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| Northwest Atlantic | logo | Fisheries Organization |

**Article 30 Report Template**

Contracting Party:

Year:

Part I – Review of Compliance with Article Obligations

*Complete the table below with the following options:*

*I – Fully Implemented*

*ID – Implemented with delays*

*PI – Partially Implemented*

*NI – Not Implemented*

*NA – Not Applicable*

*Provide brief explanatory comments on items marked ID, PI, or NI.*

| **Article 30 Paragraph** | **Requirement** | **CP Performance** |
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| 3 | 3. Each flag State Contracting Party shall: | *-* |
| 3(a) | (a) adopt appropriate measures and set up all administrative, legal, and technical structures necessary to: | *-* |
| 3(a)(i) | (i) effectively and fully implement the NAFO observer program; |  |
| 3(a)(ii) | (ii) utilize the data originating from the observer program for control, inspection, enforcement, and as appropriate scientific purposes; |  |
| 3(a)(iii) | (iii) take appropriate action with respect to its vessels to ensure safe working conditions, and the protection, security, and welfare of observers in the performance of their duties, consistent with international standards and guidelines; and |  |
| 3(a)(iv) | (iv) establish corrective measures regarding observers, observer providers, vessel masters and owners, where necessary, in order to ensure that the program meets the requirements specified in this Article. |  |
| 3(b) | (b) take all necessary steps to ensure that an observer is removed from a fishing vessel flying its flag if, during deployment, it is determined that a serious risk to the observer exists, unless and until the risk is addressed; |  |
| 3(c) | (c) ensure that its observers: | *-* |
| 3(c)(i) | (i) have no financial or beneficial interest in, and are paid in a manner that demonstrates financial independence from the fishing vessel being monitored; |  |
| 3(c)(ii) | (ii) execute their duties and functions in an unbiased manner regardless of nationality and of which flag the vessel is flying; |  |
| 3(c)(iii) | (iii) are free from undue influence or benefit linked to the fishing activity of the vessel; |  |
| 3(c)(iv) | (iv) are independent and impartial; |  |
| 3(c)(v) | (v) treat all data and information related to the fishing operations collected during their deployment, including images and videos taken, in a confidential manner; |  |
| 3(c)(vi) | (vi) have the training, knowledge, skills and abilities to perform all of the duties, functions and requirements as specified in this Article; |  |
| 3(c)(vii) | (vii) can always establish direct and confidential communication with the flag State FMC when deployed by: | *-* |
| 3(c)(vii)(1) | (1) ensuring the observer is provided with an independent satellite two-way communication device at sea, and/or |  |
| 3(c)(vii)(2) | (2) ensuring the observer is provided with a communication device and ensuring that the observer is provided by the vessel master with unhindered independent data and voice internet access on board at all times; and |  |
| 3(c)(vii)(3) | (3) ensuring that protocols are put in place for the observer to safely and directly contact the flag State FMC to report safety concerns. |  |
| 3(d) | (d) establish ongoing list of observers that it intends to deploy to vessels entitled to fly its flag operating in the Regulatory Area; |  |
| 3(e) | (e) require its vessels to carry an observer from the list it submitted to the Executive Secretary; |  |
| 3(f) | (f) to the extent practicable, ensure that individual observers are not deployed on consecutive fishing trips on the same vessel; |  |
| 3(g) | (g) ensure that the masters of its vessel cannot refuse an observer deployment nor be involved in the process to select the observer to be deployed; |  |
| 3(h) | (h) upon receipt of a report from its observers on discrepancies with the CEM or an incident, including any instances of obstruction, intimidation, interference with, or otherwise prevention of the observer from performing their duties: | *-* |
| 3(h)(i) |  (i) treat the report with the utmost sensitivity and discretion, in a confidential manner; |  |
| 3(h)(ii) | (ii) assess the reported discrepancies and conduct any follow-up action deemed appropriate; |  |
| 3(h)(iii) | (iii) use the information for risk assessment for inspection, control and surveillance at sea and in port; and |  |
| 3(h)(iv) | (iv) create a report on follow-up actions; |  |
| 3(i) | (i) unless otherwise agreed with another Contracting Party, bear the costs of remunerating every observer it has deployed; |  |
| 3(j) | (j) submit to the Executive Secretary: | *-* |
| 3(j)(i) | (i) the list of observers referred to in paragraph 3(d) and any changes thereof without delay and before the deployment of an observer on its vessels; |  |
| 3(j)(ii) | (ii) without delay and in advance of the fishing trip, a notification including the details of the circumstances preventing a 100% observer coverage referred to in paragraph 4(a); |  |
| 3(j)(iii) | (iii) without delay, all documents and data relating to its vessels subject to electronic observation program in accordance with paragraph 4(b); |  |
| 3(j)(iv) | (iv) without delay, the PSC-3 report referred to in paragraph 5; |  |
| 3(j)(v) | (v) without delay following its receipt, the daily OBR report referred to in paragraph 7(a); |  |
| 3(j)(vi) | (vi) without delay following its receipt, the observer trip report information referred to in paragraph 7(b); |  |
| 3(j)(vii) | (vii) by 1 March each year for the previous calendar year, a report on its compliance with the obligations outlined in this Article, including: | *-* |
| 3(j)(vii)(1) | (1) the follow-up actions referred to in paragraph 3(h)(iv); and |  |
| 3(j)(vii)(2) | (2) a report containing a comparison of all relevant catch and fishing activities showing the difference between the fishing trips where the vessel had an observer on board and those where the observer was withdrawn; |  |
