



Republic of the Philippines
Department of Agriculture

Bureau of Fisheries and Aquatic Resources

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FISHERIES ADMINISTRATIVE

ORDER NO. 261 :

(Series of 2018)

SUBJECT : **Rules and Regulations on Fisheries Observer Program (FOP) in the Philippines and in distant water fishing targeting straddling and highly migratory fish stocks**

WHEREAS, the Philippines signed the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and its Annexes on September 5, 2000 and was subsequently ratified by the Senate under Resolution No. 28 of the Thirteenth Congress on 2005;

WHEREAS, on December 2007 the WCPFC has adopted Conservation and Management Measure 2007-01 that provides for the establishment of Regional Observer Program in accordance with Article 28 of the Convention;

WHEREAS, the Philippines as a Party to the Convention and to other Tuna RFMOs must execute compatible measures for implementation of conservation and management measures.

WHEREAS, Republic Act 10654 amending Republic Act 8550 entitled "*An Act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*" states that the State shall ensure the attainment of the following objectives of the fishery sectors such as; Conservation, protection and sustained management of the country's fishery and aquatic resources and the optimal utilization of offshore and deep-sea resources;

FURTHERMORE, Section 116 of Republic Act 10654 provides for the deployment of fisheries observers to Philippine distant water fishing vessel and commercial fishing vessels in compliance with the rules and regulations promulgated by the Department.

RECOGNIZING the importance of Fisheries Observers in the conservation and management of fisheries and aquatic resources in the Philippines and in compliance to RFMOs and pursuant to the foregoing regulations, the Department through the Bureau of Fisheries and Aquatic Resources (BFAR) hereby promulgate and implement the following rules and regulations.

Section 1. Definition of Terms. For purposes of this Order, the following terms as used herein shall mean and shall be construed as follows:

- a.) Bureau – Bureau of Fisheries and Aquatic Resources (BFAR)
- b.) Commission ROP – The Regional Observer Program of the WCPFC which was established under CMM 2007-01.
- c.) Exclusive Economic Zone (EEZ) – an area beyond and adjacent to the territorial sea which shall not extend beyond 200 nautical miles from the Philippine baselines as defined in Republic Act 9522.
- d.) Fish Aggregating Device (FAD) or *payao* – any man-made structures deployed in fishing grounds, either anchored or drifting, which is used mainly for the purpose of aggregating fish.
- e.) Fisheries Observers – are personnel duly authorized by the BFAR Director and/or Commission ROP to collect data and other scientific and additional information related to fishing as required by the Bureau and other relevant RFMOs and/or concerned fisheries agencies in the Philippines.
- f.) Fishing vessel – any boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, refrigeration, transshipping, transportation and/or processing.
- g.) FOPMO – Fisheries Observer Program Management Office
- h.) HSP1-SMA – High Seas Pocket Number 1-Special Management Area
- i.) High Seas - the area beyond Philippine waters which does not belong to the jurisdiction of any other State.
- j.) CMM – Conservation and Management Measures
- k.) NFOP – National Fisheries Observer Program
- l.) Longline - is a fishing technique that uses a long line, called the main line, with baited hooks attached at intervals by means of branch lines using a swivel, with the hook at the other end.
- m.) Purse Seine - a classification of fishing gear which surrounds a school of fish attracted by *payao*, lights and /or from free school or drifting logs using a rectangular net with floats at the upper portion and purse rings at the lower section where the purse rope or cable passes through to close the net bottom during fishing operations. The net is either hauled manually or through a mechanical or hydraulic net hauler/power block.

- n.) RFMOs – refers to the Regional Fisheries Management Organizations that implements conservation and management measure in tuna such as IOTC (Indian Ocean Tuna Commission), ICCAT (International Commission for the Conservation of Atlantic Tuna), and WCPFC (Western and Central Pacific Fisheries Commission) in which the Philippines is a member, or the CCSBT (Commission on the Conservation of Southern Blue fin Tuna) in which Philippines is cooperating non-member.
- o.) Ring Net – a surrounding net which targets pelagic fish; uses ring at the lower edge of the net and using a purse line to close it under the fish (pursing), there is a central bunt and hauling is done manually by pulling simultaneously both sides of the net.

