

**BELIZE:**

**HIGH SEAS FISHING (MONITORING, CONTROL AND SURVEILLANCE) REGULATIONS, 2014**

**S. I. No. 39 of 2014**

**PART I – PRELIMINARY**

1. Short title.
2. Interpretation.
3. Extent of application.

**PART II – CATCH AND EFFORT DATA REPORTING**

4. Data reporting.
5. Data reporting system.
6. Frequency of data reporting.
7. Bonded logbooks.
8. Master's responsibility.
9. Reporting information.
10. Data received via e-log system.
11. Notification of landing.
12. Landing declarations.
13. Reciprocal agreements.
14. Additional data.

### **PART III – OBSERVER PROGRAM**

15. Observer program.
16. Coverage.
17. Restrictions on the high seas fishing.
18. Duties of fisheries observers.
19. Conduct of fisheries observers.
20. Fisheries observer fees and accommodation.
21. Notice of intent to place observers.
22. Post trip procedures.
23. Specific obligations and duties of the vessel.
24. Obstruction of fisheries officers or observers.
25. Observer's obligations.
26. Data confidentiality.

### **PART IV – VESSEL MONITORING**

27. Authority for monitoring of vessels.
28. Responsibilities of the FMC.
29. Requirement for VMS.
30. Components of the MTU device.
31. Responsibility for the MTU.
32. Frequency of data transmission.

33. Technical failure or malfunction of the MTU.
34. Non-receipt of data.
35. Service providers.
36. VMS data confidentiality.

## **PART V – TRANSSHIPMENTS**

37. Authorized transshipments.
38. Interrupted transshipment activity.
39. Non-transshipment activity.
40. Transshipment declaration.
41. Submission of transshipment declaration.
42. Recording of transshipment data.
43. Notification of port landings.

## **PART VI – PORT INSPECTIONS**

44. Port inspection of landed products.
45. Percentage of inspections.
46. Prior notification before landing.
47. Inspector deployment.
48. Alternate ports.
49. Inspection procedures.

50. Procedures in the event of an apparent infraction.

51. Master's obligations.

52. Fees.

53. Sanctions.

54. Commencement.

**FIRST SCHEDULE**

**SECOND SCHEDULE**

**THIRD SCHEDULE**

**FOURTH SCHEDULE**

**FIFTH SCHEDULE**

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**BELIZE:**

**STATUTORY INSTRUMENT**

**No. 39 of 2014**

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*REGULATIONS made by the Registrar of Merchant Shipping, on the recommendations of the Director of High Seas Fisheries and with the approval of the Minister of Finance, pursuant to section 50 of the High Seas Fishing Act (No. 26 of 2013), and all other powers thereunto him enabling.*

*(Gazetted 17<sup>th</sup> May, 2014).*

**WHEREAS**, the High Seas Fishing Act, 2013 (No. 26 of 2013) makes provision for the monitoring, control and surveillance of Belize flagged vessels through the implementation of an observer program, vessel monitoring system, catch reporting requirements, port inspections and transshipment operations;

**AND WHEREAS**, the Regional Fisheries Management Organizations (RFMOs) to which Belize subscribes have adopted conservation and management measures that provide for the monitoring, control and surveillance of fishing vessels;

**AND WHEREAS**, Belize as a party to the various RFMOs is required to execute compatible measures for the implementation of conservation and management operations:

**NOW, THEREFORE, IT IS HEREBY PROVIDED**  
as follows:

**PART I – PRELIMINARY****Short title.**

1. These Regulations may be cited as the

**HIGH SEAS FISHING (MONITORING, CONTROL AND SURVEILLANCE) REGULATIONS, 2014.**

**Interpretation.**

2. (1) In these Regulations: -

No. 26 of  
2013.

“the Act” means the High Seas Fishing Act, 2013;

“BHSFOP” means Belize High Seas Fisheries Observer Program;

“FMC” means Fisheries Monitoring Center;

“MTU” means mobile transceiver unit;

“BHSFU” means the Belize High Seas Fisheries Unit;

“RFMOs” means Regional Fisheries Management Organizations that implement conservation and management measures for Tuna and associated species;

“ROP” means the Regional Observer Program of an RFMO;

“transshipment” means transferring any fish or fish products to or from any vessel;

“vessel” means a Belize flagged vessel;

“VMS” means a satellite based vessel monitoring system.

(2) Other words and expressions used in these Regulations shall have the meanings respectively assigned to them in the Act.

**Extent of application.**

3. (1) These Regulations shall apply to:

- (a) all Belize flagged fishing vessels or any other Belize flagged vessels which engage in fishing or fishing related activities;
- (b) all owners, operators, charterers and masters on Belize flagged vessels;
- (c) all inspectors and observers authorized to perform duties in accordance with the Act;
- (d) all persons and entities empowered to function as representatives of the Belize High Seas Fisheries Unit; and
- (e) all Belize nationals working on board Belize flagged vessels and any vessels flagged to other States operating on the high seas or jurisdictional waters of another State.

## **PART II – CATCH AND EFFORT DATA REPORTING**

4. All licence holders shall complete and provide to the BHSFU, catch, effort and landing data for each particular type of activity using the prescribed format.

**Data reporting.**

5. All fishing vessels, regardless of their length, operation and area, shall install on board the prescribed electronic reporting system (e-log) to report their operations.

**Data reporting system.**

6. Data shall be reported in real-time after each fishing operation. If no operation occurs on a particular day or period, a nil return shall be submitted on the type of activity that is carried out as may be required by the e-log system.

**Frequency of data reporting.**

7. In addition to the requirement of Regulation 5, all fishing vessels shall keep on board a bonded logbook to

**Bonded logbooks.**

record daily fishing operational activities. The logbook shall be filled in by the master or his designate on board the vessel for the period from 1<sup>st</sup> January to 31<sup>st</sup> December of each year and shall be returned to the BHSFU no later than 30 days after the end of the year.

**Master's  
responsibility.**

8. The master of a vessel shall be responsible for:

- (a) recording and reporting of all information into the e-log system and causing to send such information to the BHSFU within four (4) hours after the last fishing operation has been completed on a daily basis or as may be otherwise required by the Director;
- (b) The accuracy of the data recorded in the e-log system.

**Reporting  
information.**

9. (1) The e-log referred to in Regulation 5 shall contain at a minimum the following information:

- (a) the identification number and name of the vessel;
- (b) the FAO alpha-3 code of each species and the relevant geographical areas in which the catches were taken;
- (c) the date of catches;
- (d) the date of departure from and arrival to port and the duration of a fishing trip;
- (e) the type of gear utilized;
- (f) the estimated quantities of live weight of each species, recorded in kilograms or, where appropriate, the number of individual species retained;



- (g) total effort utilized; and
- (h) the number of fishing operations.

(2) The masters shall also record in their e-logs all estimated discards above 50kg of live weight or equivalent in volume for any species.

(3) The permissible level of variance in estimates recorded in the e-logs of the quantities in kilograms of fish maintained on board shall be 10% for all species. Any deviation above the acceptable variance level shall be subject to a written explanation for such deviation.

10. The FMC shall be responsible for the receipt of all catch data submitted via the e-log system. Data shall be saved, stored and analyzed by the BHSFU.

**Data received  
via e-log  
system.**

11. The master of a vessel shall notify to the BHSFU, 96 hours before the estimated arrival at a port, the following information:-

**Notification of  
landing.**

- (a) the identification number and name of the vessel;
- (b) the name of the port of destination and purpose of the call, such as landing, transshipment or access to services;
- (c) the estimated date and time of arrival at port; and
- (d) for discharges, the estimated quantities of species to be landed or transshipped.

12. (1) The master or his representative shall complete a landing declaration, indicating specifically all quantities of each species landed.

**Landing  
declarations.**

(2) The landing declaration referred to in subregulation (1) shall contain the following information, among other matters:

- (a) the identification number and name of the vessel;
- (b) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
- (c) the quantities of each species in kilograms in product weight, indicated by product type or, where appropriate, the number of individual species; and
- (d) the port of landing.

(3) The landing declaration shall be submitted to the BHSFU, as soon as possible, but no later than 48 hours after the completion of the landing. Where an authorized fisheries inspector has been dispatched by the BHSFU to inspect the landing, the landing declaration shall be contained in the inspection report submitted by the fisheries inspector. Where there is no inspection by an authorized Belize inspector, the landing declaration shall be signed by the relevant authorized port inspector of the port where discharge occurs.

