew?

☐ Excellent ☐ Good ☐ Moderate ☐ Poor ☐ Very Poor

5. Did the observer allow for the free operation of the vessel?

☐ Excellent ☐ Good ☐ Moderate ☐ Poor ☐ Very Poor

6. How would you rate the observer's performance in relation to safety?

☐ Excellent ☐ Good ☐ Moderate ☐ Poor ☐ Very Poor

7. **How would you rate the observer's technical knowledge and skills as an observer?**

☐ Excellent	☐ Good	☐ Moderate	☐ Poor	☐ Very Poor

8. **Are there any possible breaches of the POA Observer Code of Conduct or other incidents that you wish to be investigated? (please describe the incident in as much detail as possible)**

Contact name (if further information is required):

Phone number:

Email:

9. **Are there any other comments on the observer's performance?**

Signed:..... **Date:...../...../.....**

Captain or Company Representative

WCPFC CMMs

The main WCPFC Conservation and Management Measures (CMMs) relevant to the WCPFC ROP and to the purse seine fishery can be accessed on the links below:

- CMM 2017-03 - Protection of WCPFC ROP Observers
- CMM 2017-04 – Limit Marine Pollution from Fishing Vessels
- CMM 2018-04 – Sea turtles
  - Suppl 2018-04 WCPFC Guidelines for the Handling of Sea Turtles
- CMM 2018-05 – Regional Observer Program
- CMM 2019-05 – Mobulids and Manta Rays
- CMM 2022-06 – Daily Catch and Effort Reporting
- CMM 2024-07 - Protection of Cetaceans from Purse Seine and Longline Fishing Operations
- CMM 2025-02 - Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean
- CMM 2025-04 High Seas FAD Closures and Catch Retention
- CMM 2025-06 Sharks (Oceanic White Tip, Silky & Other Sharks, & Whale Sharks)
  - Suppl 2022-05/2024-05 Guidelines for the Safe Release of Encircled Whale Sharks
  - Suppl 2019-04/2024-04 Release of Sharks

The full list of WCPFC CMMs is available at https://cmm.wcpfc.int/ .

In order for vessel operators to better understand the information observers are tasked to collect, the 2025 WCPFC Handbook of Conservation Management Measures and Resolutions for WCPFC Regional Observer Programs can be viewed at Observer Guide to WCPFC CMMs - Booklet 2026

PNA Marine Stewardship Council (MSC) Certification and Chain of Custody (CoC)

The PNA's MSC certification covers all skipjack, yellowfin, and bigeye tuna caught in PNA EEZs including FAD and free school sets. PNA CoC measures such as 100% observer monitoring of MSC catch at sea and in port and VMS tracking ensure that only MSC-eligible catch from within the PNA fishery is certified as MSC.

To participate in a PNA MSC trip, a company is required to join the PNA CoC Group arrangement through a MOU, appoint a MSC Manager in their company who is responsible for meeting PNA CoC requirements including MSC training of the vessel captain and crews and posting a MSC flow chart onboard the vessel in the wheelhouse and galley.

The MSC officer has a responsibility to ensure the vessel and crew are MSC eligible, request in advance a MSC trip number and the placement of a MSC trained observer, maintain MSC records and report on MSC catches during the trip.

In addition to PNA MSC, observers may also monitor free-school sets and segregation of free-school catch if vessels wish to have catch certified as PNA free-school. The MSC qualified observer monitors the MSC trip in a normal manner, but if requested by the vessel shall note in observer records if free-school CoC is maintained for any hold or load. Upon arrival in port, MSC observers also monitor transhipments for MSC and/or free-school certification purposes. Final decisions on PNA MSC certification and PNA free-school certification are made by PNAO.

For further information about PNA's MSC certification, please contact John Maefiti (jmaefiti@pnatuna.com).

Other Useful information

Other information that might prove useful to FSMA and US Treaty vessel operators is the Vessel Safety Checklist:

- WCPFC ROP Vessel Safety Checklist Guidelines

Useful Contacts and Links

PNA Members

Federated States of Micronesia National Oceanic Resource Management Authority PO BOX PS-122 Palikir, Pohnpei 96941 Tel: (691) 320.2700 or 5181 Fax: (691) 320.2383 E. info@norma.fm	**Kiribati** Ministry of Fisheries and Ocean Resources P.O. Box 64 Bairiki, Tarawa, Kiribati Tel: (686) 21099 Fax: (686) 21172 https://www.mfor.gov.ki/
Marshall Islands Marshall Islands Marine Resources Authority P.O. Box 860, Delap, Majuro MH 96960 Tel: (692) 625 8262/5632 Fax: (692) 625 5447 Email: info@mimra.com	**Nauru** Nauru Fisheries & Marine Resources Authority P.O. BOX 449 Republic of Nauru Tel: (674) 557 3733/557 3135
Palau Bureau of Oceanic Fisheries Management PO Box 117 Koror, Palau 96940 Tel. (680) 488-3125 Fax. (680)488-3555 Email: bmr@palaunet.com	**Papua New Guinea** National Fisheries Authority Deloitte Tower, 11th Flr, Douglas St P.O. Box 2016 Port Moresby National Capital District, Papua New Guinea Tel: (675) 309 0444 / 309 0461 Fax: (675) 320 2061 nfa@fisheries.gov.pg
Solomon Islands Ministry of Fisheries and Marine Resources P.O. Box G13 Honiara (677) 28 604	**Tuvalu** Tuvalu Fisheries Authority, Ministry of Natural Resources and Development, Teone, Funafuti, Tuvalu Website: www.tuvalufisheries.tv Office Phone: +688 688343

Regional Agencies

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