Section 2. Creation of National Fisheries Observer Program (NFOP). There is hereby created a National Fisheries Observer Program (NFOP) under the DA-Bureau of Fisheries and Aquatic Resources which shall be the source of fisheries observers in the Philippines.

A Fisheries Observer Program Management Office (FOPMO) shall be established to implement the activities of the program including training, certification, authorization and deployment of fisheries observers to collect scientific data and other information related to fishing on board fishing vessels operating within the Philippine waters including the Exclusive Economic Zone (EEZ), or in the high seas and in the waters of other countries in coordination with the RFMOs ROP and to perform such other related functions as mandated by the Fisheries Code and Fisheries Administrative Orders, and RFMO CMMs.

Section 3. Coverage and Observer Fees. Fisheries Observers shall cover all commercial Ringnet and Purse seine vessels catching more than 5 percent of four major tunas (Yellow fin tuna, Big eye tuna, Skipjack tuna and Albacore tuna) and tuna-like species and other fishing gear that catches more than 5 percent of tuna and tuna-like species in its annual production operating within Philippine water with the following schedule and observer rates:

Vessel Tonnage	Schedule from the effectivity of the IRR	Observer Fees
500 GT and Above	Within six (6) months	1200/day
300 to 499 GT	After one (1) year	1000/day
200.01 to 299 GT	After two (2) years	1000/day
Domestic Purse Seine and Ring Net Catcher Vessels primarily catching tuna and tuna like species	During FAD Fishing Closure Period	1200/day

All Philippine flagged catcher fishing vessels operating in the high seas or in the waters of other coastal states where they have been licensed to conduct fishing activities are required 100% coverage.

All commercial catcher fishing vessels not covered by the above schedule operating within the Philippine waters which includes the Exclusive Economic Zone (EEZ), the fisheries observer coverage shall be implemented in phases as follows:

Vessel Tonnage	Schedule of Implementation from Effectivity of the FAO
150-200	Within three (3) years
100-149	Within four (4) years
50-99	Within five (5) years

The DA-BFAR shall establish the corresponding funding mechanism, costing, phasing in and roll-out of FOP to all remaining fishing vessels.

If in case there is a development in technology that could perform the functions of an observer, such as the use of an Electronic Monitoring, then such technology may be utilized in lieu of an observer.

Section 4. Restrictions in the High Seas. All Purse seine and Ringnet transshipment vessels which intend to operate in the high seas shall not engage in fishing without a duly authorized fisheries observer onboard required or provided by the WCPFC-ROP, other RFMOs Observer Program or by the Philippine Fisheries Observer Program unless allowed by the coastal state or of the RFMO.

Section 5. Restrictions in Philippine Waters. All Purse seine and Ringnet targeting tuna and tuna like species which intend to operate within the Philippine waters including the EEZ shall not engage in FAD fishing during the closure period specified by the DA-BFAR and RFMOs other fisheries management measures imposed by other RFMOs and other National Fisheries Administrative Orders/Measures without a duly authorized fisheries observer on board provided by the National Fisheries Observer Program.

Section 6. Commercial Fishing Vessel Operators and Fisheries Observers shall strictly observe and follow the guidelines stipulated in Annex 1 and Annex 2 of this Order or the Mechanics of Implementation and Terms of Reference of the Fisheries Observer Program in the Philippines.

Section 7. Fisheries Observers shall strictly observe and follow the Code of Conduct Stipulated in Annex 3 of this Order or the BFAR Fisheries Observer Program: Code of Conduct for Observers the Mechanics of Implementation and Terms of Reference of the Fisheries Observer Program in the Philippines.

Section 8. Penalties. Fishing vessels covered in this Order caught violating shall be fined five hundred thousand pesos (Php 500,000.00), forfeiture of the catch and gear and will be prosecuted administratively by the Bureau. Upon conviction of law, the offender shall be punished with imprisonment of one (1) month and one (1) day to six (6) months and fine

of twice the amount of the administrative fine, confiscation of catch and suspension or cancellation of license.