(4) The accuracy of the data recorded in the declaration shall be the responsibility of the master and, where appropriate, the fisheries inspector.

**Reciprocal  
agreements.**

13. Belize shall establish with other States, reciprocal agreements with regard to the exchange of information on discharge activities and prior notification when a vessel flying the Belize flag intends to enter a port of another State.

**Additional  
data.**

14. The Director may require such other reports in respect to any vessel as he may deem necessary –

- (a) for fisheries conservation and management;
- (b) for any activity licensed under these Regulations; or
- (c) to implement or enforce the provisions of the Act or these Regulations.

### **PART III – OBSERVER PROGRAM**

15. (1) An observer program shall be established by the BHSFU for the purpose of collecting and reporting reliable and accurate information for scientific, management and compliance purposes including:-

**Observer  
program.**

- (a) the species, quantity, size, age and condition of fish taken;
- (b) the methods by which, the areas in which, and the depths at which, fish are taken;
- (c) the effects of fishing methods on fish and the environment;
- (d) all aspects of the operation of any vessel;
- (e) processing, transportation, transshipment, storage, or disposal of any fish; and
- (f) any other matter that may assist the Director to obtain, analyse or verify information for the purposes of scientific, management, and compliance purposes.

(2) The Director, in coordination with the observer program providers, may give directions to each observer in accordance with the purposes of the observer programme,

including placing an observer on any vessel used for fishing, transshipment, and the transportation and landing of fish or any other fishing related activity.

(3) The management of BHSFOP may be contracted in whole or in part to any private or public organization that:

- (a) is willing and has the capacity to manage the Program;
- (b) agrees to operate the observer program including training, certification, authorization and deployment of fisheries observers to collect data as outlined in subregulation (1) above and any other information related to fishing and compliance with relevant conservation and management measures aboard Belize flagged vessels operating on the high seas and EEZs of other States and to perform such other functions as required by the Act;
- (c) under the guidance of the Director, agrees to prepare or periodically update a management plan for at sea-observations; and
- (d) agrees to comply with any other requirements consistent with the purposes of the observer program.

(4) Where the BHSFOP has contracted out the management responsibility to a third party under subregulation(3), there shall be established a legally binding agreement between the BHSFU and such third party that details the duration, terms and conditions for the management of the fisheries in a specified area.

16. (1) The BHSFOP shall cover all vessels including transshipment vessels and shall be carried out in conjunction with any RFMO ROP. The level of coverage shall be adequate to facilitate robust assessment and evaluation of the effects of fishing. Ideal observer coverage levels shall be analytically established against clear objectives to ensure representative and systematic reliable collection of observer data across the fleet, fisheries, species, areas and seasons.

**Coverage.**

(2) The aim of the BHSFOP is to achieve 100% coverage consistent with the recommendations of the relevant RFMOs. The coverage will also be representative of the different vessel type, fisheries and areas of operation.

17. No vessel which intends to operate on the high seas or the EEZ of another State shall engage in fishing or related activities without a duly authorized fisheries observer on board as required or provided by the RFMO ROP or the BHSFOP.

**Restrictions on the High Seas Fishing.**

18. The specific duties of the observers shall be as prescribed in the First Schedule to these Regulations.

**Duties of fisheries observers.**

**First Schedule.**

19. Fisheries observers shall strictly observe and follow the Standards of Conduct and Behavior of Observers as prescribed in the Second Schedule to these Regulations.

**Conduct of Fisheries Observers.**

**Second Schedule.**

20. (1) The owner or operator of any vessel, or a licence holder in respect of any vessel, on which an observer is placed, shall provide to the observer food and suitable accommodation on board the vessel as prescribed in the Memorandum of Understanding set out in the Third Schedule to these Regulations.

**Fisheries observer fees and accommodations.**

**Third Schedule.**

(2) The owner or operator of any vessel, or a license holder in respect to any vessel on which an observer is to be

placed shall, in addition to any other fees or charges required under these Regulations, provide to the BHSFU in respect of such observer, and in advance of his placement, for the duration of his duties in respect of such vessel:-

- (a) insurance coverage;
- (b) salary;
- (c) allowances;
- (d) all travel and associated expenses of the designated fisheries observer to and from his normal residence prior to embarkation and subsequent to disembarkation from the vessel; and
- (e) other costs associated with management of the observer programme, at a level to be approved by the Director.

(3) All aforementioned fees shall be invoiced to the owner by the BHSFU for reimbursement and payment to the providers of the observer program.

**Notice of  
intent to place  
observers.**

21. (1) Before placing any observer on a vessel, the Director shall give the operator or license holder, of or in respect of the vessel, reasonable notice of his intention to place observers on the vessel.

**Third  
Schedule.**

(2) For each observer deployment, a Memorandum of Understanding (MoU) as prescribed in the Third Schedule shall be entered into between the vessel operator and the observer provider. The MoU establishes a formal agreement between the observer provider and the vessel operator for the placement of an observer on-board the vessel. The MoU outlines the responsibilities of both the observer and the vessel operator, besides covering minimum safety

requirements that need to be in place prior to the observer being placed on board the vessel.

(3) Upon receipt of a notice given under Subregulation (1), no person shall cause or allow the vessel to which the notice relates to be put to sea without having on board the observer specified in such notice.

22. (1) All vessels to be observed shall be provided with a document detailing the respective duties and responsibilities of the vessel and of the observer. The vessel shall be advised of its obligation for the safety of the observer while on board the vessel. This shall be prescribed in the MoU referred to in Regulation 21(2).

Post trip  
procedures.

(2) All vessel operators shall provide reasonable advance notification of the vessel's estimated date of return to port. This should be a minimum of 96 hours or four working days so as to provide sufficient time to make arrangements for the observers to embark or disembark.

23. (1) Any vessel selected for an observation shall be capable of meeting the national or international requirements (as appropriate) for the safety, accommodation, sanitary facilities, meals, equipment and communication system, equivalent to those afforded to an officer. The operator and each crew member of the vessel, or license holder in respect of any vessel, on which an observer is placed, shall allow and assist the observer to:

Specific  
obligations and  
duties of the  
vessel.

- (a) board such vessel at such time and place as the Director may require; and
- (b) have full access to and the use of facilities, gear and equipment on board the vessel which the observer may determine is necessary to carry out his duties including:-

- (i) any fish on board the vessel which may be sold, processed, weighed and stored;
- (ii) the bridge and the communication and navigation equipment of the vessel; and
- (iii) the documents and records, including all logbooks of the vessel whether required to be carried and maintained under the Act or otherwise for the purpose, including record inspection and copying;
- (c) receive and transmit messages and communicate with shore and other vessels by means of the vessel's communication equipment;
- (d) take measure, remove from the vessel and retain samples or whole specimens of any fish;
- (e) store samples and whole specimens on the vessel, including samples and whole specimens held in the vessel's freezing facilities;
- (f) take photographs of the fishing operation, including fish, gear, equipment, documents, charts and records and remove from the vessel such photographs or film as he may have taken or used on board the vessel for reporting to the BHSFU;
- (g) disembark at such time and place as the Director may require or in accordance with other instructions; and



(h) carry out all duties safely.

(2) Any operator of a vessel licensed under the Act shall allow and assist an observer to have full access to any place where fish taken is unloaded or transshipped, to remove reasonable samples for scientific purposes and to gather any other information relating to the area where fish was caught; and the provision in subregulation (1) shall *mutatis mutandis* apply in such circumstances.

