



Republic of the Philippines  
**DEPARTMENT OF AGRICULTURE**  
Office of the Secretary  
Elliptical Road, Diliman, Quezon City

FISHERIES ADMINISTRATIVE)  
ORDER NO. 240 :  
Series 2012)

**SUBJECT : Rules and Regulations in the Implementation of Fisheries Observer Program in the High Seas**

**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**, in 2004 the Western and Central Pacific Fisheries Commission (WCPFC) was established as provided in the Convention to implement its conservation and management measures;

**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**, on December 2008 the WCPFC has adopted Conservation and Management Measure 2008-01 that provides for the Conservation and Management of Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean;

**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.

Recognizing the importance of Fisheries Observers in the conservation and management of fisheries and aquatic resources in the Philippines and in the High Seas 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, words and phrases as used herein shall mean and shall be construed as follows:

1. Bureau – Bureau of Fisheries and Aquatic Resources (BFAR).
2. CCSBT – Commission for the Conservation of Southern Bluefin Tuna.
3. Convention – Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.
4. Commission ROP – The Regional Observer Program of the WCPFC which was established under CMM 2007-01.

5. 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 under Republic Act 9522.
6. 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.
7. 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.
8. 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.
9. High Seas – the area beyond Philippine waters which does not belong to the jurisdiction of any other State.
10. HMFS – Highly Migratory Fish Stocks as listed in Annex I of the 1982 Convention on the Law of the Sea.
11. ICCAT – International Commission for the Conservation of Atlantic Tunas.
12. IFP – International Fishing Permit.
13. IOTC – Indian Ocean Tuna Commission.
14. 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 other end.
15. NFOP – National Fisheries Observer Program.
16. PFOPMO –Philippine Fisheries Observer Program Management Office.
17. 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.

18. RFMO – refers to the Regional Fisheries Management Organizations that implements conservation and management measures in tuna.
19. Ring Net – a surrounding net which targets pelagic fish; uses 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.
20. Transshipment – the unloading of all or any of the fish on board a fishing vessel to another fishing vessel either at sea or port.
21. WCPFC – Western and Central Pacific Fisheries Commission.

**Section 2. Creation of National Fisheries Observer Program (NFOP).** There is hereby created a National Fisheries Observer Program (NFOP) under the Bureau of Fisheries and Aquatic Resources which shall be the source of fisheries observers in the Philippines. A Philippine Fisheries Observer Program Management Office (PFOPMO) 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 200 mile Exclusive Economic Zone (EEZ), or in the high seas and in the waters of other countries in coordination with the Commission ROP and to perform such other related functions as mandated by the Fisheries Code and Fisheries Administrative Orders.

**Section 3. Coverage.** NFOP shall cover all commercial fishing boats/catcher boats that targets tuna species (i.e. skipjack, yellowfin and bigeye) operating with major fishing gears and transshipment vessels in the High Seas. Fishing vessels may choose to have a Filipino Observer from the BFAR NFOP or from other RFMOs to board their vessels. Level of coverage shall be in compliance with the applicable WCPFC, IOTC, ICCAT or CCSBT requirements or from country that granted fishing access - for all Philippine flagged vessels operating in the high seas or in the waters of other states where these have been licensed to conduct fishing activities.

**Section 4. Restrictions in the High Seas.** All purse seine, longline, and transshipment vessels which intend to operate in the high seas shall not engage in fishing without a duly authorized fisheries observer on board as required or provided by WCPFC ROP, other RFMOs Observer Program or by the Philippines Fisheries Observer Program.

**Section 5. Commercial Fishing Vessel Operators and Fisheries Observers.** shall strictly observe and follow the guidelines stipulated in FOP Annex 1-Mechanics of Implementation and FOP Annex 2 - Terms of Reference of the Fisheries Observer Program in the Philippines of this Order.

**Section 6. Fisheries Observers.** shall strictly observe and follow the Code of Conduct Stipulated in FOP Annex 3 of this Order or the BFAR Fisheries Observer Program: Code of Conduct for Observers Program in the Philippines.

**Section 7. Fisheries Observers Fees and Accommodations.** The following shall be provided by the Fishing Vessel Owner/Operators for the Deployed Observers during the FAD Fishing Closure and conduct of fishing operations in the high seas:

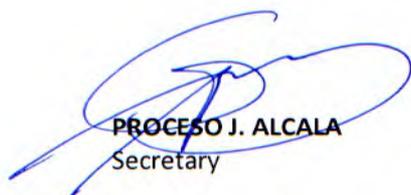
1. Daily subsistence allowance to be paid to the FOP Observer upon deployment to the vessel which will commence on the scheduled port departure date and arrival of the vessel.
  - USD 40/day if deployed in the high seas and other countries/CCMs EEZ or the existing rates adopted by the ROP or other CCM for their observer program

2. Accommodation, medical facilities, and adequate sanitary amenities of a reasonable standard.
3. Medical and Accident Insurance coverage for the duration of the observer's time onboard the vessel.
4. Reimbursement of travelling expenses (taxi, airfare, bus tickets etc) of Observer origin to the Port of Embarkation and vice-versa.