Section 9. Repealing Clause. All existing administrative orders, rules and regulations which are inconsistent with the provisions of this Order are hereby repealed or modified accordingly.

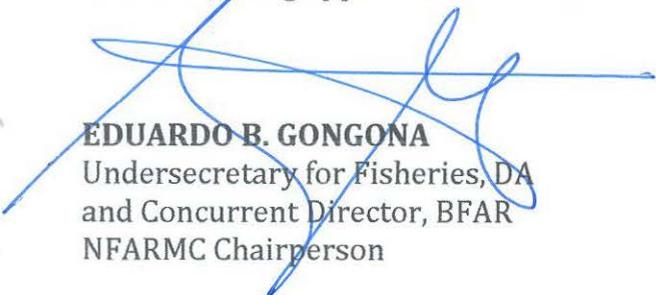
Section 10. Effectivity. This Order shall take effect fifteen (15) days after publication in two (2) newspapers of general circulation and/or the Official Gazette, and upon registration with the Office of the National Administrative Register.

ISSUED this 15 of OCT, 2018 in Quezon City, Metro Manila, Philippines.

EMMANUEL F. PIÑOL
Secretary
Department of Agriculture



Recommending approval:


EDUARDO B. GONGONA
Undersecretary for Fisheries, DA
and Concurrent Director, BFAR
NFARMC Chairperson

ANNEX 1. MECHANICS OF IMPLEMENTATION, FISHERIES OBSERVER PROGRAM (FOP) OF THE PHILIPPINES

The following Mechanics of FOP Deployment contain essential information for the continued operation of Philippine flagged vessels fishing within its EEZ and WCPFC Convention Area. Observers are needed to ensure adequate data are collected on the interactions between Philippine vessels' (purse seine and longline) fishing gear and protected species, particularly sea turtles, marine mammals, and sea birds. Basic fishery data also will be collected on billfish, tuna, and sharks as well as all target and non-target species. Observer data will be used to evaluate logbooks submitted for the fishery.

1. Responsible Parties

The Vessel Owner/Operator (holder of CFVGL, IFP, and Certificate of Clearance) of Philippine vessels is responsible to comply with regulations and license conditions. The permit holder shall remain liable for all activities conducted under the license, including, but not limited to, the activities of a designated agent resulting in violations of the license and applicable regulations.

2. Observer Request

The Vessel Owner/Operator or a designated agent of the Vessel Owner/Operator for each fishing vessel must request FOP Management Office (FOPMO), BFAR-MCS Station, PFDA Fishport Complex, Navotas City for an observer if it will fish within the Philippine 200 mile EEZ during FAD Closure and in the high seas or EEZ of other CCMs. Request must be sent:

- i. **at least 72 hours**, not including weekends and public holidays for Vessels Fishing Within the Philippine 200 mile EEZ; and
- ii. **at least 30 days** for Vessel Fishing in the High Seas and Waters of other CCMs, to give way for the 21-day notice that the WCPFC ROP requires for sourcing of observers from ROP and other CCMs and give time for FOPMO to deploy the observer on the concerned vessel. Request must be done before leaving any port to begin a fishing trip. A fishing trip means the period of time between departure and arrival from port when fishing is conducted. Departure information is to be reported by Fax to **(+632) 2837581** Monday to Friday 0800 to 1700 hours (Philippine Time) or by email to fopmo2010@gmail.com.

a. Needed Information

Report vessel name, official number of the vessel, departure port, date, time and telephone number of the agent designated by the Vessel Owner/Operator, who will be available between 0800 to 1700 hours on weekdays.

b. FOPMO Response

- i. Vessel Fishing Within the Philippine 200 mile EEZ - The FOPMO will advise the Vessel Owner/Operator or designated agent at least **24 hours**

not including weekends and public holidays, before the scheduled departure, on the arrangement for the observer including contract signing, embarkation etc.