24. Every person who: -

- (a) fails to facilitate by all reasonable means the safe boarding of a vessel or the entry into or inspection of premises by a fishery officer or an observer in the performance of his duties;
- (b) refuses to allow a search to be made that is authorized by or under the Act;
- (c) refuses, fails or neglects to comply with a lawful request of a fishery officer or observer;
- (d) when lawfully required to state his name and place of abode to a fishery officer, refuses or fails to do so or states a false name and place of abode to the fishery officer or observer;
- (e) when lawfully required by a fishery officer or observer to give information, gives information which to his knowledge is false, incorrect or misleading in any material respect;
- (f) uses abusive or threatening language or insulting gestures or behaves in a threatening

**Obstruction of  
fisheries  
officers or  
observers.**

or insulting manner towards a fishery officer or observer who is carrying out his duties or exercising his powers under the Act, or towards any person lawfully acting under a fishery officer's instructions or in his aid;

- (g) assaults, delays, intimidates, kidnaps, or obstructs a fishery officer or observer who is carrying out his duties or exercising his powers under the Act, or any person lawfully acting under a fishery officer's instructions or in his aid;
- (h) incites or encourages another person to assault, resist, intimidate or obstruct a fishery officer or observer who is carrying out his duties or exercising his powers under the Act, or any person lawfully acting under a fishery officer's instructions or in his aid;
- (i) fails to take all reasonable measures to ensure the safety of, or otherwise interferes with, a fishery officer or observer as appropriate in the performance of his duties or fails to embark or disembark an observer at the required time or in the required place;
- (j) impersonates or falsely represents himself to be a fishery officer, or to be a person lawfully acting under a fishery officer's instructions or in his aid;
- (k) fails to sail a seized vessel to the nearest port if directed to do so by a fishery officer and fails to take responsibility for the safety of all those on board;
- (l) in any other manner obstructs or hinders a fishery officer or observer in the exercise of

his powers, duties or functions under the Act; or

- (m) is in breach of any other duty to a fishery officer or observer as required;

commits an offence.

25. Once the voyage is completed, the observer shall file a comprehensive report of the activities performed on board in compliance with the rules assigned, together with all the relevant documentation, no later than 30 days subsequent to disembarking from the vessel. The information provided shall be in compliance with the indicated guidelines, as far as the context, presentation and the basis established for the same require. It shall be the responsibility of the observer to provide the master of the vessel with a preliminary report before disembarking from the vessel.

**Observer's obligations.**

26. The observer on board a vessel shall protect the confidentiality of the information obtained from the works performed on board the vessel and only communicate it to the BHSFU or designated co-management agency as may be appropriate. Such information shall not be communicated to a third party without the written authorization of the BHSFU. The observer shall be held accountable for any data disseminated by him without the prior authorization of the BHSFU.

**Data confidentiality.**

#### **PART IV – VESSEL MONITORING**

27. The Fisheries Monitoring Center, established under the authority of the Belize High Seas Fisheries Unit, shall be responsible for 24 hour monitoring of all vessels regardless of their geographical location.

**Authority for monitoring of vessels.**

28. (1) The FMC shall, through coordination with its service providers, ensure that the MTUs installed on vessels function normally and are not tampered with.

**Responsibilities of the FMC.**

(2) The FMC shall ensure the regular monitoring of the accuracy of the data referred to in Regulation 30.

(3) The FMC shall ensure that it receives at least one report every hour, through VMS, the information referred to in Regulation 30 concerning the vessel. The FMC has the authority to require VMS reports at shorter intervals and other additional information as may be necessary.

(4) The FMC shall, through the use of VMS, closely monitor the activities of a vessel, from the date and time of entry to the date and time of exit for the following areas:

- (a) any maritime areas where specific rules on access to waters and resources apply;
- (b) the regulated areas of the regional fisheries management organizations of which Belize is a party;
- (c) the jurisdictional waters of another country;
- (d) any other area, restricted or otherwise, which may be designated by Belize.

(5) The FMC may provide information on Belize flagged vessels to any other FMCs, as necessary.

(6) Belize shall use the data received pursuant to Regulations 32 and 33 for the effective monitoring of the fishing activities of the vessels.

(7) The FMC shall ensure that the data received from the vessels is recorded in electronic formats for a period up to five years.

**Requirement  
for VMS.**

29. (1) All vessels licensed to fish or carry out fishing related activities under the Belize flag shall be required to have an operational MTU on board.

(2) A vessel shall not leave port without an operational MTU.

30. The MTU installed on board a vessel shall, at all times, ensure the automatic transmission of information to the FMC relating to:

**Components of the MTU device.**

- (a) the fishing vessel identification;
- (b) the most recent geographical position of the vessel, with a position error which shall be less than 500 meters with a confidence level of 99%;
- (c) the date and time, expressed in Universal Time Coordinated (UTC), of the fixing of the said position of the vessel.

31. (1) The operator and/or master of a vessel shall ensure that the MTU is fully functional at all times and that the data referred to in Regulation 30 is transmitted.

**Responsibility for the MTU.**

(2) In particular, the master shall ensure that:

- (a) no person tampers or interferes with the MTU and that the MTU is not altered, damaged, sabotaged, disabled or otherwise interfered with;
- (b) the information required to be submitted is not altered in any way;
- (c) the antenna connected to the MTU is not blocked in any way;
- (d) the power supply of the MTU is not interrupted in any way;

- (e) the MTU is not removed from the required or agreed installed position on the vessel or removed without the prior written authorization from the FMC; and
- (f) upon notification from the FMC that the vessel's MTU has failed to transmit required data, the instructions of the FMC are complied with until such time that the vessel's MTU is functioning to the satisfaction of the FMC.

(3) To destroy, damage, sabotage or render inoperative or otherwise interfere with the MTU is strictly prohibited.

**Frequency of  
data  
transmission.**

32. (1) A vessel shall be required to transmit a position report every hour or at shorter intervals as may be prescribed by the FMC.

(2) When a vessel is in port, it shall maintain its unit operational and may only be switched off upon prior written authorization from the FMC. In addition, all vessels shall be required to submit to the FMC, a written confirmation from the Port authorities at the time of arrival at port and a letter of confirmation from the owner indicating the estimated port stay.

(3) Vessels which operate in close proximity of up to 20 miles of any marine protected areas or areas otherwise restricted for fishing shall be required to report at intervals of 20 minutes for such time as they remain in that proximity.

(4) Any vessel that will transit between EEZs shall notify the FMC of its intent to transit and shall communicate the date and time of entering and exiting an EEZ area. It shall be the responsibility of the FMC to ensure the vessel's compliance with the in-transit operation of the vessel.

33. (1) In the event of a technical failure or malfunction of the MTU onboard a vessel, the master or the owners/operators of the vessel or their representative shall communicate to the FMC every four hours or shorter periods as may be specified, starting from the time that the failure or malfunction occurs or from the time they were informed of the non-receipt of the data, in accordance with Regulation 34, the current geographical position of the vessel (expressed in latitude and longitude to minutes of arc) and date and time for the report, by email, fax, telephone message, radio or any other alternate device as may be approved by the FMC. Such reports shall continue until such time as the MTU is confirmed operational by the FMC provided that the time between the notification of the failure and the confirmed operation of the MTU does not exceed 48 hours. Where a malfunction or technical failure exceeds 48 hours, the vessel shall immediately return to port.

**Technical failure or malfunction of the MTU.**

(2) If it is not possible to make one or more of the required reports referred to in subregulation (1), or when it is so directed by the FMC, the master shall immediately stow the fishing gears and take the vessel directly to a designated port and report as soon as possible that the vessel is being or has been taken to port with stored gear(s). A port confirmation letter shall be required to confirm that the vessel arrived at port.

(3) A vessel shall not depart from port following a technical failure or unit malfunction before the MTU on board the vessel is functioning to the satisfaction of the FMC.

(4) The FMC shall inform the master or the owner/operator or representative of the vessel when the MTU appears to be faulty or malfunctioning. Owners/Operators or their representatives, at the time of registration of their unit, shall be assigned restricted access to the VMS in order for them to also view their vessels' positions and, as the case may be, faulty or malfunctioning units.

**Non-receipt of data.**

34. (1) When the FMC has not received data transmission in accordance with Regulation 32 or 33 for more than 4 hours, it shall notify the master or the owner/operator of the vessel or their representative as soon as possible. If, in respect to a particular vessel, this situation occurs more than four times within a period of one year, the FMC shall require that the MTU of that particular vessel be checked to ensure that it has not been tampered with. This may entail the authorized removal of the unit from the vessel.

(2) When the FMC has not received data transmissions in accordance with Regulation 32 or 33 for more than 4 hours and the last received position was from within the EEZ of another country, the FMC shall notify the FMC of that State, if any, or its Administration thereof as soon as possible.

