

**45th ANNUAL MEETING OF NAFO - SEPTEMBER 2023****Revisions to the NAFO Observer Scheme**

This paper outlines a possible revision of Articles 30 and 38 and Annexes II.M of the NAFO CEM, in accordance with the recommendations established in STACTIC Working Paper 22-48 (Rev. 2). The working paper was under discussion by the WG-OPR as STACTIC OPR-WP 23-09 (Rev. 6).

CHAPTER V OBSERVER SCHEME**Article 30 – Observer Program*****General provisions***

1. The purpose of this observer program is to collect reliable, independent information and data on activities in the NAFO Regulatory Area. The information and data collected through the observer program shall be made available to any NAFO body requesting it.
2. This program shall apply to all Contracting Parties' fishing vessels operating in the Regulatory Area.

Duties of the flag State Contracting Party

3. Each flag State Contracting Party shall:
 - (a) adopt appropriate measures and set up all administrative, legal, and technical structures necessary to:
 - (i) effectively and fully implement the NAFO observer program;
 - (ii) utilize the data originating from the observer program for control, inspection, enforcement, and as appropriate scientific purposes;
 - (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
 - (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.
 - (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;
 - (c) ensure that its observers:
 - (i) have no financial or beneficial interest in, and are paid in a manner that demonstrates financial independence from the fishing vessel being monitored;



- (ii) execute their duties and functions in an unbiased manner regardless of nationality and of which flag the vessel is flying;
- (iii) are free from undue influence or benefit linked to the fishing activity of the vessel;
- (iv) are independent and impartial;
- (v) treat all data and information related to the fishing operations collected during their deployment, including images and videos taken, in a confidential manner;
- (vi) have the training, knowledge, skills and abilities to perform all of the duties, functions and requirements as specified in this Article;
- (vii) can always establish direct and confidential communication with the flag State FMC when deployed by:
 - (1) ensuring the observer is provided with an independent satellite two-way communication device at sea, and/or
 - (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) ensuring that protocols are put in place for the observer to safely and directly contact the flag State FMC to report safety concerns.
- (d) establish ongoing list of observers that it intends to deploy to vessels entitled to fly its flag operating in the Regulatory Area;
- (e) require its vessels to carry an observer from the list it submitted to the Executive Secretary;
- (f) to the extent practicable, ensure that individual observers are not deployed on consecutive fishing trips on the same vessel;
- (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;
- (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:
 - (i) treat the report with the utmost sensitivity and discretion, in a confidential manner;
 - (ii) assess the reported discrepancies and conduct any follow-up action deemed appropriate;
 - (iii) use the information for risk assessment for inspection, control and surveillance at sea and in port; and
 - (iv) create a report on follow-up actions;
- (i) unless otherwise agreed with another Contracting Party, bear the costs of remunerating every observer it has deployed;
- (j) submit to the Executive Secretary:

- (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;
- (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);
- (iii) without delay, all documents and data relating to its vessels subject to electronic observation program in accordance with paragraph 4(b);
- (iv) without delay, the PSC-3 report referred to in paragraph 5;
- (v) without delay following its receipt, the daily OBR report referred to in paragraph 7(a);
- (vi) without delay following its receipt, the observer trip report information referred to in paragraph 7(b);
- (vii) by 1 March each year for the previous calendar year, a report on its compliance with the obligations outlined in this Article, including:
 - (1) the follow-up actions referred to in paragraph 3(h)(iv); and
 - (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;
- (k) subject to the exception in paragraph 4, ensure that every fishing vessel flying its flag:
 - (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
 - (ii) does not carry out fishing activities until an observer is deployed on the vessel.

Partial withdrawal of observers

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:
- (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
 - (b) where a vessel deploys an electronic observation program approved by the flag State Contracting Party and;
 - (i) the Contracting Party provides the NAFO Secretariat with a copy of their electronic observation standards and guidelines; and
 - (ii) the Contracting Party submits a completed copy of the Annex II.M Observer Report within 3 months of the electronically observed trip.

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. 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.

Duties of the Observers

7. Each flag State Contracting Party shall ensure that its observers perform, at a minimum, the duties listed below:
 - (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;
 - (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;
 - (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;
 - (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;
 - (d) record any observed interruption or interference with VMS;
 - (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;
 - (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;
 - (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. 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).

Obligations of the Master

9. Each flag State Contracting Party shall ensure that masters of vessels entitled to fly their flag:
 - (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);

- (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;
- (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;
- (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;
- (e) include the observer in all emergency drills conducted on board;
- (f) notify the observer when an inspection party has signaled their intent to board the vessel; and
- (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.