- ii. Vessel fishing in the High Seas and Waters of other CCMs - The FOPMO will advise the Vessel Owner/Operator or designated agent at least **7 days** for the arrangement of the boarding observer chosen by the ROP or the FOPMO in case observer came from other CCMs.

OBSERVER REQUIREMENTS

1. Safety Requirements

All vessels required to carry an observer must meet MARINA safety requirements. Vessels that do not meet these requirements are deemed unsafe for purposes of carrying an observer and must correct noted deficiencies prior to departing port. Observers may not depart on a fishing trip aboard a vessel that does not comply with MARINA safety requirements.

The vessel owner or operator must allow an FOP observer, BFAR certified, to visually inspect any safety or accommodation requirement if requested. FOP Observer is required to complete a pre-trip safety check of the emergency equipment and review emergency instructions with the operator prior to the vessel departing port.

A. Departure Commitment

A binding commitment is made each time a vessel owner or operator or designated agent reports a boat's planned departure date and time. Any changes in the departure date and time agreement is to be reported to FOPMO as specified by the above notification procedure.

B. Port Restriction

Once a vessel owner or operator or designated agent, is notified of an obligation to carry an observer, the vessel may not leave port to fish without an observer.

C. Waiting Period

Observers shall arrive at their assigned boats 4 hours before the date and time commitment and will wait for departure. If a vessel fails to depart from port after 1 day of departure time, the observer may leave.

D. Accommodations

Vessels must provide the FOP Observers with accommodations comparable to full crew members, unless other arrangements have been pre-approved by the FOPMO in Navotas City. Female observers must be afforded reasonable privacy, and must be accommodated either in a single-person cabin or in a two-person shared cabin with a curtain or other temporary divider. If private toilet and shower facilities are unavailable for a woman observer, arrangements for

sharing common facilities must be established and approved prior to departure by FOPMO. Any concerns about accommodations must be raised in advance of a trip directly with FOPMO.

ANNEX 2. TERMS OF REFERENCE, FISHERIES OBSERVER PROGRAM (FOP) OF THE PHILIPPINES

The Fisheries Observer Program shall promote responsible fisheries and will play an important role in the conduct of monitoring control and surveillance activities. The program can serve as information provider of primary and secondary production including scientific information on catch and effort, stock assessment and other fisheries regulation compliance. The fundamental purpose is to provide fisheries managers, research organizations, environmental agencies, the fishing industry with independent, reliable, verified and accurate information on the fish catch, effort and practice of Philippine flagged vessels.

The development of fisheries observer in the Philippines is in accordance with Article 28 of the Convention which states that "The Commission shall develop a regional observer programme to collect verified catch data, other scientific data and additional information related to the fishery from the Convention Area and to monitor the implementation of the Conservation and Management Measures (CMMs) adopted by the Commission".

Goals of the Program

1. Provide a sufficient level of coverage with the Philippine EEZ and Commission's area;
2. Ensure that the BFAR and the Commission receives adequate and appropriate data and information on catch levels and related information;
3. Develop and train independent and impartial Cadre of Fisheries Observers for deployment;
4. Implement cost effective FOP in coordination with existing RFMOs; and
5. Train and certifies observers in accordance with set standards/procedures.

The FOP will:

1. Consider science, technical, compliance-related, practical and economic elements of the fishery;
2. List tasks for FOP observers for each fishery standard and harmonized procedures for observers, including data collection, reporting formats, as well as placement and debriefing procedures; and
3. Standard procedures for certification of observers including appropriate coordination with RFMOs.

Vessels to be Boarded by the FOP Observers

The FOP shall apply to the following categories of fishing vessels authorized to fish within its EEZ and the Convention Area in accordance with RA 10654 and relevant FAOs and the Commission's Conservation and Management Measures:

1. All Philippine flagged commercial fishing vessels that are catching tuna and tuna-like species fishing in the waters of Philippines EEZ and on the high seas in the Convention Area, and
2. All Philippine flagged vessels (purse seine and longline vessel) fishing on the high seas and in waters under the jurisdiction of one or more coastal States and vessels fishing in the waters under the national jurisdiction of two or more coastal States.
3. All Purse seine catcher fishing in the Philippine EEZ and fishing boats/vessel other than purse seine and longline as maybe determined by BFAR for its conservation and management program.