**Section 8. Sanctions.** Fishing Vessels covered in this Order found engaging in fishing operation in the High Seas or under the jurisdiction of other countries without a fisheries observer onboard or during the FAD closure periods shall be considered as having violated Section 86 of the Fisheries Code and will be required to return to homeport. An administrative fine of Php 100,000.00 shall be imposed on those who failed to comply and will be a ground for suspension of Commercial Fishing Vessel/Gear License (CFVGL) in the case of a first offense and cancellation or revocation of CFVGL and exclusion from the WCPFC Register of Vessels in case of a subsequent offense.

**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.

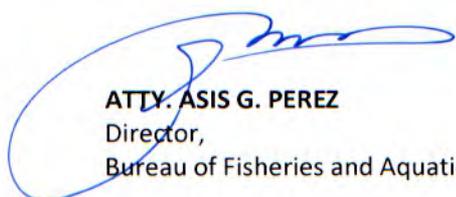


**PROCESO J. ALCALA**  
Secretary

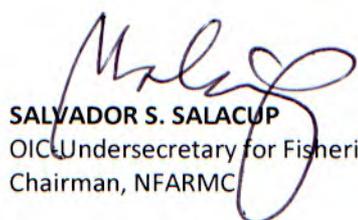
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Recommending Approval:



**ATTY. ASIS G. PEREZ**  
Director,  
Bureau of Fisheries and Aquatic Resources



**SALVADOR S. SALACUP**  
OIC Undersecretary for Fisheries  
Chairman, NFARMC

## **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. The observer coverage goal is 20% of the annual fishing trips of the entire fleet unless specified by Commission rules (such as CMM-2008-01 on the FAD Fishing Closure). 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, NFPC, 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 or 929-6668** 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.

### **2. 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.

### **3. 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.

### **4. 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.

### **5. 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.

**PROHIBITIONS**

It is unlawful for any person to forcibly assault, harass or sexually harass, intimidate or attempt to influence any observer, or to interfere with or impede their duties.

## **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. Consider science, technical, compliance-related, practical and economic elements of the fishery;
2. Provide a sufficient level of coverage with the Philippine EEZ and Commission's area;
3. Ensure that the BFAR and the Commission receives adequate and appropriate data and information on catch levels and related information;
4. Develop and train independent and impartial Cadre of Fisheries Observers for deployment;
5. Implement cost effective FOP in coordination with RFMOs and other relevant organization ; and
6. Train and certify observers in accordance with set standards/procedures.
7. Develop and implement standard procedures for observers, including data collection, reporting formats, as well as placement and debriefing procedures

### **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 8550 and relevant FAOs and the Commission's Conservation and Management Measures:

1. All commercial purse seine/ring net vessels that target tunas operating exclusively in the high seas.
2. All commercial purse seine/ring net vessels that target tunas operating within the Conservation areas of various RFMOs, including 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 commercial purse seine/ring net vessels that target tunas operating within Conservation Areas of various RFMOs, including 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.
4. All commercial purse seine/ring net vessels that target tunas operating within Philippine EEZ and High Seas.
5. Sufficient coverage for all commercial purse seine/ring net vessels operating within the Philippine waters.
6. Other foreign flagged purse seine vessels thru appropriate channels or arrangements.

#### **Role of the Philippine FOP Management Office (PFOPMO)**

1. Plan and implement the Program in coordination with the industry, RFMOs and other relevant stakeholders;
2. Ensure that the Program complies with standard requirements of RFMOs including the development and institutionalization of fisheries observer training program, skill and competency development/upgrading of fisheries observers, trainers and debriefers;
3. Develop Operational, safety and other manuals and guidelines for Observers.
4. Recruit, train, certify, and authorize fisheries observers;
5. Deploy and conduct briefing and debriefing of observers;
6. Collect, compile, store and disseminate data and publish reports generated by Observers;
7. Establish and maintain Observer database;
8. Monitor compliance as per requirements of BFAR and RFMOs;
9. Coordinate the overall activities of the Program with the RFMOs, industry and concerned fishing companies;
10. Administer the deployment of Observers for special assignments as may be required.;  
and
11. 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 RFMOs and reporting of their findings in accordance with procedures developed by the Program.

## Observer Duties

1. **Submit the following reports to PFOPMO:**
  - a. General Observer Trip Report
  - b. Fully Accomplished Observer forms
2. **Collect information on the Following:**
  - Trip Details
  - Vessel Characteristics
  - 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
  - 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
3. **Monitor and Record Compliance**
  - Check Positions on the Vessel Log Sheets and record/report reporting;
  - Check Vessels are correctly recording target species, by-catch and discards;
  - Check compliance with provisions of RA 8550, BFAR Fisheries Administrative Orders (FAOs), and WCPFC Commission CMMs;
  - Ensure they are using the fishing method that they are licensed to use;
  - Check to ensure proper reporting 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 fish in prohibited areas.
4. **Catch Data Recording**
  - Species Composition (Target and By catch)
  - Length Frequency
  - Sex
  - Condition when caught/ when discarded

