Serial No. N7442 NAFO/COM Doc. 23-06

Northwest Atlantic Fisheries Organization

Report of the STACTIC Observer Program Review Working Group (WG-OPR) Meeting

11-13 July 2023
Ottawa, Ontario, Canada

NAFO
Halifax, Nova Scotia, Canada
2023

Report of the STACTIC Observer Program Review Working Group (WG-OPR) Meeting

11-13 July 2023
Ottawa, Ontario, Canada

Report of the STACTIC Observer Program Review Working Group (WG-OPR) Meeting

11-13 July 2023
Ottawa, Ontario, Canada

1. Opening of the Meeting

The Chair (Brent Napier) opened the meeting at 09:07 (UTC/GMT -4 hours in Ottawa, Canada) on Tuesday, 11 July 2023 at the Centennial Towers in Ottawa, Ontario, Canada and via WebEx, and welcomed representatives from Canada, the European Union, Japan, the United Kingdom, the United States of America, and the Russian Federation (Annex 1).

2. Appointment of Rapporteur

The NAFO Secretariat (Mikaela Soroka) was appointed as rapporteur.

3. Adoption of Agenda

The Chair introduced the provisional agenda and asked representatives if there were any comments or additions. The European Union suggested adding an agenda item related to the identification of challenges on the implementation of the observer program. The working group supported the addition, and it was added above the "Other business" agenda item. The agenda was adopted, as amended (Annex 2).

4. Terms of Reference

The Working Group (WG-OPR) reviewed the Terms of Reference (STACTIC WP 22-30) and made updates based on feedback and tasking received at the STACTIC 2022 Annual and 2023 Intersessional Meetings. The amended Terms of Reference (STACTIC OPR-WP 23-01 Rev.2) will be presented to STACTIC at the 2023 Annual Meeting for adoption.

The Working Group further reflected on the Recommendations endorsed by STACTIC (STACTIC WP 22-48 Rev.2) and agreed to add an additional column to reflect the progress of the working group (STACTIC OPR-WP 23-08). The document is found in Annex 3 of this report.

5. NAFO CEM Article 30 Implementation

The European Union presented STACTIC OPR-WP 23-09 for consideration by the group. The document's aim was to implement and convert into possible wording of the NAFO CEM the majority of recommendations endorsed by STACTIC in Working Paper 22-48 (Rev. 2) and some of the tasks included in the Terms of Reference of this WG (STACTIC OPR-WP 23-01 Rev.). The discussion paper included, among other elements, changes proposed in Canada's proposals on product labelling (STACTIC OPR-WP 23-04) and adjustment to Article 30.16 (STACTIC OPR-WP 23-03), and the United States of America's proposal on tow times (STACTIC WP 22-44). The European Union advised that in addition to amendments to various provisions, it also proposed a re-organisation of Article 30 and some additions to Article 38 in line with STACTIC editorial recommendations. The European Union noted that many article references (highlighted in red) might need to be updated based on the finalized Article.

The group reviewed STACTIC OPR-WP 23-09 in great detail and made additional revisions as well as comments regarding future action items. During the discussion of the paper, it was suggested that revisions of Chapter VII Port State Control should also be considered by the group in connection with the revision of Article 30.

When discussing the alternatives to ensure a direct connection between observers and their FMCs, the Chair encouraged Contracting Parties to do some research domestically on options for communication devices aside from satellite phones. The group agreed to propose a requirement to establish safety communication

procedures, in addition to the communications' device requirements. The WG-OPR also agreed that STACTIC will have to discuss further this topic and take a decision on the way further.

It was agreed that the Secretariat would compile a summary of the use of the derogations on observer coverage used by the Parties in the past 5 years, for presentation to STACTIC. The WG-OPR agreed that STACTIC OPR-WP 23-09 should reflect a 25% minimum human observation covered in case of vessels with REM systems. Otherwise, unless due to exceptional circumstances (e.g., pandemic), the coverage should be 100%.

Canada expressed concerns regarding the deletion of the provision that a Contracting Party may deploy an observer to another Contracting Party's vessel, if the vessel is required to carry an observer and does not have one assigned by the Flag State Contracting Party. The European Union noted that, as there are no measures specifying that the observer's nationality must match that of the vessel, this can always be the case, rendering this provision unnecessary. The group agreed to remove this provision in STACTIC OPR-WP 23-09, while keeping this discussion open.

