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**MCS website – Amendments to Ensure Open Access of all Information to All CPs,
And to Define Procedure for Posting of Information via the NAFO Secretariat**

Background

Through recognition of the role of all Contracting Parties in ensuring control and enforcement of the NAFO rules, whether acting as a flag state, port state or participating in at-sea inspection, STACTIC agreed at its 2018 Intersessional Meeting that the EU would draft a proposal to allow all Contracting Parties equal access to the information held on the MCS Website.

At the 2018 STACTIC Annual meeting, it was agreed that *'the EDG would meet in advance of the 2019 Intersessional Meeting to review the access rights outlined in the NAFO CEM to the MCS Website to at-sea and in port inspectors to ensure that all inspectors have access to all information necessary to facilitate their inspections'*.

Considering the discussions held at the EDG in March 2019, it is proposed to:

1. Ensure that the procedure for posting information to the MCS website is clarified and consistent throughout the CEM. In all cases, Contracting Parties shall send the information to the Executive Secretary, who shall post it immediately to the MCS website. The current references to 'computer readable format' are considered unnecessary and should thus be removed.
2. Ensure that the information stored in the MCS website is made available to all Contracting Parties.
3. Restrict the access to the MCS website to persons who have been nominated by the STACTIC head of delegation of their Contracting Party, and attributed the necessary credentials on an annual basis by the NAFO Secretariat, in accordance with a new procedure proposed in STACTIC WP 19-54.
4. Subject access to the MCS website to the acceptance of confidentiality rules specified in a new disclaimer when entering the website, as proposed in STACTIC WP 19-55.

The table below identifies the editorial modifications necessary in the 2019 NAFO CEM to implement the above points 1 and 2. The nomination procedure in point 3 and the disclaimer in point 4 are subject to separate proposals.



Proposal

Element	Article	2019 CEM suggested text changes	Comments
CP intention to fish on others quota	5.3.e	For stocks identified in Annex I.A or I.B caught within the Regulatory Area by vessels entitled to fly its flag, each Contracting Party shall ... post to the NAFO MCS Website <u>notify the Executive Secretary</u> of the names of vessels that intend to fish the "Others" quota at least 48 hours in advance of each entry, and after a minimum of 48 hours of absence from the Regulatory Area	
<u>Duties of the ES</u>	5.15.i	The Executive Secretary ensures that to the NAFO MCS Website posts without delay the information notified in accordance with subparagraph 5.3 (e) to the NAFO MCS website is automatically transmitted to Contracting Parties with an inspection presence in the Regulatory Area and ensures that it is made available to all Contracting Parties	Access is extended to all CP's

Element	Article	2019 CEM suggested text changes	Comments
Designated Ports	10.4.c	Each Contracting Party shall post to the NAFO MCS Website, in PDF format, notify the Executive Secretary the name of every port it has so designated. Any subsequent changes to the list shall be posted notified in replacement of the previous one no less than fifteen days before the change comes into effect	
Port Inspections report	10.4.e	Each Contracting Party shall inspect each landing of Greenland halibut in its ports and prepare an inspection report in the format prescribed in Annex IV.C, which it posts to the NAFO MCS Website, in PDF format, submit to <u>submits to the Executive Secretary</u> within 14 working days from the date on which the inspection was completed	
Duties of the ES	10.7.b	The Executive Secretary ... ensures that posts without delay the list of designated ports posted notified by the Contracting Party for the purpose of this Article as well as any subsequent changes is automatically to the NAFO MCS website and ensures that it is made available to all Contracting Parties	
	10.7.c	The Executive Secretary ... posts without delay the port inspection reports submitted in accordance with subparagraph 4(e) ensures that any port inspection report posted to the NAFO MCS Website in accordance with subparagraph 4(e) is transmitted to any Contracting Party that requests it and ensures that it is made available to all Contracting parties	

Element	Article	2019 CEM suggested text changes	Comments
Vessel NOT register	25.13.a	Subject to the appropriate confidentiality requirements, the Executive Secretary ... posts the register referred to in paragraph 12, to the NAFO MCS Website and ensures that it is automatically made available to all Contracting Parties	
Duties of the ES	25.13.a	Subject to the appropriate confidentiality requirements, the Executive Secretary ... posts the register referred to in paragraph 12, to the NAFO MCS Website and ensures that it is automatically made available to all Contracting Parties	
	26.14	The Executive Secretary circulates without delay to all Contracting Parties and posts to the NAFO MCS Website the information notified in accordance with paragraph 9 and ensures that the catch and bycatch notified in accordance with paragraph 11 is attributed to the chartering Contracting Party	

Element	Article	2019 CEM suggested text changes	Comments
Duties of the ES	28.9.a	The Executive Secretary ... assigns sequential numbers to the reports of each Contracting Party listed in paragraph 6, including any cancellation reports, then posts them to the NAFO MCS Website and ensures that they are automatically transmitted <u>made available in a computer readable format to all</u> Contracting Parties with an inspection presence in the Regulatory Area	Access is extended to all CP's
	28.9.b	The Executive Secretary ... ensures that each port of landing report (POR) posted to the NAFO MCS Website is automatically transmitted to the flag State Contracting Party of the receiving vessel and, in conformity with Annex II.B, to all CPs	

