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European Economic Community (EEC) Proposals for Amendments to NAFO Scheme  
of Joint International Enforcement

During the Meeting of STACTIC in March 1979 the EEC delegation declared that certain technical amendments would have to be made to the NAFO version of the Scheme of Joint International Enforcement as agreed by ICNAF in order to take account of the fact that the Community was a Contracting Party to NAFO.

Please find below the text proposed by the EEC for those paragraphs of the Scheme which in their view would have to be amended. Proposed new language is underlined, and deleted language indicated by brackets for ease of comparison.

Paragraph 1.

Control shall be carried out by inspectors of the fishery control services of Contracting Parties. The names of the inspectors appointed for that purpose by the appropriate authority of the respective Parties shall be notified to the Commission. Appropriate authorities of Contracting Parties shall also notify the Commission of the names of the authorities designated to receive immediate notice of infringements and the means by which they may receive and respond to radio communications. Each Contracting Party which has, at any time, more than 15 vessels under its regulatory powers or under charter or contract to persons under its jurisdiction, engaged in fishing for sea fish or in the treatment of sea fish in the Regulatory Area shall, during that time, have an inspector or other designated authority present in the Regulatory Area (and Statistical Areas 0 and 6), or other designated authority present in a country (of a Contracting Government which is) adjacent to the Convention Area, to receive and respond, without delay, to notice of apparent infringements.

Paragraph 3.

Each inspector shall carry a document of identity supplied by his authorities in a form approved by the Commission and given him on appointment stating that he has the authority to act under the Scheme approved by the Commission. The document shall be produced by the inspector upon boarding a vessel under this Scheme.

Paragraph 4.

- (v) The master shall enable the inspector to examine and photograph catch, nets, or other gear and any relevant documents as the inspector deems necessary to verify the observance of the Commission's regulations in force in relation to (the flag state of) the vessel concerned.
- (vii) Contracting Parties shall be required to inform the Executive Secretary when an inspection vessel of that Contracting Party <sup>(1)</sup> is in the Regulatory Area.

Paragraph 5.

- (i) Inspections shall be made so that the vessel suffers the minimum interference and inconvenience. The inspector shall limit his inquiries to the ascertainment of the facts in relation to the observance of the Commission's regulations in force in relation to (the flag state<sup>2</sup> of) the vessel concerned. In making his examination, the inspector may ask the master for any assistance he may require. He shall draw up a report of the inspection on a form approved by the Commission. The inspector shall sign the report in the presence of the master who shall be entitled to add or have added to the report any observations which he may think suitable. The master must sign such observations, and he must sign the report without prejudice to future proceedings.

\* Originally presented to the First Annual Meeting as NAFO Circular Letter 79/4 dated 18 May 1979.

<sup>(1)</sup> In the case of the European Economic Community, the term "inspection vessel of that Contracting Party" shall mean an inspection vessel of one of the Member States of the European Economic Community.

A copy of the report shall be given to the master of the vessel and the original shall be transmitted, within 30 days whenever possible, to the appropriate authority of the Contracting Party exercising regulatory powers over the inspected vessel. A copy shall be forwarded to the Commission.

- (v) Where an inspecting officer observes an apparent infringement of the regulations prohibiting:
- a) Fishing in a closed area or with gear prohibited in a specific area;
  - b) Fishing for stocks or species in a region after the date on which the Contracting Party exercising regulatory powers over the inspected vessel has notified the Executive Secretary that vessels under its regulatory powers will cease a directed fishing for those stocks or species;
  - c) Fishing in an "Others" quota without prior notification to the NAFO Secretariat, or more than 10 days after the "Others" quota, for that stock or species has been taken and Contracting Parties have been so informed by the Executive Secretary; and
  - d) Fishing without proper Contracting Party registration documents; (for the area where the vessel is found fishing;)