Lastly, the group discussed if the Secretariat is the appropriate body to monitor the receipt of daily OBR messages and follow-up when messages are not received daily. The group agreed that if this functionality can be incorporated into the observer application, the Secretariat's tasks could be maintained in the NAFO CEM.

In terms of next steps, WG agreed to consider STACTIC OPR-WP 23-09 Rev. 4 as representing the state of play of the revision of the observer program. Some of the elements, such as the REM program, require further elaboration and discussions. The European Union and other interested parties will collaborate to update the document on these aspects.

The WG-OPR agreed to have one meeting virtually prior to the 2023 STACTIC Annual Meeting, and/or to work bi-laterally to advance on the finalisation of the WP to be presented to STACTIC.

Any recommendations remaining outside of those presented to STACTIC at the 2023 Annual Meeting will be discussed further by the WG-OPR and will remain open.

It was **agreed** that:

- **The Secretariat will compile a summary of the use of the derogation from carrying an observer in the past for presentation to STACTIC at their next meeting.**
- **The WG-OPR will either meet virtually prior to the 2023 STACTIC Annual Meeting and/or work bi-laterally to update and finalize the latest version of STACTIC OPR-WP 23-09 to be presented to STACTIC.**

a. Data collection on Sharks

The WG-OPR discussed STACTIC WP 21-49 (Rev.3) and the Terms of Reference's task relating to data collection on sharks. The group agreed to consult with their domestic shark experts to aid in finalising a formal handling guide for the Scientific Council's endorsement. The group also discussed the possibility of asking observers to record how vessels handle discarding sharks. Once more information is gathered, a formal handling guide could be developed and implemented in NAFO. The Working Group agreed that the shark identification guide should be circulated to observers and posted publicly on the NAFO Website when completed. The group agreed to propose a revision of the template for Greenland shark data collection in line with STACTIC WP 21-49 (Rev.3), which is included in STACTIC WP-OPR 23-09 (Rev.4).

It was **agreed** that:

- **Contracting Parties would consult with their domestic shark experts to aid in finalizing a formal NAFO identification and handling guide that could eventually be endorsed by the Scientific Council.**

b. Data collection on garbage disposal at-Sea

The European Union pointed out that there are no concrete NAFO CEM provisions on garbage disposal, that this discussion is still open in STACTIC, and recalled it had proposed concrete measures, including obligations for observers to collect data. It was agreed to seek guidance from STACTIC on data collection by observers regarding this area.

Canada re-iterated the importance of this item and shared that they have witnessed some disturbing cases of garbage disposal practices at-sea.

It was **agreed** that:

- **The group would await further discussion on this issue at STACTIC and seek clarification from STACTIC regarding the WG-OPR's mandate related to the NAFO observer program's role, if any, in the collection of data on garbage disposal.**

6. Standardizing Reporting

a. Contracting Party reporting requirements

Canada presented STACTIC OPR-WP 23-05, which addressed Recommendation 9 in STACTIC OPR-WP 23-08, to draft a template for Contracting Parties to use for their reporting obligations including 30.6(c), 30.9(c) and 30.10.d. The group thanked Canada for the proposed templates and agreed that all reporting templates should be part of one document. Following discussions, the group endorsed the concepts presented in STACTIC OPR-WP 23-05 Rev. for the reporting template. It was agreed to circulate the document for further reflection and comments in between meetings.

The WG-OPR felt that in order to advance the discussion more information of derogation use is needed. The group asked that the Secretariat compile a summary of the use of the derogations in the past 5 years for presentation at the next meeting and/or STACTIC.

It was **agreed** that:

- **The Secretariat will compile a summary of the use of the derogations in the past to present to the WG-OPR at their next meeting.**
- **STACTIC OPR-WP 23-05 Rev. will be circulated for comments before finalization and final endorsement by the WG-OPR.**

b. Observer reporting requirements

The European Union presented STACTIC OPR-WP 23-09 (Rev. 4) to the group. Suggested changes to the observer reporting requirements can be found in this working paper. The working group reviewed the changes in the discussion paper and further updated the document.

c. Tow Times

The United States of America presented STACTIC WP 22-44 to the group, explaining that the amendment was intended to support the collection of valuable (scientific) data and standardize NAFO processes, which was incorporated into STACTIC OPR-WP 23-09 Rev.4 following discussions by the group. The United States provided suggested text to include all gears and through discussion the group agreed upon new terminology.