**Service providers.**

35. Satellite devices for the VMS shall only be obtained from the authorized service providers approved by Belize.

**VMS Data confidentiality.**

36. (1) The ownership of all vessel monitoring system information generated by an MTU of a vessel is vested in Belize.

(2) All vessel monitoring information shall be classified as confidential information and shall be subject to such procedures as may be prescribed.

(3) It is prohibited to divulge information from a vessel monitoring system to any person who is not authorized to receive such information.

## **PART V – TRANSSHIPMENT**

**Authorized transshipments.**

37. (1) Subject to the provisions of this Part, the transshipments at sea are prohibited and shall be allowed only subject to authorization and at a designated port under the



control and inspection of the competent authority of that port State and/or an authorized fisheries inspector of Belize.

(2) The Director may authorize a transshipment at sea in cases of *force majeure*, provided that an authorized observer monitors the transshipment or in cases where it can be ascertained that an effective transshipment program is in place.

(3) Transshipments at sea regulated by an RFMO may also be authorized at the discretion of the Director.

38. Where a transshipment activity is interrupted for any reason, authorization shall be required before the activity can be continued.

**Interrupted  
transshipment  
activity.**

39. For the purpose of these regulations, relocation, pair trawling activities and fishing operations involving joint actions by two or more vessels shall not be considered transshipment, unless during the aforementioned activity, fish is transferred from one vessel to another.

**Non-  
transshipment  
activity.**

40. (1) The master of a vessel who intends to engage in transshipment operations shall submit a pre-transshipment declaration to the BHSFU 96 hours in advance of the transshipment operations, indicating the estimated live weight of the quantity of each species expected to be transhipped. The accuracy of the data recorded in the declaration and e-log system shall be the responsibility of the master of the transshipping vessel.

**Transshipment  
declaration.**

(2) The transshipment declaration referred to in subregulation (1) shall contain at least the following information:

- (a) IMO number and the name of both vessels;
- (b) the FAO Alpha-3 code of each species and the relevant geographical area in which the catches were taken;

- (c) the estimated live weight quantities of each species in kilograms, broken down by product type or, where appropriate, the number of individual species.
- (d) the designated port of transshipment; and
- (e) the port of destination of the receiving vessel.

(3) The permitted margin of variance in estimates recorded in the transshipment declaration of the quantities in kilograms of fish transshipped or received shall be ten percent (10 %) for all species.

**Submission of transshipment declaration.**

41. (1) The masters of both the transshipping and receiving vessel and the port observer and/or authorized inspector, as the case may be, shall sign and affix their seals to a final transshipment declaration that shall be submitted to the BHSFU no later than 48 hours after transshipment by the master of the transshipping vessel.

(2) Where a fishing vessel, not so designated as a carrier vessel, is receiving transshipment, that vessel shall be subject to the same pre-authorization procedure by the BHSFU in order to engage in transshipment activities.

**Recording of transshipment data.**

42. The masters of the Belize flagged vessels shall register in the e-log system the information referred to in Regulation 41(2).

**Notification of port landing.**

43. (1) The master of receiving Belize flagged vessel or his representative shall, within 24 hours, notify the BHSFU of the landing and provide a declaration of landing, detailing all quantities of each species to be landed with the following information:

- (a) IMO number and name of the vessel;

- (b) FAO Alpha-3 code of each species and the relevant geographical area in which the catches were taken;
- (c) the quantities of each species in tons of product weight, broken down product type or, where appropriate, the number of individuals species; and
- (d) the port of landing.

(2) The accuracy of the data recorded in the landing declaration shall be the responsibility of the master.

## PART VI – PORT INSPECTIONS

44. (1) The landing of all fisheries products shall be inspected at port by an authorized fisheries inspector and/or the competent authority of the port.

**Port inspection  
of landed  
products.**

(2) Inspections conducted by an authorized inspector of the competent authority shall be carried out in accordance with any bilateral agreement or arrangement with that country which allows for cooperation between States for the exchange of information.

45. (1) Each year, an inspection of not less than 5% of all discharges and transshipments shall be carried out with the exception of those discharges and transshipments whose products are intended for the EU market, in which case 100% of all discharges shall be inspected.

**Percentage of  
inspections.**

(2) The following vessels shall be inspected in all cases:

- (a) vessels that have failed to provide complete information as required under Regulation 46;

- (b) any request from other States or a particular RFMO that a particular vessel be inspected, particularly when such request is supported by evidence of IUU fishing by the vessel in question; and
- (c) where reasonable grounds exist for suspecting that a vessel has engaged in IUU fishing.

**Prior  
notification  
before landing.**

46. It shall be the responsibility of the vessel owner, operator or master to notify the BHSFU at least 96 hours before the estimated time of arrival at port, the following information:

- (a) vessel identification – name, call sign, registration number, IMO number and any appropriate RFMO number;
- (b) name of the designated port to which the vessel seeks entry and the purpose of the port call (landing/transshipment/ refuelling/ dry dock, etc);
- (c) estimated date and time of arrival;
- (d) dates of the fishing trip;
- (e) the estimated quantities in kilograms of each species held on board and/or fish products originating from such species held on board, with associated catch areas; and if there are no products on board, a nil report shall be transmitted;
- (f) the estimated quantities of each species and/or fish products originating from such species in kilograms to be landed or

transshipped, with associated catch areas;  
and

- (g) any other information that may be required by the competent authority of the designated port.

47. (1) The BHSFU, depending on the port State where the vessel will call, shall immediately deploy an inspector to the area to carry out inspection of the vessel.

**Inspector  
deployment.**

(2) Where an inspector is deployed by the port State to inspect the discharges of a Belize flagged vessel in accordance with any bilateral arrangement, Belize may also deploy an inspector to accompany the port State inspector to observe or take part in the inspection or vice versa.

48. Where there is no available inspector or bilateral agreement with the port where the vessel will call, the BHSFU may designate an alternate port where such arrangements are available.

**Alternate  
ports.**

49. (1) Each inspector shall be appointed by the Director in accordance with the terms of reference as prescribed in the Fourth Schedule who shall carry an identification document issued by Belize. Authorized Belize port inspectors or designated port inspectors of the competent authority shall examine all relevant areas of the vessel, decks and rooms. They shall inspect and examine catches processed or otherwise to be landed, nets or other fishing gears, equipment, both technical and electronic, records of transmissions and any relevant documents, including logbooks, cargo manifests and mates receipts and landing declarations in case of transshipment or any other relevant documents which they deem necessary to verify compliance with applicable laws, regulations or international management and conservation measures. They may question the master and/or crew or any other person on the vessel and may take copies of any documents considered relevant.

**Inspection  
procedures.**

**Fourth  
Schedule.**

(2) Inspections shall involve the monitoring of the landing or transshipment and include a cross check between the quantities by species notified in the prior notification message as prescribed in Regulation 46 and the quantities by species landed or transhipped.

(3) Inspections shall be carried out in such a way that the fishing vessel suffers the minimum interference and inconvenience and that degradation of the quality of the catch is avoided as far as practicable.

(4) The inspector shall carry out inspection of the catch on board or to be landed in accordance with the Fishing Inspection Manual and shall utilize the form prescribed in the Fifth Schedule for the completion of his inspection report.

**Fifth Schedule.**

(5) On completion of the inspection, the inspector shall provide the master with a copy of the inspection report containing the findings of the inspection, including any infractions that may have been committed against the applicable conservation and management measures or domestic legislation. The master shall be given an opportunity to add any comments or objections to the report and to contact the BHSFU, if necessary. The inspector and the master shall sign the report and a copy of the report shall be provided to the master, who shall be responsible for forwarding it to the owner. The master's signature shall serve as an acknowledgment of the receipt of the report.

(6) The inspector shall submit a copy of the report to the BHSFU no later than 48 hours after completion of the inspection.

**Procedures in the event of an apparent infraction.**

50. (1) If the information collected during the inspection provides any evidence that the vessel committed an infraction of conservation and management measures or against national or international regulations, the inspector shall:

- (a) record the infraction in the inspection report; and
- (b) to the extent possible, ensure the safekeeping of the evidence pertaining to such infraction and submit immediately any documentary evidence to the BHSFU.

(2) Upon receiving the inspector's report and supporting evidence of any infractions, the BHSFU shall promptly investigate the infraction and impose or take any necessary sanctions or remedial actions, as appropriate.