the inspector shall, with a view toward facilitating Contracting Party action on the apparent infringement, immediately attempt to communicate with an inspector of the inspected vessel's flag state known to be in the vicinity, or the authority designated in accordance with paragraph 1 above by the Contracting Party exercising regulatory powers over the inspected vessel. The master of the inspected vessel shall arrange for messages to be sent and received by using his radio equipment and operator for this purpose. At the request of the inspector, a master shall cease all fishing which appears to the inspector to be in contravention of regulations cited above. During this time, the inspector shall complete the inspection and, if he is unable to communicate with an inspector or designated authority of the Contracting Party exercising regulatory powers over the inspected vessel within a reasonable period of time, he shall leave the inspected vessel and communicate as soon as possible with an inspector or designated authority of the Contracting Party exercising regulatory powers over the inspected vessel. However, if he succeeds in establishing communications while on board the inspected vessel, and provided that the inspector or designated authority of the Contracting Party exercising regulatory powers over the inspected vessel agrees, the inspector may remain aboard. So long as the inspector remains aboard, the master may not resume fishing until the inspector is reasonably satisfied either with the action taken by the vessel's master, or as a result of his communication with an inspector or designated authority of the Contracting Party exercising regulatory powers over the inspected vessel, that the vessel will not repeat the apparent infringement for which it has been cited.

- (vi) The inspector may request that the master remove any part of the fishing gear which appears to the inspector to have been used in contravention of the Commission's regulations in force in relation to (the flag state of) the vessel concerned. An identification mark approved by the Commission shall be affixed to any part of the fishing gear which appears to the inspector to have been so used, whether removed or not, and the inspector shall record these facts on his report. The mark shall be so affixed as to ensure that this part of the gear will be preserved with the mark attached, and it shall be so preserved until it has been viewed by an inspector or designated authority of the Contracting Party exercising regulatory powers over the inspected vessel who shall determine the subsequent disposition of the gear.
- (vii) The inspector may photograph the fishing gear in such a way that the identification mark and measurements of the fishing gear are visible, in which case the subjects photographed should be listed in the report and copies of the photographs should be attached to the copy of the report to the Contracting Party exercising regulatory powers over the inspected vessel.

Paragraph 6.

Appropriate authorities of a Contracting Party notified of an apparent infringement committed by a vessel over which it exercises regulatory powers shall take prompt action to receive and consider the evidence of the alleged infringement, conduct any further investigation necessary for disposition of the alleged infringement, and whenever possible, board the vessel involved. Appropriate authorities of the Contracting Party exercising regulatory powers over the vessels concerned shall cooperate fully with appropriate authorities of the Contracting Party having designated the inspector to ensure that the evidence of the alleged infringement is prepared and preserved in a form which will facilitate judicial action on it.

Paragraph 7.

An inspector observing a failure of a vessel to enable an inspection party to board after being properly signalled shall:

- (i) Report the apparent infringement as soon as possible to any inspector of the flag state known to be in the vicinity or a designated authority of the Contracting Party exercising regulatory powers over the vessel concerned;
- (ii) Prepare a report giving as much information as possible, including the distance from which the signal was given, the visibility at the time, sea state, wind and icing conditions.

Paragraph 10.

Appropriate authorities of Contracting Parties shall consider and act on reports of foreign inspectors under this Scheme on the same basis as reports of national inspectors. The provisions of this paragraph shall not impose any obligation on the appropriate authorities of a Contracting Party to give the report of a foreign inspector a higher evidential value than it would possess in the inspector's own country. Appropriate authorities of Contracting Parties shall collaborate in order to facilitate judicial or other proceedings arising from a report of an inspector under this Scheme.

Paragraph 11.

- (i) Appropriate authorities of the Contracting Parties shall inform the Commission by 1 March each year of the provisional plans for participation in these arrangements in that and the following year and the Commission may make suggestions to the appropriate authorities of the Contracting Parties for the coordination of their operations in this field including the number of inspectors and the number of ships carrying inspectors.
- (ii) The arrangements set out in this regulation and the plans for participation shall apply between Contracting Parties unless otherwise agreed between them; and such agreements shall be notified to the Commission:

Provided, however, that implementation of the Scheme shall be suspended between any two Contracting Parties for no more than one year, if either of them has notified the Commission to that effect, pending completion of an agreement.

Paragraph 12.

Appropriate authorities of each Contracting Party shall report to the Commission by 1 March each year for the previous year:

- (i) Compilation of the inspections of the vessels over which they exercise regulatory powers by any authorized NAFO inspectors. This report shall refer specifically to each inspection by vessel name, date, position, and the nature of any alleged infringement.
- (ii) The status of disposition of each alleged infringement by a vessel over which they exercise regulatory powers. Each alleged infringement shall be listed annually until the action taken is final under the laws of the flag state. Any punishment imposed shall be described in specific terms, including the amount of any monetary penalty actually paid and the length of any imprisonment actually served.

17 May 1979

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European Economic Community