- Catch-ability of the vessels/fleets
- CPUE (Catch per unit of effort)
- Small fish issues
- Reasons for discards

#### **5. Record Details of Fishing Operations and Gear Technology**

- Purse seine/ringnet gear design
- Set and haul information
- Usage of Electronic equipment
- Vessel Details (Engine Length, Tonnage, etc.)
- Aircraft usage
- Communications and VMS

#### **Rights of the Observers**

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

#### **Responsibilities of Observers**

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

### **Rights of Vessel Operators (Owners) and Captains**

1. Expectation that a reasonable period of prior notice of the placement of an FOP observer shall be given.
2. 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.
3. Timely notification from the PFOP on completion of the observer's trip of any comments regarding the vessel operations.
4. Ability to conduct lawful operations of the vessel without undue interference due to the observer's presence
5. 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.
6. 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**

1. Accept onboard the vessel any person identified as an observer under the PFOP when required by the Program.
2. Inform the crew of the timing of the Observer boarding as well as their Rights and responsibilities when an Observer boards the vessel.
3. Assist the Observer to safely embark and disembark the vessel at an agreed upon place and time.
4. Give notice to the Observer at least fifteen (15) minutes before the start of a set or haul onboard.
5. Allow Observer full access to the vessel's records including vessel logs and documentation.
6. Allow reasonable access to navigational equipment, charts and radios.
7. Allow and assist the Observer to remove and store samples from the catch.
8. Allow and assist the Observer to carry out all duties safely.
9. Provide the Observer with food, accommodation, adequate sanitary amenities, and medical facilities of a reasonable standard.
10. Provide Observer, while onboard the vessel, insurance coverage for the duration of the observer's time onboard the vessel
11. Provide Observer, with observer fees as may be agreed upon within the duration of the observer trip.
12. 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...
13. Ensure the 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**

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

**The Responsibilities of Vessel Crew**

1. Not assault, obstruct, resist, intimidate, influence, or interfere with the Observer or impeding or delaying observer duties.
2. 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.
3. 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.
4. Allow and assist the Observer to carry out all duties safely.
5. Allow and assist the Observer to remove and store samples from the catch.
6. Comply with directions given by the vessel captain with respect to the Observer duties.

### **Annex 3. Code of Conduct for Observers**

#### **1. Preceding a vessel boarding**

- a. 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.
- b. Observers shall where practical arrive at least 4 hours before the advised schedule departure time.
- c. Observers shall not carry alcohol or any illegal substances onto the vessel.
- d. Observers who are under the influence of any alcohol or illegal drugs immediately before their boarding of a vessel may be prevented from 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 identification to the captain/master of the vessel and complete any formalities needed for joining the vessel. The observer will store 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. Observer shall not accept inducement with money or gifts of any kind, for them to neglect their duty 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 navigational purposes.
- e. Observers shall respect the safety and sanitary rules of the ship.
- f. Observers shall at all times 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 cabin or other areas of the vessels designated as clean areas in work clothes that are contaminated with fish remnants, blood and or other fish parts.
- h. Observer's personal hygiene shall be maintained.
- i. Observers at all times while onboard a vessel refrain from using bad language, exhibit bad behavior and shall respect cultural customs of the crew and the flag of the vessel.
- j. Observers shall not have any personal or intimate relationships whilst on board the vessel.
- k. Observer shall avoid any form of arguments or confrontations whilst on board the vessel.
- l. Observers shall not bring onboard or use illegal drugs, drink alcohol or gamble onboard the vessel or smoke in areas where this is forbidden, and where or when requested not to smoke.

- m. Observers shall not use any vessel communication system for personal 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 captain/master.)
- n. Observer shall comply with requirements established in the laws and regulations of the flag state which exercises jurisdictions over the vessel to which the observer is assigned.

#### **4. Respect for property and confidentiality of Information**

- a. The observer shall 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 while 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 onboard, 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 give them clearance to disembark.
- b. Observers must respect any instructions from captain, port authority, immigration, customs or quarantine officer when arriving in port.
- c. Observers shall notify the PFOPMO for debriefing upon arrival.

#### **6. Actions if Code of Conduct is Breached**

- a. Observers travelling 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 Program, will have their Program 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 PFOPMO to be under the influence of drugs or alcohol prior to boarding and this is confirmed by the PFOPMO Operations Coordinator, the observer will be withdrawn from the vessel and may be liable for all cost 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 PFOPMO will investigate the incident and make recommendation to the BFAR on the outcomes of the investigations. The PFOPMO 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 PFOPMO; 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 onboard the vessel; PFOPMO will investigate claims by the vessel captain. The PFOPMO shall determine 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 while onboard the vessel.
- d. Observer 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 dishonor to the Program will have their Authorization revoked and the observer may be asked to reimburse all travel costs. Observers will have damaged cost payments deducted from their observer fee.

- 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 for a minimum of 6 months for the first offense. For a second offense the observer shall be automatically disqualified from the Program.