| 3(k) | (k) subject to the exception in paragraph 4, ensure that every fishing vessel flying its flag: | *-* |
| 3(k)(i) | (i) carries at all times at least one observer in accordance with the provisions of this program while conducting fishing activities in the Regulatory Area; and |  |
| 3(k)(ii) | (ii) does not carry out fishing activities until an observer is deployed on the vessel. |  |
| 4 | 4. By way of derogation from paragraph 3(k), a flag State Contracting Party may allow its vessels to carry an observer for less than 100%, but not less than 25% of the fishing trips conducted by its fleet or of the days the vessels are present in the Regulatory Area calculated for a prior period of one calendar year in the following cases: | *-* |
| 4(a) | (a) for vessels targeting species in areas where negligible bycatch of other species is expected to occur; or where the flag State Contracting Party has provided information on why a 100% coverage is not applied; or extraordinary and unforeseeable circumstances duly documented and justified by the flag State Contracting Party preventing 100% observer coverage; or |  |
| 4(b) | (b) where a vessel deploys an electronic observation program approved by the flag State Contracting Party and; | *-* |
| 4(b)(i) | (i) the Contracting Party provides the NAFO Secretariat with a copy of their electronic observation standards and guidelines; and |  |
| 4(b)(ii) | (ii) the Contracting Party submits a completed copy of the Annex II.M Observer Report within 3 months of the electronically observed trip. |  |
| 5 | 5. For each fishing trip of its vessels without an observer on board pursuant to paragraph 4, the flag State Contracting Party shall physically inspect the landing of the vessel in its ports or otherwise evaluate as appropriate each landing in its ports, following risk assessment. Inspections shall be documented in the format prescribed in Annex IV.C (PSC 3). |  |
| 6 | 6. Where an inspector issues a notice of an infringement to a fishing vessel that is not carrying an observer, in accordance with this derogation, at the time of the notice, the infringement shall be deemed a serious infringement for the purpose of Article 38.1 and, where the flag State Contracting Party does not require the fishing vessel to proceed immediately to port in accordance with Article 38.3, it shall deploy an observer to the fishing vessel without delay. |  |
| 7 | 7. Each flag State Contracting Party shall ensure that its observers perform, at a minimum, the duties listed below: | *-* |
| 7(a) | (a) transmit the OBR report as set out in Annex II.G to the flag State FMC daily before 12:00 UTC for the day preceding the report, by division, whether the vessel was fishing or not; |  |
| 7(a)(i) | (i) report without delay to the flag State FMC any discrepancy with the CEM and any instances of obstruction, intimidation, interference with or otherwise prevention of the observer from performing their duties; |  |
| 7(b) | (b) complete the observer trip report as set out in Annex II.M, noting that data collection on Greenland sharks shall be carried out minimizing the damage to the sampled individuals; |  |
| 7(c) | (c) monitor the vessel’s product labelling, production logbook, and stowage plan against requirements in Articles 27 and 28, and record in the observer trip report any discrepancies identified; |  |
| 7(d) | (d) record any observed interruption or interference with VMS; |  |
| 7(e) | (e) submit the information in Annex II.M by electronic means to the flag State FMC and to the port State FMC as soon as possible after leaving the Regulatory Area and at the latest at the arrival of the vessel in port for landing; |  |
| 7(f) | (f) make themselves available to inspectors at sea, or in port upon arrival of the vessel, for the purposes of providing information related to the fishing activities of the vessel; |  |
| 7(g) | (g) maintain detailed records, including relevant images and video footage, of any circumstances and information related to any instances of discrepancies with the CEM, for transmission to the flag State FMC at the earliest opportunity, and at the latest upon the arrival of the vessel in port for landing. |  |
| 8 | 8. A flag State Contracting Party may make use of the software developed by the Executive Secretary to transmit the information referred to in Annexes II.G and II.M in accordance with paragraphs 7(a) and (e).  |  |
| 9 | 9. Each flag State Contracting Party shall ensure that masters of vessels entitled to fly their flag: | *-* |
| 9(a) | (a) extend such co-operation and assistance as may be required to enable the observer to carry out his or her duties, including providing the observer with such access as may be required to the catch retained on board and discards and catch registration documents (e.g. fishing logbook, production logbook, stowage plan); |  |
| 9(b) | (b) provide food and accommodations to the observer of a standard no less than that provided to the vessel’s officers. If officers’ accommodations are not available, the observer shall be provided accommodations of a standard as close to an officer as practicable but no less than that provided to the crew; |  |
| 9(c) | (c) provide access to all operational areas of the vessel and equipment necessary to complete their duties, including the vessel’s hold(s), production area(s), bridge, and navigation, communication, and garbage processing equipment; |  |
| 9(d) | (d) do not, personally or through their agents, employees, or crewmembers, obstruct, intimidate, interfere with, influence, bribe or attempt to bribe or compromise the safety of an observer in the performance of his/her duties; |  |
| 9(e) | (e) include the observer in all emergency drills conducted on board; |  |
| 9(f) | (f) notify the observer when an inspection party has signaled their intent to board the vessel; and |  |
| 9(g) | (g) provide the observer with unhindered independent internet access on board at all times, unless the observer has available a fully operational two-way satellite communication device. |  |