7. Observer Application Development

The Secretariat provided a presentation STACTIC OPR-WP 23-12 (Annex 4) and live demonstration of the current iteration of the observer application. The Secretariat stated that there are plans in place for a sea trial of the application to take place this summer and encouraged Contracting Parties to try the application for

themselves to provide the Secretariat with additional feedback/comments/suggestions. The demo of the application can be found at observer.nafo.int.

WG-OPR welcomed the presentation and the state of play of the product shown by the Secretariat, appreciating very much the progress made. Following questions by the group, the Secretariat clarified that application would work better in screens bigger than mobile phones, that the list of species will be expanded, that the software allows to record data locally and transmit once the device is connected, that it would need to be researched if there is a possible way to gather GPS positions automatically, if this is implemented, and that it would be possible to have different validators (provider, FMC, if needed) among many other clarifications.

The group noted that the use of the observer application could simplify the observers' data transmission and avoid the use of OBR messages.

The group agreed to provide guidance and support to the Secretariat to continue the development and that parties should support the trials of the application.

It was **agreed** that:

- **Contracting Parties agreed to provide whatever support they could to the Secretariat to help advance the observer application.**
- **Once the sea trial is completed for the observer application, Contracting Parties will nominate individuals to take part in a specialized group to fine tune the application.**

8. Remote Electronic Monitoring

The European Union informed the group that it intends to present a fully-fledged document on REM technical specifications in the near future for the consideration and discussion of the group.

The working group agreed to gather more information domestically on elements of REM currently employed in each flag State Contracting Party, where they may exist, with the goal of advancing the discussion on a possible NAFO REM program/standard. The European Union invited representatives to research domestic REM initiatives and to share with the working group specifications currently in place to implement these programs.

It was **agreed** that:

- **The European Union would endeavour to complete a draft of Remote Electronic Monitoring (REM) standards to be presented to the WG-OPR as soon as possible.**
- **Contracting Party agreed to compile and share available information on domestic Remote Electronic Monitoring (REM) programs to support advancement of a NAFO REM standard.**

9. NAFO CEM Article 38 Implementations and Review

Given the linkages to several provisions within Article 30, the working group reviewed possible revisions to elements of Article 38, and included this revision in WP-OPR-WP 23-09 (Rev.4). Further changes to Article 38 may be necessary once the revision of Article 30 has taken place.

10. Challenges on the implementation of the NAFO Observer Program

The European Union summarised some of the challenges identified during the last 4 years of NAFO CEM Article 30 implementation: verbatim data, the lack of follow-up actions/measures when a discrepancy occurs, lack of submission of data comparison reports when using the derogations, failure to submit annual observer list, late

observer reports, instances where an observer appears as a master on a different vessel of the same company, and a lack of clarity regarding what a two-way communication device is. The group agreed that there is a need for the observers to be a separate presence from fishing companies and that there is a need for observer reporting to be used more for compliance, which was addressed in STACTIC OPR-WP 23-09 (Rev.4). The WG-OPR agreed that these challenges need to be basis for the proposed revision of the program.

The United States suggested potentially putting more restrictions on observer qualifications to encourage a more scientific presence, to avoid the challenges of observers being masters on other vessels and to avoid the copying of catch data by the observer. The Chair suggested Contracting Parties review and share their domestic observer qualifications to see how other Contracting Parties are dealing with this issue, with the goal of developing best practice provisions on observer qualifications. The Chair emphasised the importance of having observers be an independent body to give an unbiased report of the vessel's activities.

11. Other business

a. Cancelation of OBR messages

Canada presented STACTIC OPR-WP 23-10, which proposed changes to the NAFO CEM in regard to the cancelation of OBR messages. Canada explained that the goal of the proposal was to allow for erroneous data to be corrected, while attempting to avoid the creation of potential opportunities for non-compliance by vessels altering messages in advance of inspections. The Secretariat notified the group that currently there are no CAN messages for OBR messages and if this is endorsed, there may be associated costs with updating NAFO systems. The European Union agreed in principle with the proposal, however, they felt a portion of this proposal falls outside the scope of the WG-OPR and would be better presented to STACTIC. Discussion did occur regarding whether the observer application would resolve the concerns around the amendment of daily OBR messages.