(3) Where the infraction falls within the legal jurisdiction of the port State, that State may take action against the vessel in accordance with their domestic laws in addition to any action that will be taken by Belize.

(4) Belize shall also consider and act on reports of infractions received from inspectors of the port State on a similar basis as the reports received from its authorized inspectors.

51. The master shall cooperate with the inspector to facilitate the inspection of the vessel or its catch and discharge operation, as appropriate, and shall not obstruct, intimidate or interfere with the officials in the performance of their duties.

**Master's obligations.**

52. The cost of all inspections referred to in this Part shall be borne by the owner of the vessel in accordance with the established fees.

**Fees.**

53. (1) Failure to comply with the terms and conditions of these Regulations shall result in the suspension or revocation of any license issued, either temporarily or permanently, or any other sanctions in accordance with the Sanctions Regulations.

**Sanctions.**

**S. I. No. 32 of 2014.**

Commencement.

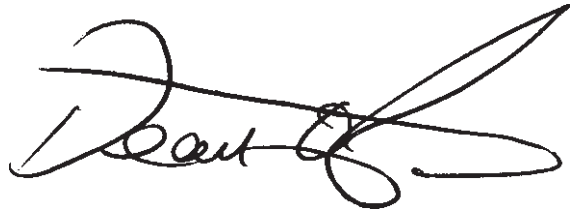
54. These Regulations shall come into force on the 19<sup>th</sup> day of May 2014.

**MADE** by the Registrar of Merchant Shipping this 13<sup>th</sup> day of May, 2014.



(GIAN C. GANDHI)  
*Registrar of Merchant Shipping*

**APPROVED** by the Minister of Finance this 15<sup>th</sup> day of May, 2014.



(DEAN O. BARROW)  
*Prime Minister and Minister of Finance*



**FIRST SCHEDULE****[Reg. 18]****Specific Duties of a Fisheries Observer**

The role of a Fisheries Observer is to observe, record and report on the activities of vessels engaged in fishing and/or related activities. They are tasked with the collection of biological fisheries data and to monitor compliance with fisheries regulations. In particular, the observers shall perform the following duties:

- Record information on fishing effort and location;
- Estimate and record the catch weight;
- Sample catches to determine species composition;
- Collect biological data (length measurements & sex ratios);
- Collect fish and samples for return to shore;
- Verify fishing gear measurements and configuration;
- Monitor fishing activity for compliance with regulations;
- Record incidentally captured marine mammals, turtles & seabirds;
- Keep a detailed record of vessel activities;
- Complete post-cruise debriefing.

**SECOND SCHEDULE****[Reg. 19]****Standards of Conduct & Behavior of Observers****Definitions**

Conflict of interest - Participation in activities or relationships with other persons resulting in the impairment or possible impairment of a person's objectivity in performing a contract work.

Direct financial interest - Any source of income to, or capital investment or other interest held by, an individual, partnership, or corporation or an individual's spouse, immediate family member or parent that could be influenced by performance or non-performance of duties under the contract.

**1. Conduct**

Observers may not participate in any activity which would:

- a. Cause a reasonable person to question the impartiality or objectivity of the Observer;
- b. Significantly impair the observer's ability to perform his/her duties;
- c. Adversely affect the efficient accomplishment of the objectives of the Observer deployment.

2. Observers may not have direct financial interest in the observed fishery, other than the provision of observer services including, but not limited to, vessels or shore-side facilities involved in the catching or processing of the products of the fishery, companies selling supplies or services to those vessels or shore-side facilities, or companies purchasing raw or processed products from these vessels or shore-side facilities. The interests of a spouse or minor child are considered those of the observer.

3. Observers may not solicit or accept, directly or indirectly, any gratuity, gift, favors, entertainment, loan or anything of monetary value from anyone who conducts activities that are regulated by, or

who has interests that may be substantially affected by the performance or non-performance of the observers' official duties.

4. Observers may not serve as observers on any vessel or at any shore-side facility owned or operated by a person who previously employed the observer in any capacity.

5. Observers may not solicit or accept employment as a crew member or an employee of the vessel or shore-side processor in any fishery while employed as an observer.

6. Observers may not engage in an activity that may give rise to the appearance of a conflict of interest that may cause another individual to question the observer's impartiality, fairness or judgment.

7. Observers must avoid any behavior that could adversely affect the confidence of the public in the integrity of the Observer Programme under which the Observer is deployed, including, but not limited to the following:

- a. Observers must diligently perform their duties.
- b. Observers must accurately record their sampling data, write complete reports. If the Observer chooses to report any suspected violations of regulations relevant to conservation of marine resources or their environment that they observe, it must be done honestly.
- c. Observers must preserve the confidentiality of the collected data and observations made on board the vessel.
- d. Observers must refrain from engaging in any illegal actions or any activities that would reflect negatively on their image, on other observers, or the Observer scheme as a whole. This includes, but is not limited to:
  - i. Engaging in drinking of alcoholic beverages while on duty;

- ii. Engaging in the use or distribution of illegal substances;
- iii. Becoming physically or emotionally involved with vessel personnel.

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**THIRD SCHEDULE**

[Reg. 20 & 21]

**MEMORANDUM OF UNDERSTANDING  
“MOU”**

**BETWEEN**

**Capricorn Fisheries Monitoring**

P.O. Box 50035, Waterfront, Cape Town, South Africa, 8002  
*Unit 15 Foregate Square, Table Bay Boulevard, Cape Town*  
Tel: +27 21 425 2161 Fax: +27 21 425 1994

**AND**

---

*(Vessel Owner or Operator Name)*

for the placement of an independent fisheries observer on board the vessel:

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*(Insert Vessels Name, Registration Number and IMO number if available)*

in terms of the (Program designation).

Both parties hereby agree to the following terms and conditions for the deployment of the Independent Observer on the High Seas:

## SECTION 1

### **General Terms & Conditions**

1. A Vessel Operator receiving one or more Observers will take appropriate measures within its competence to ensure (as far as possible) that any Observers designated will be taken on board such vessel to observe and shall be permitted to collect information on the said vessel as set out in Appendix 1.

2. Vessel Operators will also be required to ensure seaworthiness and safety of the vessel platform consistent with international guidelines on safety for the vessels and will accept prior to the deployment of the observer an independent inspection by the observer and/or a representative of the Observer Service Provider, (hereinafter termed the OSP) to ensure that the minimum requirements for safety equipment, (Section 2, paragraph 9) are in place for vessels to operate on the High Seas.

3. For all vessels, proof of seaworthiness in the form of the vessels valid safety certificate and a copy of the vessels P&I insurance policy is to be submitted to the OSP in advance of the Observers' deployment. Observers must also be officially signed onto the vessels articles for the duration of the trip.

4. Any variations or disagreements relating to this MoU shall be resolved by mutual agreement between the two parties.

## SECTION 2

### **Conditions for Observer Deployment**

5. The anticipated duration of a single observer deployment on board a vessel is limited to 90 days, and shall not, without prior agreement between the OSP and the vessel operators exceed this number of days.

6. The vessel operator/owner shall take such steps as are necessary, including directing the vessel's crew to assist in the efficient and safe

embarkation and disembarkation of the observer, in accordance with agreed procedures for placing or recovering observers from vessels, (Paragraph 8).

7. In the event the observer becomes seriously ill or is injured, then the vessel owner will be requested to repatriate the observer by any means as soon as possible. The OSP will, wherever practical, prepare a replacement observer to minimise the impact on the vessels operations.

8. In order to ensure the safest means of transferring observers on and off vessels, disembarkation may take place in port by the quayside or by using an authorized Port Launch. The vessel operator shall take such steps to ensure that these operations are performed with all safety procedures in place in accordance with international port standards for immigration and the transfer of personal within Port Limits.

9. The following selection of items must be covered in the familiarization tour as specified in the SAMSA safety regulations, and are considered the minimum requirements for an observer to be permitted to sign onto the designated vessel.

a. Safety Certificate (Safety Management Certificate)

The vessel must have a valid Safety Certificate that does not expire for a period of at least four months from the date of embarkation of the Observer. The total crew complement on board the vessel, *including the observer*, must not exceed the maximum specified number of crew listed in the safety certificate.

b. Life Rafts

- i. The Life rafts must have the capacity to accommodate the full crew complement, including the observer. (In other words, the total life raft capacity must be equal to or exceed 100% of the vessel's complement).
- ii. Life Rafts must be within their serviceable date, which must cover the expected maximum duration of Observer deployment.

