

EMERGENCY ACTION PLAN (EAP) BY TURKEY ON PROTECTING THE HEALTH AND SAFETY OF OBSERVERS IN ICCAT'S REGIONAL OBSERVER PROGRAM AND THE NATIONAL OBSERVER PROGRAM

() This document is still tentative and may be subject to further modification and/or updates by the date of its entry into force. The final version of the EAP is intended to be appended to 2021's Ministerial Communiqué on Bluefin Tuna Fishing, Transporting, Farming and Trade*

Scope of the Plan

This Emergency Action Plan (EAP) intends to provide a list of immediate actions and measures to be taken and procedures to be followed by the Fishing Vessel (F.V.) Owners/Operators carrying ICCAT Regional Observers and/or National (CPC) Observers in the event an observer dies, is missing or presumed fallen overboard, suffers from a serious illness or injury that threatens his or her health, safety, or welfare, or has been assaulted, intimidated, threatened or harassed.

Implementing Procedures

The following procedures shall be followed by Owners/Operators of the F.V. carrying ICCAT Regional Observers and/or National (CPC) Observers (from now on will be called OBSERVER) in the context of the EAP as from 1st of January 2021.

1. In the event that an OBSERVER dies, is missing or presumed fallen overboard, the master of the fishing vessel shall:
 - a) immediately ceases all fishing operations;
 - b) immediately notifies the appropriate Maritime Rescue Coordination Centre (MRCC), the Ministry of Agriculture and Forestry (the Ministry) and the observer provider;
 - c) immediately commences search and rescue if the observer is missing or presumed fallen overboard, and searches for at least 72 hours, unless the observer is found sooner, or unless instructed by the Ministry to continue searching. In the event of force majeure, the Ministry may allow their vessels to cease search and rescue operations before 72 hours have elapsed.
 - d) immediately alerts other vessels in the vicinity by using all available means of communication;
 - e) cooperates fully in any search and rescue operation;
 - f) whether or not the search is successful, promptly returns to the nearest port for further investigation, as agreed by the Ministry and the observer provider;
 - g) promptly provides a report on the incident to the observer provider and appropriate flag State authorities; and
 - h) cooperates fully in all official investigations, and preserves any potential evidence and the personal effects and quarters of the deceased or missing observer.
2. In addition, in the event that an OBSERVER dies while deployed, the master of the fishing vessel shall ensure that the body is well-preserved for the purposes of an autopsy and investigation.
3. In the event that an OBSERVER suffers from a serious illness or injury that threatens his or her health or safety, the master of the fishing vessel shall:
 - a) immediately ceases fishing operations;
 - b) immediately notifies the Ministry, observer provider, and relevant MRCC to advise if a medical evacuation is warranted;
 - c) takes all reasonable actions to care for the observer and provide any medical treatment available and possible on board the vessel;
 - d) where necessary and appropriate, including as directed by the observer provider, if not already directed by the Ministry, facilitates the disembarkation and transport of the observer to a medical facility equipped to provide the required care, as soon as practicable; and
 - e) cooperates fully in any and all official investigations into the cause of the illness or injury.

4. For the purposes of paragraphs 1 through 3, the master of the fishing vessel/owner/operator shall ensure that the appropriate MRCC, observer provider, and the Secretariat are immediately notified of the incident, actions taken or underway to address the situation, and any assistance that may be required.
5. In the event that there are reasonable grounds to believe an OBSERVER has been assaulted, intimidated, threatened, or harassed such that their health or safety is endangered and the observer or the observer provider indicates to the Ministry to which the fishing vessel is flagged that they wish for the observer to be removed from the fishing vessel, the master of the fishing vessel shall:
 - a) immediately takes action to preserve the safety of the observer and mitigate and resolve the situation on board;
 - b) notifies the Ministry and the observer provider of the situation, including the status and location of the observer, as soon as possible;
 - c) facilitates the safe disembarkation of the observer in a manner and place, as agreed by the Ministry and the observer provider, that facilitates access to any needed medical treatment; and
 - d) cooperates fully in any and all official investigations into the incident.
6. In the event that there are reasonable grounds to believe that an OBSERVER has been assaulted, intimidated, threatened, or harassed but neither the observer nor the observer provider wishes that the observer be removed from the fishing vessel, the master of the fishing vessel is shall:
 - a) takes action to preserve the safety of the observer and mitigate and resolve the situation on board as soon as possible;
 - b) notifies the flag state authority and the observer provider of the situation as soon as possible; and
 - c) cooperates fully in all official investigations into the incident.
7. If any of the events in paragraphs 1 through 5 occur, the Ministry shall, without prejudice to provisions of any relevant domestic rules and regulations in place with respect to entry into ports of other flag fishing vessels, facilitate entry of the fishing vessels to its ports to allow disembarkation of the OBSERVER and, to the extent possible, assist in any investigations if so requested by the flag CPCs.
8. In the event that, after disembarkation from a fishing vessel of an OBSERVER, an observer provider identifies, such as during the course of debriefing the observer, a possible situation involving assault or harassment of the observer while on board the fishing vessel, the observer provider shall notify, in writing, the Ministry and the Secretariat.
9. If notified, under paragraph 5b, 6b, or 8, that an observer has been assaulted or harassed, the Ministry shall:
 - a) investigate the event based on the information provided by the observer provider and take any appropriate action in response to the results of the investigation;
 - b) cooperate fully in any investigation conducted by the observer provider, including providing the report to the observer provider and appropriate authorities of the incident; and
 - c) promptly notify the observer provider and the Secretariat of the results of its investigation and any actions taken.
10. The Ministry may call vessels flying their flag to participate, to the greatest extent possible, in any search and rescue operations involving an ROP/National observer.
11. Where requested, relevant observer providers and the Ministry shall cooperate in each other's investigations, including providing their incident reports for any incidents indicated in paragraphs 1 through 6 to facilitate any investigations as appropriate.