

**39th ANNUAL MEETING OF NAFO - SEPTEMBER 2017****Amendment of Article 45 – Obligations of the Master of a Fishing Vessel****Background:**

The NAFO Conservation and Enforcement Measures contains requirements for both prior notification of entry into port in article 43-6, and authorisation to commence landing or transshipment can only be given, up on a confirmation from the flag State Contracting Party as referred to in Article 44-2.

According to article 45-1, Masters of vessels or their representative intending to enter port shall forward the request for entry to the competent authorities of the port State Contracting Party within the request period referred to in Article 43-2. The form provided for in Annex II.L with Part A duly completed shall accompany such request. The form contains Estimated Time of Arrival (ETA) for the port call, which is essential when it comes to organizing the port state control.

In most cases, the authorization is given shortly after the Masters of vessels or their representatives has submitted the PSC format, thereby granting the vessel permission for use of ports (landing/transshipment). This means that vessel can commence authorised activities in port, prior to the ETA stated on the authorised PSC document since there is no language connecting the ETA with the authorisation in article 43-6, causing the Port State difficulties in relations to port state control.

Article 43-13 states that an inspection of vessel in port by a port State Contracting Party shall involve the monitoring of the entire landing or transshipment of fishery resources in that port, as applicable. A planned port control can no longer take place if inspectors show up and landing or transshipment has already commenced.

Proposal:

It is proposed to add a new paragraph, in order to link the ETA stated in the prior notification according to article 45 paragraph 1, for more effective port state control.

Insert a new paragraph number 3 in Article 45, that would read as follows:

Article 45 – Obligations of the Master of a Fishing Vessel

3. The master of a fishing vessel shall not commence landing or transshipment operations prior to the Estimated Time of Arrival (ETA) as reported in PSC 1 or PSC 2 has expired. However, landing or transshipment operations may commence prior to ETA with permission from the competent authorities of the Port State.

Current paragraph number 3 in article 45 will become paragraph number 4.