- iii. All Life Rafts must be fitted with a serviceable Hydrostatic Release mechanism and no other secure measures that will inhibit the functioning of the hydrostatic release will be acceptable.

c. Life Jackets

- i. There must be a total number of life jackets on-board and readily available at the emergency muster stations, to accommodate the full crew complement on board the vessel.
- ii. All life jackets must comply with IMO – SOLAS LSA standards.

d. Immersion Suits

- i. There must be a total number of immersion suits on-board and readily available at the emergency muster stations, to accommodate the full crew complement on-board the vessel.
- ii. All immersion suits must comply with IMO – SOLAS LSA standards.

e. GMDSS Requirements

- i. The vessel must be GMDSS compliant in accordance with its tonnage and its area of operation.
- ii. Any component of the GMDSS requirement that is out of date or unserviceable will render the vessel as not being GMDSS compliant.
- iii. These items shall include inter alia EPIRP's, SART's and distress flares and rockets.



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**SECTION 3****Vessel Operator's Responsibilities Relating to the Observer Deployment**

10. In order to initiate the observer deployment, the Vessel Operator shall submit the following information to the OSP:

- a. Name of Vessel.
- b. Flag State and Registration Number.
- c. Call Sign.
- d. Port of departure.
- e. Port of observer embarkation.
- f. Date of departure of Vessel.
- g. Planned Fishing area.
- h. Fishing Method and gear.
- i. Target species.
- j. Port of arrival / observer disembarkation.
- k. Expected Date of arrival / observer disembarkation.
- l. Port visits expected (location and date where applicable for vessels that may fish inside or outside the fishing zones (EEZs) of different countries).
- m. The name and contact details of the agents/operators responsible for managing operations.
- n. Confirmation that the Vessel has Protection and Indemnity (P&I) or equivalent insurance.
- o. Copy of the vessels current Safety Certificate.

11. The OSP will make travel arrangements for the observer embarkation based on the notification provided by the Vessel Operator. Every effort shall be made by the Vessel Operator to provide accurate information regarding ports of embarkation and disembarkation at the earliest opportunity to enable the OSP to make travel arrangements for the observer in a timely and efficient manner. Wherever possible, the OSP will confirm this information directly with the Vessel Operator prior to making travel bookings for the Observer.

12. The observer is contracted by the OSP for the trip. Should the plans of the vessel subsequently deviate from those originally provided to OSP in

paragraph 10, (e.g. change of dates and ports of embarkation and/or disembarkation/or the vessel fails to comply with the minimum safety requirements), the OSP will liaise with the vessel operator whether to keep the observer on stand-by or cancel the Observer deployment. All costs incurred while the observer is contracted and on stand-by will be recovered from the Vessel operator.

13. The mobilization of the observer from his home base to the point of embarkation will only commence when the signed MoU has been received by the OSP.

14. Vessel operators shall ensure that their captains and crew make the following arrangements for the observer whilst on board the vessel:

- a. The observer signs on “ships articles” and is designated part of vessels crew for the duration of the trip, (this is to be facilitated by the vessel’s agent);
- b. Observers shall be allowed access to the fishing gear and equipment to perform their functions as stipulated in Appendix 1;
- c. Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their reporting requirements:
  - i. Satellite navigation equipment;
  - ii. Electronic means of communication;
- d. Observers shall be provided accommodation, including lodging, food and sanitary facilities, equal to those of the officers on board the Vessel;
- e. Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out their duties as observers (see Appendix 1);
- f. The Vessel operator shall ensure that captains, crew and vessel owners cooperate and assist observers in the performance of their duties.

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**SECTION 4****Observers' Responsibilities on-board the Vessels**

15. The observers will be required to undertake the tasks specified in the CCAMLR Scheme of International Scientific Observation and the relevant CCAMLR Conservation Measures in force.

16. Observers shall comply with the Standards of Conduct and Behavior of Observers (Appendices 2 and 3), specifically:

- a. Observers shall treat all information with respect to the fishing operations as confidential and accept this requirement in writing as a condition of appointment as an Observer;
- b. Observers shall comply with the requirements established in the laws and regulations of the Flag State of the vessel which exercises jurisdiction over the vessel to which the observer is assigned; and
- c. Observers shall respect the hierarchy and general rules of behavior which apply to all vessel personnel. A copy of these rules (Appendix 3) must be presented to the observer and the observer will be requested to sign a copy acknowledging the same.

**SECTION 5****Entry into Effect, Duration and Termination of this MoU**

17. The arrangements described by this MoU are applicable upon its signature.

18. This MoU represents the entire understanding between the parties and supersedes any prior written or oral representations, warranties or agreements.

19. The present MoU will be valid for a period of one (1) year after the date of signature, or any other period as agreed by both parties in writing.

20. Either Party may discontinue its participation in activities under this MoU at any time, and notify the other Party in writing. The termination shall take effect at a specified time after receipt by the addressee of the notice to terminate.

For:	Capricorn Fisheries Monitoring (South Africa)	For:	
<i>Insert name of Country and Observers Service Provider</i>		<i>Insert name of Country and Vessel Operator</i>	
Signed*		Signed*	
Date:		Date:	
Witness		Witness:	

*\* To be signed in duplicate*

## Appendix 1

### The functions and tasks of observers on board include *inter alia*;

1. Collect information to enable the cross-checking and verification of entries made to the logbooks (species composition and quantities, live and processed weight and location).
2. Record and report on all fishing activities that includes;
  - a. Date of each fishing operation, including, as appropriate, the start and stop times of the fishing activity;
  - b. Area of catch by latitude and longitude;
  - c. Fishing effort data for purse seine vessels, including number of fishing events and activity log;
  - d. Fishing effort data for longline vessels, including number of lines set, number of hooks.
3. Record and report on all catches that includes;
  - a. Catches of target species by number and or weights where appropriate;
  - b. Catches of commercial by-catch species retained, (sharks and fish);
  - c. Catches of by-catch species discarded and record the fate of these, (sharks and fish);
  - d. Catches of threatened and endangered and protected species, (sharks, turtles, seabirds and marine mammals) and record their fate.
4. Record biometric data of target and the main by-catch species that includes; size composition, weights, sex and maturity and where requested otoliths, spines, scales for life history studies.
5. Record and report on implementation and effectiveness of measures used to mitigate against the catch and injury of threatened and endangered and protected species, (sharks, turtles, seabirds and marine mammals)

6. Undertake other scientific work as recommended by the working groups and agreed by the Commissions of the relevant RFMO's.

### **Observer Reporting Requirements**

1. Observers will be required to submit a pre-sea safety report (Appendix 4) back to their managing authority prior to the vessel sailing.
2. Observers shall submit a deployment report to their managing authority within 24-hours of sailing.
3. Observers will be required to submit in-trip reports to their management authority at prescribed 5-day or 7-day intervals.
4. Observers will be required to compile a draft trip report by the end of the trip and provide a copy of the draft report to the vessels master and advise the master of their right to add comment or report comments back to the observer's management authority and to their registering authority.
5. Within 24-hours of returning to their home base, observers will be required to submit all their electronic data collection forms and appropriate hard copies of their data together with a draft copy of their trip report.
6. Within 10 days of the observer returning, they will be required to submit a comprehensive trip report to their management authority in the prescribed format.

### **Appendix 2**

#### International Standards of Conduct & Behaviour of Observers

Definitions *Conflict of interest - 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.*

*Direct financial interest* - Any source of income to, or capital investment or other interest held by, an individual, partnership, or corporation or an individual's spouse, immediate family member or parent that could be influenced by performance or non-performance of duties under the contract.