Element	Article	2019 CEM suggested text changes	Comments
Duties of the ES	29.10.b	The Executive Secretary ... posts as soon as possible the VMS position data listed in paragraph 2 (a) to the NAFO MCS Website and ensures that they are automatically made available <u>in a computer readable format</u> to all Contracting Parties with an inspection presence in the Regulatory Area	Access is extended to all CP

Element	Article	2019 CEM suggested text changes	Comments
Infringement on vessels not	30.6.c	By way of derogation ... the flag State Contracting Party <u>shall</u> , for vessels not carrying an observer ... physically inspects ... each landing in its ports by the vessel ... If any infringement to the CEM is detected and confirmed, it (<i>the flag State CP</i>) shall prepare a report ... (PSC3). The PSC 3 shall be	

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carrying an observer		uploaded to the NAFO MCS Website <u>submitted to the Executive Secretary</u> , in computer readable format, as soon as possible after the infringement has been confirmed	
List of vessels not carrying an observer	30.6.d	By way of derogation ... the flag State Contracting Party <u>shall</u> , for vessels not carrying an observer ... as soon as possible in advance of the fishing trip, posts to the NAFO MCS website, in PDF format <u>notify the Executive Secretary</u> , ... the name, IMO number, and International Radio Call sign of the vessel, and the factors that support the decision to grant the derogation to the 100% coverage	
Comparison of relevant data	30.6.e	By way of derogation ... the flag State Contracting Party <u>shall</u> , for vessels not carrying an observer ... submits to the Executive Secretary by 1 March each year ... a report containing a comparison of all relevant catch and fishing activities showing the difference between the trips where the vessel had an observer on board and those where the observer was withdrawn	
List of observers	30.8.a	Each Contracting Party shall ... each year, before its vessels start fishing in the NAFO RA, post to the MCS Website <u>notify</u> submit to the Executive Secretary an ongoing list of observers	
Offense from or to the observer	30.9.c	Upon the receipt of an OBR from an observer reporting discrepancies ... a Contracting Party shall ... create a report on follow-up actions and post-submit <u>it</u> in a computer readable format to the NAFO MCS website <u>Executive Secretary</u>	
Observer deployment	30.10.a	Each Contracting Party shall provide to submit to <u>notify</u> the Executive Secretary... no later than 24 hours in advance of an observer's deployment onboard a fishing vessel, by posting to the MCS Website, the name of the fishing vessel and International Radio Call Sign, together with the name and ID (if applicable) of the observer concerned	
Daily OBR	30.10.b	Each Contracting Party shall provide to submit to the Executive Secretary... electronically and without delay following its receipt, the daily OBR report referred to in paragraph 14 (e)	
Observer report	30.10.c	Each Contracting Party shall provide to submit to the Executive Secretary... within 30 days following the arrival of the vessel in port, the observer trip report referred to in paragraph 14	
Annual compliance report	30.10.d	Each Contracting Party shall provide to submit to the Executive Secretary... by 1 March each year for the previous calendar year, a report on its compliance with the obligations outlined in this Article.	

Element	Article	2019 CEM suggested text changes	Comments
Duties of the ES	30.18.a	The Executive Secretary shall posts without delay the information received in accordance with subparagraphs 6, 8, 9 and 10 to the NAFO MCS website and ensures it is made make available without delay to all Contracting Parties, via the NAFO MCS website for enforcement purposes only, without delay ... a copy of the observer trip report in the format of Annex II.M; the annual list of observers and observed vessels; the name of fishing vessel together with the name and ID (if applicable) of the observer concerned ... ; any observer report of a discrepancy ... and the daily OBR.	

Element	Article	2019 CEM suggested text changes	Comments
Competent authority	32.1.a	Each Contracting Party shall, no later than 1 December each year, post to the NAFO MCS Website, in PDF format notify the Executive Secretary ... of the contact information of the competent authority which shall act as the contact point for the purpose of immediate notification of infringements in the Regulatory Area, and any subsequent changes to this information, no less than 15 days before the change comes into effect	
Inspectors and Inspection means	32.1.b	Each Contracting Party shall, no later than 1 December each year, post to the NAFO MCS Website notify the Executive Secretary ... of the names of inspectors and inspector trainees and the name, radio call sign and communication contact information of each inspection platform it has assigned to the Scheme. It shall notify changes to the particulars so notified, whenever possible, no less than 60 days in advance	
Duties of the ES	32.3.a	The Executive Secretary ... ensures that posts without delay the information referred to in paragraph 1 to the NAFO MCS website and ensures it is automatically made available to all Contracting Parties	