Canada noted that it would reflect further on the points raised during the discussion and would consult on possible solutions to the issues raised in STACTIC OPR-WP 23-11.

12. Adoption of the Report

The report was adopted via correspondence.

13. Adjournment

The meeting adjourned at 14:43 (UTC/GMT -4 hours

The Chair (Brent Napier) opened the meeting at 09:07 (UTC/GMT -4 hours in Ottawa, Ontario) on 13 July 2023.

Annex 1. List of Participants

CHAIR	**In-person** Napier, Brent (Canada)
CANADA	**In-person** Browne, Dion Her, Natalie **Virtual** Hickey, Jenelle Warren, Genevieve
EUROPEAN UNION	**Virtual** Babcionis, Genadijus Escudeiro, Joao Ferreira, Carlos Ferretti, Johanna González, Luis Belmonte Grossmann, Meit Head, Francois Mancebo Näks, Liivika Poviliūnė, Eglė Quintans, Miguel Robledo, Carmen Margarita Teresa, Moline Tubio, Xose
JAPAN	**Virtual** AKIYAMA, Masahiro ONODERA, Ryo TAKEHARA, Toya
RUSSIAN FEDERATION	**Virtual** Lizogub, Alexander
UNITED STATES OF AMERICA	**In-person** Jaburek, Shannah **Virtual** Day, Lennie Mencher, Liz Pohl, Katie
NAFO SECRETARIAT	**In-person** Soroka, Mikaela **Virtual** Aker, Jana Laycock, DJ

Annex 2. Agenda

1. Opening of the Meeting
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Terms of Reference
5. NAFO CEM Article 30 Implementation
    a. Data Collection on Sharks
    b. Data Collection on Garbage Disposal At-Sea
6. Standardizing Reporting
    a. Contracting Party reporting requirements
    b. Observer reporting requirements
    c. Tow Times
7. Observer Electronic Application
8. Remote Electronic Monitoring
9. NAFO CEM Article 38 Implications and Review
10. Challenges on the Implementation of the NAFO Observer Program
11. Other Business
    a. Cancelation of OBR messages
12. Adoption of the Report
13. Adjournment

Annex 3. Actions and Recommendations Summary

#	Article	Recommendations Endorsed by STACTIC	Implementation approach
1	30	The WG-OPR recommends a number of tasks to carry out a full update of the Observer Program by 2023 without prejudice to the possibility to amend some elements of the program in 2022, which is identified as a priority.	No further action required
2	30	The WG-OPR recommends establishing a clear mandate for the flag State Contracting Parties to adopt appropriate measures necessary to effectively comply with their responsibilities under the observer program.	Addressed in STACTIC OPR-WP 23-09 Rev.4 Under "Duties of the flag State a Party" new Article 30.3(a)(iii)
3	38	The WG-OPR recommends assessing the need to update Article 38 on serious infringements when undertaking changes to the observer program.	Addressed in STACTIC OPR-WP 23-09 Rev.4 Under "Article 38 – Additional Procedures for Serious Infringements" with updates to new Article 38.1(l) and (r)
4	30	The WG-OPR recommends to revise the use of the expression "trip" and "entry into port" in the wording of Art 30, in light of the definition of fishing trip in the NCEM and with a view to clarify the reporting requirements.	Addressed in STACTIC OPR-WP 23-09 Rev.4 Under "Duties of the flag State Contracting Party" new Article 30.3(f) and under "Duties of the Observers" new Article 30.7(e) and (g)
5	30	The WG-OPR recommends to undertake an editorial revision of the program, including grouping general provisions and flag State Contracting Parties' obligation; and to consider to move to Annex II.M the data elements to be reported by observers.	Addressed in STACTIC OPR-WP 23-09 Rev.4 Under "Duties of the flag State Contracting Party" new Article 30.3(a)(iii)
6	30.6	The WG-OPR recommends considering derogations based on appropriately justified circumstances as described in Article 30.6 a)- e) or the use of remote electronic monitoring and equivalent sensor technologies.	Addressed in STACTIC OPR-WP 23-09 Rev.4 Under "Partial withdrawal of observers" new Article 30.4
7	30.6.d	The WG-OPR recommends to consider the possibility of using REM and equivalent sensor technologies as justification to derogate from a 100% observers' coverage, including questions regarding data storage and retrieval, data standards, data protection and sharing, ownership and maintenance. In connection with this option, the Working Group recommends to develop minimum standards for the system and to identify scientific data that the system could not provide, as well as appropriate alternatives to collect this data (e.g. by the operator).	Addressed in STACTIC OPR-WP 23-09 Rev.4 Under "Duties of the flag State Contracting Party" new Article 30.3(j)(ii). More discussion on new Article 30.3(j)(iii) is required. Addressed in STACTIC OPR-WP 23-09 Rev.4 Under "Partial withdrawal of observers" new Article 30.4