Role of the FOP Management Office (FOPMO)

The FOPMO shall:

1. Plan and implement FOP in coordination with WCPFC and stakeholders;
2. Ensure that the FOP complies with standard requirements of the Commission including the development and institutionalization of fisheries observer training program, skill and competency development/upgrading of fisheries observers, trainers and debriefers;
3. Develop manuals, safety policies, and procedures for observers.
4. Recruit, train, certify, and authorize fisheries observers;
5. Deploy and conduct briefing and debriefing of observers;
6. Establish and maintain database and regularly monitor compliance implementation as per requirements of BFAR and the Commission;
7. Collect, compile, store and disseminate data generated by FOP Observers;
8. Coordinate the overall activities of the Fisheries Observers with the WCPFC and concerned fishing companies and sustain the operation of the FOPMO; and
9. Administer the deployment of Observers for special situations as needed and upon request of Authorities; and
10. Maintain and administer the Fisheries Observer Program Management Office and its operational fund.

Observer Activity

The activities of observers shall include collecting catch data and other scientific data, monitoring the implementation of conservation and management measures adopted by the BFAR and Commission (WCPFC), and reporting of their findings in accordance with procedures to be developed by the Commission.

Observer Duties

Observers are expected to routinely report on the Following:

- Trip Details
- Vessel Characteristics
- Fishing Gear/Refrigeration/Technology
- Marine Equipment and Electronics
- Captain Fishing Masters & Crew Numbers
- Daily Logs including Lat/Long, EEZ, Activities of the Vessel, School Associations/How Target Species was Caught or Detected, etc.

- Set Specifications, Sequence and Timing
- Types of Bait used (if applicable)
- Commercial Species Identifications.
- Species Fate, Condition, Length Sex and Processing Methods.
- By-catch Identification; Condition and Fate.
- Species of Special Interest – sightings interaction with Gear, Condition and Fate
- Record relevant vessel and aircraft sightings, positions and activities.
- Record all other vessel identification, i.e. Type, Flag, Condition, etc.
- Take photos where possible.
- Report on Tags picked up by vessels.
- General Cruise Report

Compliance Reporting Expected of Observers When Onboard a Vessel

- Recording of Inaccurate Positions on the Vessel Log Sheets;
- Checking Vessels are correctly recording target species, by-catch and discards;
- Checking Vessel Logs for not reporting of position or catch;
- Failing to comply with RA 10654, BFAR Fisheries Administrative Orders (FAOs), and WCPFC Commission CMMs;
- Ensuring they are using the fishing method that they are licensed to use;
- Check to ensure there is no misreporting of retained or discarded commercial species;
- Check to ensure there is proper recording of by-catch species (Retention/Discards);
- Report on catch of special interest, i.e. Turtles, Dolphins, Whales, Birds, etc; and
- Report if the vessels fishes in areas it is not permitted to do so.

Science Reporting Expected of Observers When Onboard a Vessel

- Species Composition (Target and By catch)
- Length Frequency
- Sex-maturity
- Condition when caught/ when discarded
- Catch-ability of the vessels/fleets
- CPUE (Catch per unit of effort)
- Small fish issues
- Set and catch (position) information
- Reasons for discards

Observers Collect Information of Gear Technology

- Usage of Electronic equipment
- Net and Line Technologies
- Refrigeration Types & Techniques
- Vessel Details (Engine Length, Tonnage, etc.)
- Aircraft usage
- Communications and VMS

- Fishing gear (Hooks, Nets, Lines)