Part II – Comparison of Fishing Activities With and Without An Observer

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Activity Summary** | **Observed** | **Derogated – Extraordinary Need** | **Derogated – Electronic Observation** | **Total** | **% Derogated** |
| **Trips** | **Vessels** | **Trips** | **Vessels** | **Trips** | **Vessels** |
| Fishing Trips |  |  |  |  |  |  |  |  |

**Extraordinary Need Derogations**

The circumstances requiring derogation without electronic observation were: *Identify factors to support decision to derogate.*

The Executive Secretary was notified of *flag State Contracting Party*’s intent to derogate trips on *DATE(S)*.

*Provide description of any additional administrative/enforcement measures taken, etc.*

**Individual vessel analyses**

*For each vessel with derogated trips, provide individual vessel analyses comparing each derogated trip with [all relevant/the immediately preceding and/or subsequent] observed trips where the vessel fished the same species in the same area. Where a vessel does not have observed trips for comparison, the derogated trip shall be compared with a vessel with similar fishing activity which carried an observer.*

**Vessel 1**

|  |  |
| --- | --- |
| Directed Species |  |
| Gear Type |  |
| Derogation Type | [Extraordinary Need/ Electronic Observation] |

|  |
| --- |
| **Vessel 1** |
| **NAFO Division** | **Species** | **Observed Trip** | **Derogated Trip** | **Observed Trip** |
| [insert trip dates] | [insert trip dates] | [insert trip dates] |
| **Kg live weight** | **% of Total** | **Kg live weight** | **% of Total** | **Kg live weight** | **% of Total** |
| Retained | Discarded | Retained | Discarded | Retained | Discarded |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
| **TOTAL** |  |  | **100%** |  |  | **100%** |  |  | **100%** |

Part III – Follow-Up Actions to Reported Discrepancies

|  |  |
| --- | --- |
| **OBR Field** | **Number of OBRs received** |
| Logbook (LB) field marked “No” |  |
| Hail (HA) field marked “No” |  |
| Apparent Infringement (AF) field marked “Yes” |  |
| **Total OBRs indicating concerns** |  |

*Incident Types proposed here are based on Figure 5.4.2 of the Compliance Report, and can be added/deleted/modified as needed.*

|  |  |
| --- | --- |
| **Incident Type** | **Incident Count** |
| By-catch requirements |  |
| Catch communication violations |  |
| Directed fishing of moratorium stock |  |
| Directed fishing of stock without quota allocation |  |
| Evidence tampering |  |
| Fishing after date of closure |  |
| Gear requirements - mesh size, illegal attachments |  |
| Greenland halibut control measures (Art. 10.4.d) |  |
| Inspection protocol (interference) |  |
| Observer protocol |  |
| Production logbook requirements |  |
| Mis-recording of catches - inaccurate recording |  |
| Mis-recording of catches -stowage |  |
| Product labelling |  |
| Vessel requirements - capacity plans |  |
| **Total** |  |

Follow-up Actions Taken

*Incident count can be compared against total number of OBRs indicating concerns to assess percentage of incidents which received a given response.*

|  |  |
| --- | --- |
| **Actions** | **Incident Count**  |
| Factored into Vessel Risk Assessment |  |
| Additional Information Gathered - Observer |  |
| Additional Information Gathered – Observer Provider (where applicable) |  |
| Inspected without Infringement |  |
| Inspected with Infringement |  |
| Observer Removed from Vessel |  |
| [additional results as needed] |  |