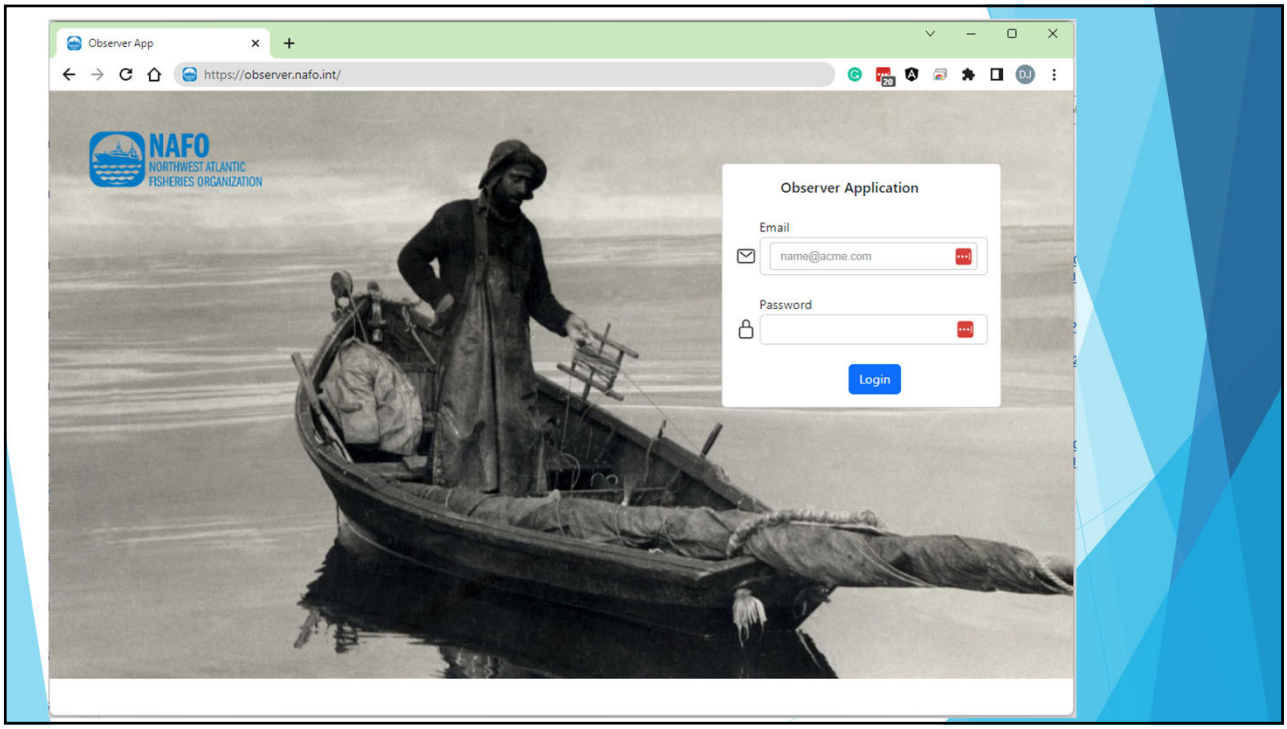
8	30.6.d	The WG-OPR recommend to STACTIC that Contracting Parties share information on their REM and equivalent sensor technologies experiences including successes and any challenges faced.	Addressed in STACTIC OPR-WP 23-09 Rev.4 Under "Partial withdrawal of observers" new Article 30.4
9	30.6.e, 30.9.c, 30.10.d	The WG-OPR recommends the drafting of templates for Contracting Parties' reporting obligations including 30.6.e, 30.9.c, and 30.10.d.	Addressed in STACTIC OPR-WP 23-09 Rev.4 Under "Duties of the flag State Contracting Party" new Article 30.3(j)(vii) and in STACTIC OPR-WP 23-05 Rev.
10	30.8.e	The WG-OPR recommends to establish a common understanding on the meaning of the requirement to ensure that observers are equipped with an independent two-way communication device at sea", in particular whether it entails an independent data connection or only an independent device; as well as, for the latter case, to consider the introduction of an obligation of the Master to provide a data connection for the observer.	Addressed in STACTIC OPR-WP 23-09 Rev.4 Under "Duties of the flag State Contracting Party" new Article 30.3(c)(vii)(1) and (2)
11	30.8.f	The WG-OPR recommends compiling "international standards or guidelines".	Further discussion required
12	30.8.f	The WG-OPR recommends considering developing common standards with regard to training and equipment, unless such standards or guidelines already exist.),	Addressed in STACTIC OPR-WP 23-09 Rev.4 Under "Duties of the flag State Contracting Party" new Article 30.3(c)(vi), but further discussion still required
13	30.10.a	The WG-OPR recommends to simplify the 24h observer deployment notification under Article 30.10(a) of the NAFO CEM.	No further action required – COM doc. 22-10 addressed this recommendation
14	30.14	The WG-OPR recommends to undertake a revision of Annex II.M to incorporate additional elements (e.g. Greenland sharks' data) and to update the associated templates.	Addressed in STACTIC OPR-WP 23-09 Rev.4 Under Annex II.M "Part 5. Data for Each Greenland Shark…" with updates to the table and footnotes
15	30.14	The WG-OPR recommends including within the observers' tasks the verification of average box weights and presentations. In adding these tasks, the frequency or scenarios for that verification must give due regard to the already many tasks of the observers.	Addressed in STACTIC OPR-WP 23-09 Rev.4 Under "Partial withdrawal of observers" new Article 30.4 and under Annex II.M "Part 4. Effort and Catch Summary" with updates to new 4C.

