

PCA note on scientific observer status

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Deployment and work of FFA fishery research institutes observers (VNIRO, TINRO, KamchatNIRO, etc.) are regulated by the following legal decrees and documents.

Observer status is set in the [Service Regulations of the Fishing Fleet which is approved by Ministry of agriculture order #421 of 27/07/20](#). It is a fundamental document of all kind of crew members on fishing vessels including observers and scientific staff that defines their roles, rights, responsibilities that has been recently updated. Article 199 of the Service states scientific observers can be deployed on fishing vessels in order to conduct their duties and assignments. Captains must provide optimal conditions for observer's work and accommodation including all necessary materials and information about catches in the fishing areas.

Work of research institute scientific observers is regulated by the [Provision of scientific observer \(staff\) of fishery research organization conducting monitoring of fisheries](#) (approved by Board of NTO TINRO of 21/05/2005, protocol #2). Despite the provision was approved in 2003 and still is force for all Far East institutes engaged in pollock fisheries monitoring. The provision prescribes that observer is obligated to demand a captain to follow (be compliant) with the Fishing rules. Also, the observer must inform a corresponding fishery research institute on cases of non-compliance (article 3.15 of the provision).

Each observer has an individual assignment that is approved by the institute and accepted by an owner of the vessel. Observer briefing details "scope of work" an observer does, and with the reference to the Service regulation the captain must provide full support to such observer's work briefing. Therefore, all three documents mentioned above are well connected to each other and provide legal background for fisheries' observers.

According to the observer regulations, all information collected by observers goes directly to corresponding institute, VNIRO and FFA. FFA uses collected information for operative management of the fishery, stock assessment process, and implementation of HCR. Of course, it is authorized to share this information with the coastguard through inter-agencies cooperation protocol. During inspection of fishing vessel coastguard inspector can request for observer's note.

All observers are well trained, with high education, and ability to perform monitoring, sampling and biological tests. Collected information goes into internal data system and shared among institutes.

All scientific observers are fully independent from PCA or PCA member companies. PCA does not pay observers, or choose their deployment on a particular vessel, or assign their briefing, or review their reports, or interfere into collected data, or reporting. All deployment is managed by special department in TINRO (and other institutes). PCA funds the program through the institutes that manage the observers on their own. TINRO (or other institutes) has never shared any complaints or facts that their observers were threatened or their work was obstructed. Otherwise, they usually welcome support from the PCA, including public meetings of DVNPS, meetings with Coastguard, and Observer working group.

And finally, MSC standard requires that fishery is “regularly monitored at a level of accuracy and coverage consistent with the harvest control rule”, there is no specific requirement that the monitoring or observer program must be “independent”, or has enforcement functions.

It should be noted here again that scientific observers do not perform enforcement functions, therefore, there is no such legal regulation of such enforcement. The enforcement functions are delivered by the Coastguard. In 2018/2019 Coastguard made 504/350 random inspections of fishing vessels in the WBS pollock fishery. Coastguard duties are specified in a series of documents, however, the one that specifically prescribes enforcement and control procedures towards fisheries has been recently updated in [FSB Coastguard Administrative Provision on fisheries control and enforcement, and aqua biological resources protection and preservation](#) by [FSB decree #476 of 16/10/20](#) (recently updated from previous version of 2015).

In May 2020 WWF Russia submitted proposals on observer status and rights to be included into the “Service regulations of fishing fleet”. New Regulations was drafted by the Ministry of Agriculture and put for Regulatory Impact Assessment – a procedure that allows all agencies including FFA and Coastguard, as well as public stakeholders to provide their comments and proposals into a legislative or regulatory act. Some proposals by WWF were accepted and included into the Regulations, in particularly it was specified in the Regulations that captains of fishing vessels must provide observers “optimal conditions for performing service functions and their work”. However, some suggestions, in particularly, regarding “independent” status, were carefully reviewed and declined by the Ministry due to inconsistency with the existing legislation. This information is available at RIA website. The reason it was rejected is that the fishery enforcement is conducted by the Coastguard, not by scientific observers. It is obvious that coastguard is confident with the system in place.

Stakeholder comments on *non-enforcement* status of observers go from their comparison of WBS fishery with the US fisheries, not towards MSC standard. As we have previously stated the Russian system of fishery monitoring and enforcement differs from the US one. In Russia scientific observers collect biological information on catches and by-catch, that is used for the stock assessment, fishery management measures development (Fishing rules) and fishery’s operational management (operative area closure, or share information of non-compliance through the FFA system); and coastguard inspectors enforce the Fishing rules and other regulations.

Similar system of enforcement and monitoring is executed on other Russian fisheries in the Barents Sea (MSC certified fisheries of crab, cod, haddock, saith, halibut) and in the Russian Far East (MSC certified WBS cod and halibut fishery).