RIGHTS AND RESPONSIBILITIES OF PARTIES

Rights of the Observer

- Full access to and use of all facilities and equipment of the vessel
- Full access to the vessel's records including its logs and documentation
- Access to and use of communications equipment
- Access to additional equipment, if present, to facilitate the work of the observer
- Access to the working deck during net or line retrieval and to specimens
- Notice by the vessel captain of at least fifteen (15) minutes before hauling or setting
- Access to food, accommodations, medical facilities, and sanitary facilities of a reasonable standard
- The provision of adequate space on the bridge or other designated area for clerical work and adequate space on the deck for observer duties
- Freedom to carry out their duties without being assaulted, obstructed, resisted, delayed, intimidated or interfered with in the performance of their duties

The Responsibilities of FOP Observers

- Being capable of performing the duties set out by the FOP
- Acceptance and compliance with agreed confidentiality rules and other guidelines in the Code of Conduct for FOP Observers;
- Maintenance of independence and impartiality at all times
- Compliance with the FOP protocols for observers
- Compliance with the laws and regulations of the country that exercises jurisdiction over the vessel
- Respecting the hierarchy and general rules of behavior
- Being capable of performing the duties set out by the FOP
- Performance of duties in a manner that does not unduly interfere with the lawful operations of the vessel
- Familiarity with the emergency procedures aboard the vessel
- Communicating regularly with the vessel captain on relevant observer issues
- Observance of ethnic traditions of the crew and customs of the flag State of the vessel
- Adherence to the FOP Code of Conduct for Observers
- Promptly writing and submitting reports to the FOP

Rights of Vessel Operators (Owners) and Captains

- Expectation that a reasonable period of prior notice of the placement of an FOP observer shall be given.
- Expectation that the observer will comply with the general rules of behavior hierarchy, and laws and regulations of the BFAR and CCM of the Commission that exercises jurisdiction over the vessel.
- Timely notification from the FOP on completion of the observer's trip of any comments regarding the vessel operations.

- Ability to conduct lawful operations of the vessel without undue interference due to the observer's presence
- 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.
- 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.

The Responsibilities of Vessel Operators (Owners) and Captains

- Accepting onboard the vessel any person identified as an observer under the FOP when required by the BFAR.
- Informing the crew of the timing of the FOP Observer boarding as well as their Rights and responsibilities when an FOP Observer boards the vessel.
- Assisting the FOP Observer to safely embark and disembark the vessel at an agreed upon place and time.
- Giving notice to the FOP Observer at least fifteen (15) minutes before the start of a set or haul onboard, unless the observer specifically requests not to be notified.
- Allow FOP Observer full access to the vessel's records including vessel logs and documentation.
- Allowing reasonable access to navigational equipment, charts and radios.
- Permit access to additional equipment, if present, to facilitate the work of the FOP Observer.
- Allow and assist the FOP Observer to remove and store samples from the catch.
- Allow and assist the FOP Observer to carry out all duties safely.
- The provision to the FOP Observer at no expense to the observer or the BFAR, with food, accommodation, adequate sanitary amenities, and medical facilities of a reasonable standard
- The provision to the FOP Observer, while onboard the vessel, insurance coverage for the duration of the observer's time onboard the vessel
- The provision to the FOP Observer, a daily subsistence allowance while onboard the vessel
- 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.
- Ensuring the FOP 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 of Vessel Crew

- Expectation that the ROP observer will comply with the general rules of behavior, hierarchy, and laws and regulations of the CCM that exercises jurisdiction over the vessel.
- Expectation that a reasonable period of prior notice of the placement of a FOP Observer shall be given by the Captain.
- Reasonable expectation of privacy in crew personal areas.
- Ability to carry out duties associated with normal fishing operations without undue interference due to the FOP Observer's presence and performance of their necessary duties.

The Responsibilities of Vessel Crew

- Not assault, obstruct, resist, intimidate, influence, or interfere with the FOP Observer or impeding or delaying observer duties.
- Comply with regulations and procedures established under the Convention and other guidelines, regulations, or conditions established by the country that exercises jurisdiction over the vessel.
- Allow and assist 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.
- Allow and assist the FOP Observer to carry out all duties safely.
- Allow and assist the FOP Observer to remove and store samples from the catch.
- Comply with directions given by the vessel captain with respect to the FOP Observer duties.