16	30.14	The WG-OPR recommends that the requirements to verify production logbook data and labelling be made more explicit in the NAFO CEMs.	Addressed in STACTIC OPR-WP 23-09 Rev.4 Under "Duties of the Observers" new Article 30.7(c)
17	30.14	The WG-OPR recommends to establish the observer application as a main tool for the observers to carry out their reporting obligations and to explore the necessary steps to be undertaken including by the NAFO Secretariat to produce and maintain the observer application.	Further discussion required
18	30.14.g	The WG-OPR recommends that STACTIC review the wording of 30.14.g.	Addressed in STACTIC OPR-WP 23-09 Rev.4 Under "Duties of the Observers" new Article 30.7(e)
19	30.14.j	The WG-OPR recommends to include as part of the revision of the observers' reporting template (Annex II.M) information on maturity, disposition, pictures and fork length of Greenland sharks, and to the extent necessary, location; as well as an indication that data collection is done minimizing damage to the sampled individuals.	Addressed in STACTIC OPR-WP 23-09 Rev.4 Under Annex II.M "Part 5. Data for Each Greenland Shark…" with updates to the table and footnotes
20	30.14.j	The WG-OPR recommends to seek the Scientific Council's input on STACTIC WP 21-49 Rev 3 as well as any resulting proposal.	Ensure SC has received request to review recommendation to provide advice to STACTIC
21	30.16	The WG-OPR recommends clarifying the wording of 30.16, linking the cost to the deployment of the observer.	Addressed in STACTIC OPR-WP 23-09 Rev.4 Under "Duties of the flag State Contracting Party" new Article 30.3(c)(i)
22	30.18	The WG-OPR recommends that the Duties of the Executive Secretary (30.18) are revised in light of the changes adopted in the observer program and that an assessment on the need to allocate appropriate resources to the Secretariat is carried out.	Addressed in STACTIC OPR-WP 23-09 Rev.4 Under "Duties of the flag State Contracting Party" new Article 30.3(a)(iii) Further Discussion Required
23		STACTIC recommends to further discuss how Contracting Parties ensure that observers execute their duties in an unbiased manner, free from undue influence or benefit linked to the fishing activity of the vessel, in accordance with Article 32.2 and are independent and impartial in accordance with Article 30.4	Addressed in STACTIC OPR-WP 23-09 Rev.4 Under "Duties of the flag State Contracting Party" new Article 30.3(c)(i),(ii), (iii), and (iv) as well as Article 30.3(c)(g)