1. Observers may not participate in any activity which would:
  - a. Cause a reasonable person to question the impartiality or objectivity of the observer;
  - b. Significantly impair the observer's ability to perform his/her duties.
  - c. Adversely affect the efficient accomplishment of the objectives of the observer deployment.
2. Observers may not have direct financial interest in the observed fishery, other than the provision of observer services including, but not limited to, vessels or shore-side facilities involved in the catching or processing of the products of the fishery, companies selling supplies or services to those vessels or shore-side facilities, or companies purchasing raw or processed products from these vessels or shore-side facilities. The interests of a spouse or minor child are considered those of the observer.
3. Observers may not solicit or accept, directly or indirectly, any gratuity, gift, favour, entertainment, loan or anything of monetary value from anyone who conducts activities that are regulated by, or who has interests that may be substantially affected by the performance or non-performance of the observers' official duties.
4. Observers may not serve as observers on any vessel or at any shore-side facility owned or operated by a person who previously employed the observer in any capacity.
5. Observers may not solicit or accept employment as a crew member or an employee of the vessel or shore-side processor in any fishery while employed as an observer.

6. Observers may not engage in an activity that may give rise to the appearance of a conflict of interest that may cause another individual to question the observer's impartiality, fairness or judgment.
7. Observers must avoid any behaviour that could adversely affect the confidence of the public in the integrity of the Observer Programme under which the Observer is deployed, including, but not limited to the following:
  - a. Observers must diligently perform their duties.
  - b. Observers must accurately record their sampling data, write complete reports. If the Observer chooses to report any suspected violations of regulations relevant to conservation of marine resources or their environment that they observe, it must be done honestly.
  - c. Observers must preserve the confidentiality of the collected data and observations made on board the Vessels
  - d. Observers must refrain from engaging in any illegal actions or any activities that would reflect negatively on their image, on other observers, or the Observer scheme, as a whole. This includes, but is not limited to:
    - i. Engaging in drinking of alcoholic beverages while on duty;
    - ii. Engaging in the use or distribution of illegal substances;
    - iii. Becoming physically or emotionally involved with vessel personnel.



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### Appendix 3

#### Vessel Responsibilities

1. The Observer is to be signed on “ships articles” and is designated part of vessels crew in terms of the Vessels P&I requirements for comprehensive insurance cover while they are deployed onboard the vessel.
2. Observers shall be allowed reasonable and safe access to the fishing gear and equipment to perform their functions as stipulated in Appendix 1.
3. Upon request and with the vessels masters permission or assistance the observers shall be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate their reporting requirements:<sup>1</sup>
  - a. Satellite navigation equipment;
  - b. Electronic means of communication.
4. Observers shall be provided accommodations onboard, including sleeping quarters, food and sanitary facilities, equal to those of the officers on board the Vessel; that provides *inter alia*:
  - a. Well ventilated and hygienically clean accommodation;
  - b. Potable water for drinking;
  - c. Fresh water sufficient for basic personal/clothes washing.
5. Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out their duties as observers (Appendix 1);

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<sup>1</sup> (Noting; Section 2, paragraph 10 and Appendix 1 paragraph 2 & 3)

6. Vessel masters shall ensure that all necessary cooperation is extended to observers in order for them to carry out their duties safely including providing access, as required, to the retained catch, and catch which is intended to be discarded.

## Appendix 4

### Pre-Sea Safety Inspection check-list

Fill in fields where possible and comments where necessary.

Observer		Signature	
Vessel Master		Signature	
Vessel Agent		Signature	

#### Vessel Details:

Vessel Name			
Master Name			
Call Sign			
Flag			
Size GRT			
LOA			
Number of Crew			
Vessel contact Number	Telephone		
	Fax		
	Inmarsat (A/C/M) & No.		
Vessel Agents	Name		
	Telephone		
	Fax		
	Mobile		
	Email		

#### Safety Equipment:

Valid Safety Certificate (Y/N)		Issuing Authority		
<b>Life Boats</b>				
Type	Number	Capacity	Launch method Gravity Davit or Free Fall	
<b>Life Rafts</b>				
Type	Number	Capacity	Hydrostatic release Yes / No	Date Service Due
<b>Life Jackets</b>				
Type Inflatable/Packed	Number	Location Cabin /Muster Station/ Both		SOLAS Approved Yes/ No
<b>Immersion Suits</b>				
	Number	Location Cabin/Muster Station/ Both		SOLAS Approved Yes/ No

Life Buoys			
	Number	Free Release Yes / No	Light/SART Attached
Flares: Location		If checked No. / Exp Date	
First Aid Materials Location		Certified Medical Officer	
Fire Extinguishers			
Positioned in main corridor's (Y/N)		Charge seals intact (Y/N)	
Positioned on bridge (Y/N)		Charge seals intact (Y/N)	

**GMDSS Requirements:**

Radio Equipment	HF Operational yes or no	MF Operational yes or no	VHF Operational yes or no	INMARSAT Operational yes or no	NAVTEX Operational yes or no
EPIRB's					
Type	Number	Location	Release manual / float free		
SART's	Number	Location	Release manual / float free		

**Accommodation:**

Single Cabin or Sharing	Comment
Vessel Emergency Evacuation and Muster Stations Lists – Displayed (Y/N)	

**General Comments:**

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**FOURTH SCHEDULE**

**[Regulation 49]**

**Terms of Reference**

High Seas Port Discharge Inspection Program

**Position:** Fisheries Inspector

**Date:**

**Duration:** 12 months

**Purpose:**

To outline the objectives of the Fisheries Inspectors and their roles and responsibilities within the framework of Belize's port inspection program which is implemented to provide adequate inspector coverage to observe the discharge and transshipment of marine resources harvested on the high seas and other authorized areas for ALL Belize Flagged vessels.

**Objectives:**

- To appoint fisheries inspectors in the major ports of discharge of Belize Flagged fishing vessels.
- Have fisheries inspectors observe 5% or more of fishing vessels' annual discharges and/or transshipments; with the exception of those discharges whose products are intended for EU markets in which case 100% of all discharges shall be observed.
- Receive independent reports from fisheries inspectors for all discharges observed.
- Provide vessel inspection as necessary to monitor and report compliance of Belize flagged vessels with national and international fisheries laws and regulations.

**Scope of Duties and Responsibilities:****Job Description:**

Fisheries Inspectors shall:

- a. Liaise with owners/operators of fishing vessels and Belize High Seas Fisheries Unit (BHSFU) to coordinate inspection of discharge or transshipment.
- b. Travel to relevant port to inspect discharges.
- c. Record data (weight, size, species etc.) of discharge including written reports and photographs, if and when necessary.
- d. Provide a written report of the observed discharge directly to the BHSFU within 48 hours of the observation.
- e. Keep an accurate and reliable record of all duties fulfilled on behalf of the BHSFU including reports and correspondence.
- f. Conduct vessel inspections as necessary to ensure compliance with relevant RFMO and fisheries bodies regulations, as well as national legislation.
- g. Other relevant tasks within reason as may be requested.

**Job Specifications:****A.) Education and Training**

- Bachelor's Degree in science, such as fisheries marine biology or related field of biology.
- 1 year's experience working in the fishing industry.

**B.) Competency**

- Ability to identify fish species
- Ability to perform basic mathematical computations and compile statistics.
- Ability to think critically and do research.
- Read and write English (any other languages will be an asset).
- Computer literate (knowledge of Microsoft Office Suite and emailing)

**General Authority:**

- Fisheries Inspectors shall have the power to board and take with them such other person(s) as may be required to assist with the performance of their duties and responsibilities.
- Fisheries Inspectors may gather evidence in terms of photographs, specimens, and data in other relevant forms as may be required to submit a report to the BHSFU that may require initiation of punitive action against a fishing vessel.
- Fisheries Inspectors shall have power to interrogate and require the master, crew or any relevant personnel to produce certificates of registration, licensing, official logbooks, letters of agreement or any other documents relating to the vessel or crew for examination and may seize such documents if deemed necessary.
- Fisheries Inspectors, having regard for safety of a vessel and its crew, may order the master to take the vessel to any place or port of harbor for the purpose of carrying out any search, examination or enquiry and may take steps necessary to immobilize any fishing vessel detained in accordance with any applicable legislation.

- In exercising of his powers outlined above, a Fisheries Inspector may use such force as may be reasonably necessary.
- Any other powers as are prescribed in Section 33 of the High Seas Fishing Act, 2013.

**Supervision:**

- Fisheries Inspectors shall be directly supervised by the Coordinator of the Port Inspection Program. All assignments, reports and other correspondence shall be communicated through the Coordinator or any other person so designated by the Coordinator or the Director.