Duties of the Executive Secretary

10. The Executive Secretary:

- (a) posts without delay the information received in accordance with paragraphs 3(j)(i)-(vi) to the NAFO MCS Website and ensures it is made available without delay to all Contracting Parties, solely for control and enforcement purposes;
- (b) makes available upon request the observer data, including the daily OBR report, to other NAFO bodies;
- (c) makes available to flag State Contracting Parties software (NAFO Observer App) enabling the transmission of the information referred to in Annexes II.G and II.M in accordance with paragraphs 7(a) and (e);
- (d) where the information referred to in Annex II.G has not been received for 2 consecutive days, notifies the flag State Contracting Party and any Contracting Party participating in the at-sea Inspection and Surveillance Scheme that an OBR has not been received;
- (e) submits to STACTIC a synthesis of the Contracting Parties reports referred to in paragraph 3(j)(vii); and
- (f) where a Contracting Party has not provided the report required in paragraph 3(j)(vii) by the Executive Secretary by close of business on the specified deadline, submits a request for the report to the Contracting Party.

Implementation

11. STACTIC will review the implementation of this observer program in 2024.

Annex II.M Standardized Observer Trip Report information

Part 1. A - Fishing Vessel – Fishing Trip and Observer Information

Fishing Vessel information	
Vessel Name	
Vessel Radio Call Sign	
Flag State	
Vessel IMO number	
Total Frozen Hold Capacity (m ³)	
Fish Meal Hold Capacity (m ³)	
Other Hold Capacity (m ³)	

Trip information	
Master's Name	
Directed Species	
Date of Entry into NRA (ENT)	
Date of Exit from NRA (EXI)	
NAFO Division/s visited	
Other Area/s visited	
Transshipment	
Port of Landing	

Observer information	
Observer's Name	
Observation Date Started	
Observation Date Ended	
Date of Report	

Comments

Part 1.B - Fishing Gear Information

Trawl Gear																				
Gear Number	Gear Type	Gear Make	Mesh Size (mm)												Measured by observer/inspector/master	Date measured	Attachments	Grate Spacing	Straps (Describe)	Comments
			Wings			Body			Lengthening Piece			Codend								
			High	Low	Average	High	Low	Average	High	Low	Average	High	Low	Average						
1																				
2																				
3																				

Longline											
Gear Number	Gear Type	Total Length	Hooks			Hook size	Buoys	Anchors	Main line material	Bait line material	Comments
			Number	Average spacing (m)	Hook type		Marked yes/no	Number			
1											
2											
3											
...											



Part 2. Catch and effort information by fishing operation

Tow/ Set	Gear Number	Start of Gear Setting ¹						End of Gear Setting ²					
		NAFO Division	Latitude (decimal)	Longitude (decimal)	Depth (m)	Time (UTC) (HHMM)	Date (YYYYMMDD)	NAFO Division	Latitude (decimal)	Longitude (decimal)	Depth (m)	Time (UTC) (HHMM)	Date (YYYYMMDD)
1													
2													
3													
...													

Gear Retrieval Start ³						Gear Retrieval End ⁴						Duration ⁵	Species (FAO 3-alpha Species Code ⁶)	Directed Species (yes or no)	Product Form	Observers Estimates				
NAFO Division	Latitude (decimal)	Longitude (decimal)	Depth (m)	Time (UTC) (HHMM)	Date (YYYYMMDD)	NAFO Division	Latitude (decimal)	Longitude (decimal)	Depth (m)	Time (UTC) (HHMM)	Date (YYYYMMDD)					Observer Conversion Factor Used	Retained (kg live weight)	Discarded (kg live weight)	Undersized (kg live weight)	Observed Fishing Operation (Y/N)

Fishing Logbook			Vessel Production Logbook		Potential non Compliance with the CEM (yes/no)	Potential non Compliance Details	Comments
Vessel Conversion Factor Used	Retained (kg live weight)	Discarded (kg live weight)	Retained (kg)				

¹ Data at the time when gear first enters the water.

² Data at the time gear is fully set.

³ Data at the time the start of gear retrieval.

⁴ Data at the time gear is fully retrieved and onboard vessel.

⁵ Decimal hours. In the case of trawl fisheries, the time from the end of setting to the start of gear retrieval. In any other case, the time from the start of gear setting to the end of retrieval.

⁶ Including VMEs indicators.