Additional Tasking from STACTIC:

		Tasking	**Implementation Approach**
		At the 2022 STACTIC Annual Meeting, it was agreed that the discussion on the proposal to standardize tow time recording (STACTIC WP 22-44) would continue within the WG-OPR.	Addressed in STACTIC OPR-WP 23-09 Rev.4 Under Annex II.M "Part 2. Catch and Effort Information by [tow/set]" with updates to the table and footnotes

Annex 4. Observer Application Presentation
(STACTIC OPR-WP 23-12)



1

Presentation Outline

- Background
- Data Flow
- Demonstration

2

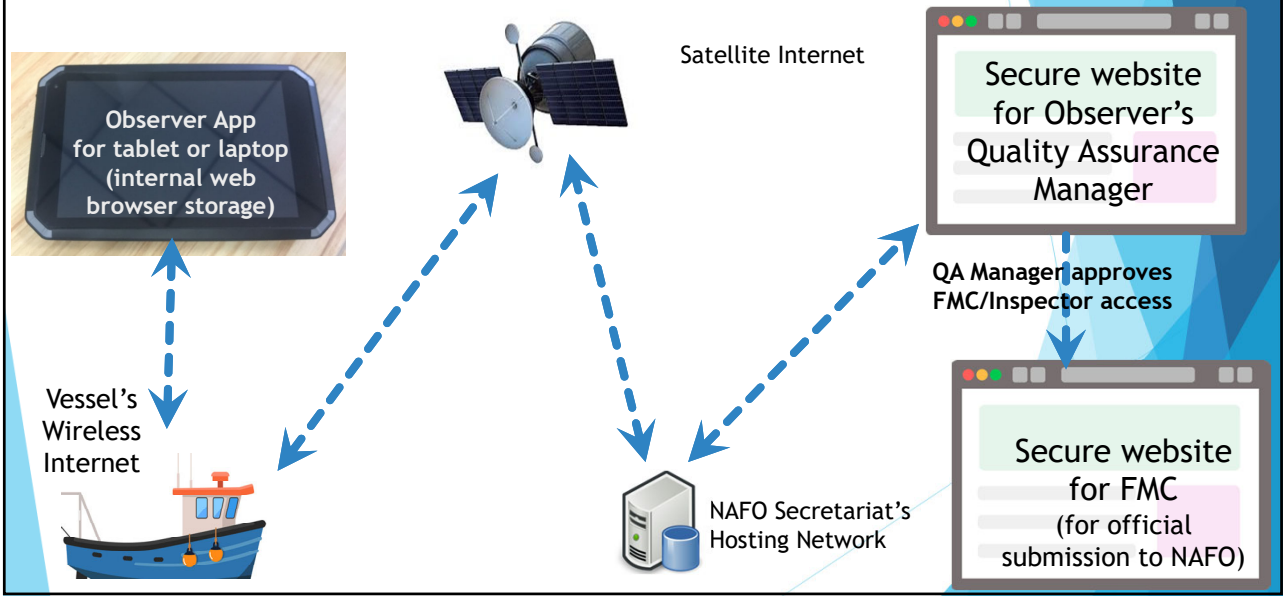
Background

- **Main** Goal of Application (App):

  Independent means to report observer information **without** the use of FMC's or vessel's software/email
- Reduce the administrative burden (Observer, Service Provider, FMC, NAFO)
- Application is designed for **offline** usage
- Data transfer with very **slow** satellite internet speed
- Install application version updates with high-speed internet