**Communications:**

- In all matters pertaining to the business of the Belize Fisheries Department, regulated business organizations and other government organizations, Fisheries Inspectors must make every effort to achieve complete, accurate and timely communications – responding promptly and courteously to all proper requests for information and to all complaints. The BHSFU must be copied on all communications that arise with other entities and be notified of any correspondence that requires the attention of the BHSFU for response.
- Fisheries Inspectors must take care to separate their personal roles from the BHSFU when communicating on matters not involving their official role as Fisheries Inspector.
- Fisheries Inspectors must not communicate publicly on matters that involve the business of the BHSFU unless they are certain that the views they express are those of the BHSFU, and that it is the BHSFU's desire that such views be publicly disseminated.
- When dealing with anyone outside the BHSFU, including public officials, Fisheries Inspectors must take care not to compromise the integrity or damage the reputation of either the regulated business organization, or the BHSFU.



**Privacy and Confidentiality:**

- In agreeing to become a Fisheries Inspector, one acknowledges that all fisheries related information becomes the property of the Government of Belize. Consequently, the Inspector must observe the following principles when handling private and confidential information pertaining to the vessel being inspected or information resulting from the observation of discharges.
  - o Collect, use and retain only relevant information. Whenever possible, obtain any relevant information directly from the entity concerned; and only use reputable and reliable sources to supplement this information when necessary.
  - o Retain information only for as long as necessary or as required by the BHSFU. Protect the physical security of this information.
  - o Limit internal access of information to those with a legitimate business reason for seeking information. Use only information for the purposes for which it was originally obtained. Obtain the consent of the BHSFU before externally disclosing any information unless legal process or contractual obligation provides otherwise.
  - o Disciplinary action can be taken if the Inspector fails to treat any data with strict confidence.

**Code of Conduct:**

- Fisheries Inspectors are expected to conduct themselves in a professional and business-like manner that will reflect the integrity of the BHSFU and the country of Belize. Drinking, gambling, fighting, swearing, sexual misconduct and other similar unprofessional activities are strictly prohibited while on the job.
- Fisheries Inspectors should comply with all applicable laws and regulations and should avoid illegal acts at all costs. All business

should be conducted in a manner that is not inconsistent with the laws and regulations of either the State of operation or of Belize.

**Conflict of Interest:**

- Fisheries Inspectors should not engage in any activity that could possibly create a conflict of interest or that may interfere with the independent exercise of judgment which may conflict with the best interests of Belize.
- Fisheries Inspectors are expected to fulfill their fiduciary duties and responsibilities in an honest and conscientious manner and in accordance with the best interests of Belize. They should not use their position or knowledge gained as a result of their position for private or personal gain or advantage.
- Fisheries Inspectors should avoid investment or acquisition of financial interests for their own accounts in any business organization that has a contractual relationship with Belize; or provide goods or services to that organization if such investment or interest could influence or create the impression of influencing their decisions in the performance of their duties on behalf of the BHSFU.
- Fisheries Inspectors must not accept entertainment, gifts or personal favors that could, in any way, influence or appear to influence their judgments and decisions in favour of any person or organization with whom Belize has or is likely to have regulatory control. Similarly, Inspectors must not accept any other preferential treatment under these circumstances because their position with the BHSFU might be inclined to, or be perceived to, place them under obligation to return the preferential treatment.
- Fisheries Inspectors may not receive payment of compensation of any kind, except as authorized by Belize, from the business organization which is under the regulatory control of the Government of Belize through the BHSFU. In particular, secret commissions and personal benefits from regulated business organizations are strictly prohibited.

- Regardless of the circumstances, Fisheries Inspectors should immediately notify their supervisor of any action they have pursued, are currently pursuing or intend to pursue, have, is or will involve them in a conflict of interest stating the facts and circumstances.

**Compensation:**

- The Fisheries Inspector shall be paid per inspection carried out in accordance with the agreed fees.
- The Fisheries Inspector is also eligible to bill the Belize High Seas Fisheries Unit for ALL applicable incidental expenses incurred as a result of incumbent duties including but not limited to travel, accommodation, subsistence and communication. Billing for incidental expenses require preapproval of estimated expenses prior to carrying out required duties; and receipts should be provided for all expenses that are incurred.

**Termination of Contract:**

- The contract may be terminated by either party subscribed thereto without cause by notifying the other party in writing 30 days prior to the termination date. Compensation for any work conducted after notice of termination has been given will be paid as per normal.
- The BHSFU reserves the right to terminate the contract with immediate effect if the Fisheries Inspector is found to be in breach of ANY of the clauses outlined therein.

## FIFTH SCHEDULE

[Reg. 49(4)]

## INSPECTION REPORT

Date of Inspection: \_\_\_\_\_ Port of Inspection: \_\_\_\_\_

## Vessel Particulars

Vessel Name	Call Sign:	Registration Number
License Number	EEZ License	Name of Captain

## Markings of Vessel and Identification of fishing gears

*Fishing Gear on board*Purse Seine Crab Potts Long Line Jigger Trawler 

Other (specify) \_\_\_\_\_

## List of Documents and areas inspected

Logbook            Yes            No            *Infringement*            Yes            NoFunctional MTU    Yes            No            *Infringement*            Yes            No

Transfer/transshipment declaration

                         Yes            No            *Infringement*            Yes            No

Vessel marking correctly displayed

                         Yes            No            *Infringement*            Yes            No

Gear markings in line with relevant regulations

                         Yes            No            *Infringement*            Yes            No

Seabird and turtle mitigation measures on board

                         Yes            No            *Infringement*            Yes            No

Other (specify) \_\_\_\_\_

**Results of inspection of catch**

<b>Species</b>					
<b>Total catch (kg)</b>					
<b>Information source</b>					
<b>Product type</b>					
<b>Sample inspected</b>					
<b>Length frequency (small – large)</b>					
<b>% under min size</b>					

Catch landed this voyage:	Total weight (m/t)
Catch transshipped:	Total weight (m/t)
Catch containerized:	Total weight (m/t)
Catch kept on board:	Total weight(m/t)

Infringement of relevant RFMO conservation and management measures or national legislation observed (description of infringement with mention of legal reference, and if serious violation(s) have been detected, please complete Annex I)

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Inspector's comments

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## ANNEX I

## SERIOUS VIOLATION(S)

- (a) fishing without a valid license, authorization or permit issued by the flag State or the relevant coastal State;
- (b) failure to maintain accurate records of catch and related data required by the flag State and other regional or sub-regional organizations;
- (c) misreporting of catch in contravention of catch reporting requirements of the flag State and other regional or sub-regional organizations;
- (d) fishing in closed areas;
- (e) fishing during a closed season;
- (f) targeting species without quota allocation granted by the flag State where quota allocations are applicable;
- (g) using prohibited or non-compliant fishing gears;
- (h) fishing for species which are subject to a moratorium or for which fishing is prohibited;
- (i) concealing the markings, identification or registration of the fishing vessel;
- (j) falsifying the markings, identification or registration of the vessel;
- (k) concealing, tampering with or disposing of evidence relating to an investigation;
- (l) multiple minor or serious violations, which together constitute a serious disregard for conservation and management measures;
- (m) failure to submit data required to be transmitted by satellite vessel monitoring system;

(n) obstructing the work of authorized officers in the exercise of their duties in monitoring compliance with applicable conservation and management measures;

(o) obstructing the work of observers in the exercise of their duties of observing compliance with applicable conservation and management measures;

(p) taking on board, landing or transshipping undersized fish in contravention of applicable conservation and management measures;

(q) engaging in unauthorized transshipment activities on the high seas, or in the jurisdictional waters or ports of a coastal state;

(r) transshipping or participating in joint fishing operations which supported or re-supplied other fishing vessels identified as having engaged in IUU fishing, including those included in the IUU list of an RFMO or other recognized IUU list;

(s) falsification of documents or use of such documents relevant to the operation of the vessel;

(t) carrying out fishing activities in the area of an RFMO in a manner inconsistent with or in contravention of the conservation and management measures of that organization and being flagged to a State not party to that organization or not cooperating with that organization as established by that organization; or

(u) non-compliance with measures outlined in circulars or notices established by the flag State or conservation and management measures set forth by relevant sub-regional or regional fisheries management organization or arrangement;

Inspector's signature \_\_\_\_\_

Date: \_\_\_\_\_