Part 3. Trip Observations

Observations	Y/N	Details
Any instance of obstruction, intimidation, interference with or otherwise prevention of the observer from performing his/her duties.		
Summary of potential non-compliance with the CEM (please include references)		
Functioning of the satellite tracking device (report all interruptions, interference and malfunctions)		
Transshipments (report all)		
At-Sea Inspections (report dates, times and any other observation)		
Any other observation		

Part 4. Effort and Catch Summary⁷

4A. Effort Summary

Effort Summary Table									
NAFO Division	Gear Type	Directed Species*	Date		Number of Tow/sets	Depth (m)		Hours fished**	Fishing Days***
			Start	Finish		Minimum	Maximum		

* As per CEM Article 5.2

** In the case of trawl fisheries, fishing time is the time from the end of setting to the start of gear retrieval. In any other case, fishing time is the time from the start of gear setting to the end of retrieval. Summed haul duration for all hauls in the listed division, by gear type and directed species

*** As per CEM Article 1.6

Comments	
1	On Fishing activity by Division
2	On Data Communication
3	On Mesh sizes
4	Other issues

4B. Catch Summary

Trip Catch Summary (catch by Division and Species)							
		Observer Estimates			Recorded in the Fishing Logbook		
Species (FAO 3-alpha Species Code)	Division	Retained (kg live weight)	Discarded (kg live weight)	Total (kg live weight)	Retained (kg live weight)	Discarded (kg live weight)	Total (kg live weight)
Total							

Comments	
1	On composition of catch and sizes
2	On discrepancies with the fishing logbook entries
3	On discards
4	Other issues

⁷ Based on the information provided in Part 2

4C. Average unit weight verifications

Date	Number of units sampled	Species	Product Form	Average unit weight (Kg)	Average product weight per unit (Kg)	Labelled unit weight in label (Kg)

4D. Verification of labelling

Date	Number of units verified	Number of units with potential non-compliant labelling	Description of the potential non-compliant labelling



Part 5. Data for Each Greenland Shark Caught per Fishing Operation⁸

Tow/Set Number	Total Number of Greenland sharks in Tow/Set	Shark Number	Estimated Weight (kg live weight)	Total Length (cm, from tip of snout to tip of tail fin)	Total Length Measured (M) or Estimated (E)?	Fork Length (cm)	Fork Length Measured (M) or Estimated (E)?	Sex and Maturity ⁹	Catch Disposition ¹⁰	Photo Y/N	Comments, in English to the extent possible

⁸ Data collection on Greenland sharks shall be carried out minimising the damage to the sampled individuals.

⁹ JM: Juvenile male, AM: Adult male, M: Male maturity unknown, F: Female, U: sex and maturity unknown

¹⁰ Indicate at least one of the following catch disposition, as applicable: A: alive, D: dead, UI: uninjured, I: injured, M: moribund, U: unknown.

Part 6. Length Frequency Form¹¹

Year					
Month					
Day					
Gear number					
Tow/Set Number					
Species 3 alpha code					
Catch weight (kg live weight)					
Sample Type (discard, retained, mix)					

Sample Weight in kg live weight					
Min Size					
Max Size					
Sex					
Total Number of Samples (n=)					
Meas. Convention (TL, SL, FL, etc.)					
Measure Type					
Unit (mm or cm)					
Comments					

Size between	Number	Number	Number	Number	Number
9.5-9.99					
10.0-10.49					
10.5-10.99					
11.0-11.49					
11.5-11.99					
12.0-12.49					
12.5-12.99					
...					
...					
...					
97.0-97.49					
97.5-97.99					
98.0-98.49					
98.5-98.99					
99.0-99.49					
99.5-99.99					
100.0-100.49					
...					

¹¹ To be filled in based on scientific data collection instructions



Annex II.D
Data Exchange Format and Protocols

Category	Data Element	Field code	Type	Content	Definitions
Activity Details	[...]	[...]	[...]	[...]	[...]
	Potential non-Compliance with CEM	AF	Char*1	Y or N	For onboard observer to report their observations
	[...]	[...]	[...]	[...]	[...]

Annex II.G
Observer Report

Data Element	Code	Mandatory / Optional	Requirements for the field
[...]	[...]	[...]	[...]
Potential non-compliance with the NAFO CEM	AF	M	Activity detail; "Yes" or "No" ⁴
[...]	[...]	[...]	[...]

[...]

⁴ "Yes" if the observer detects any potential non-compliance with the CEMs

[...]

Article 38 – Additional Procedures for Serious Infringements

List of Serious Infringements

1. Each of the following violations constitutes a serious infringement:

[...]

- (1) obstructing, intimidating, interfering with, bribing or attempting to bribe, compromising the safety of or otherwise preventing inspectors or observers from performing their duties, including prior, during or after the relevant observed or inspected fishing trip;

[...]