Element	Article	2019 CEM suggested text changes	Comments
Surveillance Reports	33.2.a	The inspecting Contracting Party shall submit without delay ... post to the Executive Secretary the Surveillance report in PDF format to the NAFO MCS Website for transmission to the flag State Contracting Party of the vessel	
Investigation Report	33.3.b	Each flag State Contracting Party shall ... post submit without delay to the Executive Secretary the investigation report in PDF format to the NAFO MCS Website	
Duties of the ES	33.4.a	The Executive Secretary posts without delay to the NAFO MCS website ensures that ... the Surveillance Reports, including any image recorded, referred to in paragraph 1 and ensures that they are	

		automatically transmitted to the flag State Contracting Party of the vessel concerned ...	
	33.4.b	The Executive Secretary posts without delay to the NAFO MCS website ensures that ... the investigation report referred to in paragraph 3 and ensures that it is automatically transmitted to the Contracting Party that has generated the Surveillance Report	

Element	Article	2019 CEM suggested text changes	Comments
At-sea Inspection Reports	36.3.a	The inspecting Contracting Party shall ... post-submit the at-sea inspection report in PDF format to the NAFO MCS Website to the Executive Secretary , if possible within 30 days of the inspection	
Duties of the ES	36.4.a	The Executive Secretary posts without delay ensures that the at-sea inspection reports referred to in paragraph 3 (a) to the NAFO MCS website and ensures they are ... automatically made available to the flag State Contracting Party of the inspected vessel and to the CP participating in the Scheme all Contracting parties ; and	Access is extended to all CPs
	36.4.b	The Executive Secretary posts without delay ensures that the at-sea inspection reports referred to in paragraph 3 (a) to the NAFO MCS website and ensures they are ... transmitted made available to the port State Contracting Party, on demand of that CP, should the flag State Contracting Party be different, and to all Contracting parties	Access is extended to all CPs

Element	Article	2019 CEM suggested text changes	Comments
Reported infringement	37.2.b	The inspecting Contracting Party shall ... within 10 days of the inspection vessel's return to port, post <u>submit to the Executive Secretary</u> the at-sea inspection report <u>consistent with Annex IV.B to the NAFO MCS Website in PDF format</u>	
Duties of the ES	37.6	Upon a request from a CP receiving a vessel for landing to which an infringement has been issued, t The Executive Secretary <u>posts</u> will transmit to that CP without delay a copy of the report of <u>at-sea</u> inspection <u>consistent with Annex IV.B to the NAFO MCS website</u> and ensures it is made available to all Contracting Parties	Access is extended to all CP

Element	Article	2019 CEM suggested text changes	Comments
Measures taken against a vessel	39.4	The flag State Contracting Party and the port State Contracting Party shall immediately notify the Executive Secretary of ... enforcement and progress reports	
Duties of the ES	39.5	The Executive Secretary posts <u>without delay</u> the final outcome report referred to in paragraph 4 (c) onto the NAFO MCS Website and ensures that it is made available to <u>any all</u> Contracting Parties, on request	

Element	Article	2019 CEM suggested text changes	Comments
Designated ports	43.1	The port State Contracting Party shall post to the NAFO MCS Website, in PDF format <u>notify the Executive Secretary of</u> a list of designated ports ...	
Prior request period	43.2	The port State Contracting Party shall post submit to <u>notify</u> the prior request period to the NAFO MCS Website, in PDF format <u>Executive Secretary</u> ...	
Competent authority	43.3	The port State Contracting Party shall post to the NAFO MCS Website, in PDF format <u>submit notify to the Executive Secretary of</u> the competent authority name and its contact information ...	
PSC 1 and PSC 2 Competent authority	44.3	The flag State Contracting Party shall post on the NAFO MCS website in PDF format <u>submit to</u> <u>notify the Executive Secretary of</u> the contact information of the competent authority, ...	

PSC1 and PSC2 Transmission	43.8	The port State Contracting Party shall ... post-submit to the Executive Secretary (the copy PSC1 and PSC2) to the NAFO MCS website, in PDF format, without delay	
PSC1 and PSC2 Cancellation	43.9	.. the port State Contracting Party shall post-without delay submit to the Executive Secretary a copy of the cancelled PSC1 and PSC2 to the NAFO MCS website, for automatic transmission to the flag State Contracting Party.	
PSC 3	43.17	The port State Contracting Party shall without delay post-submit to the Executive Secretary a copy of each port State Control inspection report to the NAFO MCS Website, in PDF format, for automatic transmission to the flag State Contracting Party and to the flag State of any vessel that transhipped catch to the inspected fishing vessel.	
Duties of the ES	46.1.a 46.1.b 46.1.c 46.1.d	The Executive Secretary posts without delay ensures that the following information to the MCS website and ensures it is automatically made available to all Contracting Parties... (a) the list of designated ports and any changes thereto; _____ (b) the prior request periods established by each port State Contracting Party ; (c) the information about the designated competent authorities in each flag State Contracting Party; (d) copies of all PSC 1 and 2 forms transmitted by port State Contracting Party.	
	46.2	The Executive Secretary posts without delay ensures that the port inspection reports referred to in Article 43.16 (PSC 3 form) to the NAFO MCS website and ensures they are automatically made available to the flag State all Contracting Parties of the inspected vessel; to any other Contracting Party; and to the flag State of any vessel that transhipped catch to the inspected fishing vessel.	