ANNEX 3. BFAR FISHERIES OBSERVER PROGRAM: CODE OF CONDUCT FOR OBSERVERS

1. Preceding a vessel boarding

- a. Observers must undergo a briefing process to be conducted by the FOPMO prior to their departure.
- b. 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.
- c. Observers shall where practical arrive at least 4 hours before the advised schedule departure time.
- d. Observers shall not carry alcohol, betel nut or any illegal substances onto the vessel.
- e. Observers who are under the influence of any alcohol or illegal drugs immediately before their boarding of a vessel may be prevented from making the boarding. (If an observer fails to meet his obligation by turning up to the vessel in an intoxicated state they can be refused boarding by the vessel master).

2. On boarding a vessel

Observers shall, as soon as possible on boarding a vessel, present their identifications to the captain/master of the vessel and complete any formalities needed for joining the vessel. The observer will stow all observer equipment neatly in a safe and secure manner in the area that has been allocated by the vessel captain.

3. Conduct on board a vessel

- a. Observers shall develop a diligent and professional working routine as soon as possible after boarding the vessel.
- b. Observers must maintain their independence at all times and must report any attempt to compromise or harass them.
- c. Observers shall not accept inducement with money or gifts of any kind, for them to neglect their duty or in any other way act unfavorable to their proper duties.
- d. Observers shall ensure that they do not hinder or interfere with the proper functioning of the vessel for fishing operations or navigation purposes.
- e. Observers shall respect the safety and sanitary rules of the ship.

- f. Observers shall attempt at all times to have a professional and courteous relationship with the captain/master and crew and shall respect their private property and living space.
- g. Observers shall also endeavor to be clean and dress in an appropriate manner for the conditions of the working and or living space. Observers shall not enter into cabins or other areas of the vessel designated as clean areas in work clothes that are impregnated with fish remnants, blood and or other fish parts.
- h. Observer's personal hygiene shall be maintained, and they shall bathe regularly and shall also wash their clothes frequently.
- i. Observers are not law enforcement officers and have no enforcement powers; therefore, they will not give any directions or notices outside their observer responsibilities and authority to the captain/master or to any member of the crew.
- j. Observers shall at all times while on board a vessel refrain from using bad language, exhibit bad behavior and shall respect cultural customs of the crew and the flag of the vessel.
- k. Observers shall not have any personal or intimate relationships whilst on board the vessel.
- l. Observers should walk away from arguments or confrontations and be able to remain calm in all situations.
- m. Observers shall not bring onboard or use illegal drugs, drink alcohol on board the vessel or smoke in areas where this is forbidden, and where or when requested not to smoke.
- n. Observers shall not use any vessel communication system for private or business use without permission by the captain/master of the vessel. (Observer communications costs will be paid by the observer or provider by arrangement with the captain/master.)
- o. 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.

4. Respect for property and confidentiality of Information

- a. The observers will respect all vessel property, private property and any other equipment on board the vessel, including documents, charts, logs and vessel plans
- b. Observers shall not discuss fishing information, ship's position or vessel details over the radio unless specifically requested by an authorized fisheries inspector or other authorized observer coordinator /manager or officers.
- c. Observers shall ensure that all data and information collected whilst on board are kept secure and confidential at all times. The data will not be discussed or made available to the fishing master, captain or crew while on board, and will only be discussed with the captain/master at an official debriefing of the observer.

5. Arrival in a port

- a. Observers shall stay on board until the captain or a port authority, immigration, customs or quarantine officers gives them clearance to disembark.
- b. Observers must respect any instructions from port authority, immigration, customs or quarantine officer when arriving in port.

- c. Observers, upon arrival must inform/contact immediately the FOPMO of the completion of his/her Observer trip and request for schedule for debriefing. The debriefing process should be completed not more than two (2) weeks after the arrival of the Observer at port.