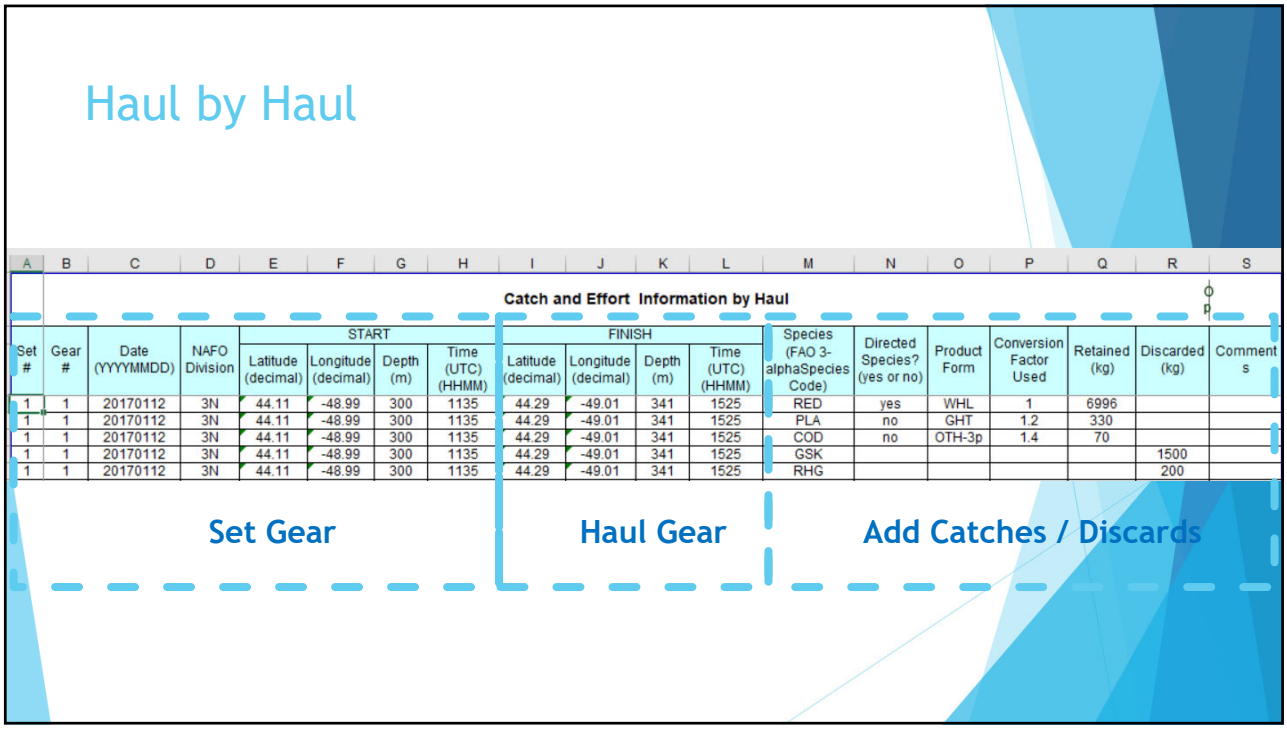
3

Observer Data / Information Flow



4

Haul by Haul



A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S

Catch and Effort Information by Haul

Set #	Gear #	Date (YYYYMMDD)	NAFO Division	START				FINISH				Species (FAO 3-alphaSpecies Code)	Directed Species? (yes or no)	Product Form	Conversion Factor Used	Retained (kg)	Discarded (kg)	Comments
				Latitude (decimal)	Longitude (decimal)	Depth (m)	Time (UTC) (HHMM)	Latitude (decimal)	Longitude (decimal)	Depth (m)	Time (UTC) (HHMM)							
1	1	20170112	3N	44.11	-48.99	300	1135	44.29	-49.01	341	1525	RED	yes	WHL	1	6996		
1	1	20170112	3N	44.11	-48.99	300	1135	44.29	-49.01	341	1525	PLA	no	GHT	1.2	330		
1	1	20170112	3N	44.11	-48.99	300	1135	44.29	-49.01	341	1525	COD	no	OTH-3p	1.4	70		
1	1	20170112	3N	44.11	-48.99	300	1135	44.29	-49.01	341	1525	GSK					1500	
1	1	20170112	3N	44.11	-48.99	300	1135	44.29	-49.01	341	1525	RHG					200	

Set Gear | **Haul Gear** | **Add Catches / Discards**

5