6. Actions if Code of Conduct is breached

- a. Observers traveling to a vessel and reported to be misbehaving, drunk, or who are found to have failed to pay bills or have damaged accommodation or are responsible for any other matter that brings disrepute to the FOP, will have their FOP Authorization revoked and may be asked to reimburse all costs involved in their travel.
- b. If the observer is reported by the vessel captain to the provider to be under the influence of drugs or alcohol prior to boarding and this is confirmed by the FOPMO Operations Coordinator, the observer will be withdrawn from the vessel and may be liable for all costs associated with their travel and or any advance payments if they are unable to meet their obligations to board the designated vessel due to the influence of alcohol or drugs. The FOPMO will investigate the incident and make recommendation to the BFAR on the outcomes of the investigation. The FOPMO if required will also make arrangements with the observer for the reimbursement for costs associated with their travel and or any advance payments.
- c. If the observer is reported by the vessel captain to the FOPMO; that the observer has breached the Code of Conduct, misbehaved, caused unwarranted disruption and failed to maintain sanitary requirements, and is under the influence of alcohol or illegal drugs during the trip period they are on board the vessel; FOPMO will investigate claims by the vessel captain. The FOPMO will make a determination on the outcomes of the investigation; observers Authorization may be revoked or if it is deemed warranted, filed with Administrative Case. Observers will be responsible for the costs of any deliberate damages they may have caused whilst on the vessel.
- d. Observers on a return journey to their home port after a trip, misbehaving, drunk, or who are found to have failed to pay bills or have damaged accommodation and property and are responsible for any other matter that brings disrepute to the FOP will have their Authorization revoked and the observer may be asked to reimburse all travel costs. Observers will have damage cost payments deducted from their termination salary.
- e. Depending on the circumstances, and after a thorough investigation, the observer if found to be the cause of the problem as reported, the observer may be suspended from FOP duties for a minimum of 6 months for the first offence. If the observer is given another chance after the minimum period of disqualification is served and the Code of Conduct is breached a second time an automatic life disqualification for the FOP will occur which will also apply to ROP of the WCPFC.

**ANNEX 4 . BFAR FISHERIES OBSERVER PROGRAM: SPECIES COVERAGE OF
FISHERIES OBSERVERS.**

1. Yellowfin Tuna (*Thunnus albacares*)

- a. Body Morphology: Body is elongated and long tail, body outline flat between second dorsal and caudal fin and between anal and caudal fin.
- b. Coloration: back metallic dark blue changing through yellow to silver on belly; dorsal and anal fins, and dorsal and anal finlets, bright yellow, the finlets with a narrow black border.
- c. Local name: Bariles and Tambakol

2. Big Eye Tuna (*Thunnus obesus*)

- a. Body Morphology: Body is deep and rounded body outline, forming a smooth dorsal and ventral arc between snout and caudal peduncle. Bears moderately long pectoral fins, used for balancing and breaking.
- b. Coloration: Bigeye tuna is dark metallic blue on the back, white on the undersides. The first dorsal fin is deep yellow, while the second dorsal fin and anal fin are pale yellow, and small fins just behind the dorsal and anal fins, called finlets, are bright yellow edged with black.
- c. Local name: Bariles, Tambakol and Bulldog

3. Skipjack (*Katsuwonus pelamis*)

- a. Body morphology: Elongate, fusiform, no fatty eyelid; jaw teeth slender, conical; top of tongue with 2 ridges; gill rakers 53-63; 2 dorsal fins barely separated.
- b. Coloration: Dark purplish blue on back; lower sides and belly silvery, with 4-6 conspicuous wavy stripes or discontinuous lines of dark blotches.
- c. Local name: Gulyasan, Galon-Galon and Tulingan

4. Albacore Tuna (*Thunnus alalunga*)

- a. Body morphology: streamlined, torpedo-shaped bodies with a very long pectoral fins adapted to fast and continuous swimming.
- b. Coloration: A metallic, dark blue back and dusky to silvery white belly. Albacore has a delicate flavor and famously light pink flesh that turns ivory or creamy white when cooked.
- c. Local name: Bariles and Tambakol