

Northwest Atlantic



Fisheries Organization

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(Revised)

New Proposals and Studies recommended

by the

Working Group on Conservation and Enforcement Measures

1. The Working Group on Conservation and Enforcement Measures would like to endorse the recommendation which can be read in the last four paragraphs of Part II. A of NAFO FC Working Paper 81/III/1, that further work on escapement and selectivity problems associated with the use of strengthening ropes, splitting straps and codend floats be carried out as soon as possible so that NAFO Regulations can reflect the results of such work.
2. It should be clear from NAFO Regulations that a chafer is not a part of the net but an attachment to the net. Present Regulations do not stipulate how to measure the meshes of a chafer. The Working Group recommends that a proposal be made to the Fisheries Commission to provide for the method of measuring those meshes.

It is suggested that this could take the form of Rule C 2 with perhaps the following text:

2. For the purpose of conformity to Schedule VI mesh size means:
  - (a) when specified to be not less than that of the codend, the size determined as the average of the measurements, in millimeters, of any 10 consecutive meshes running parallel to the long axis of the codend, beginning from the after end of the chafer, as far away from any attaching means as possible, measured wet after use, with the chafer still in position on the codend, using the appropriate gauge as described in Schedule V.
  - (b) when specified to be twice that of the codend, the size determined as the average of the measurements, in millimeters, of any 10 consecutive meshes running parallel to the long axis of the codend, beginning at the after end of the codend, at least 5 meshes from the lacing, measured wet after use, with the chafer still in position on the codend, using an appropriate metallic metric ruler graduated in millimeters.

If this proposal would be accepted, present Regulation C 2 would become new Regulation C 3.

Furthermore, in Schedule VI, all the sentences referring to the net being wet or wet or dry and any method of measuring the mesh sizes, should be eliminated.

The experts should consider whether an average of 10 consecutive meshes should confer sufficient precision on the measurement of the mesh sizes of ICNAF-type chafers.

With Polish-type chafers it is not practical to measure 20 consecutive meshes and it must be noted that to some experts the multiple flap-type chafer cannot be considered reliable with regard to impediment of the mesh size of the codend if the mesh size of the chafer is not exactly the size of that of the codend. The Fisheries Commission should consider the elimination of this type of chafer.

3. Regulation 3(c) has the disadvantage that the Executive Secretary, and consequently all Contracting Parties other than those notified, cannot know for sure the date of receipt of the notification. This lack of knowledge will cause difficulties in the enforcement of the Regulation and in the confirmation of any penalties to be applied to the corresponding infringement. Furthermore, the date fixed by the Executive Secretary, under Part I Rule A 3(b), should, at least in theory, be a future date in relation to the date of issue of the telex or cable, which the Working Group would propose as means of communication, in order to speed up action. As a result "3 working days" could be in many cases too short a period for the beginning of the prohibition of the fishery.

The Working Group recommends that the texts of Rule 3(b) and 3(c) be altered as follows:

- 3(b) The first line to be replaced by the following: "The Executive Secretary shall notify by telex or cable all Contracting Parties of the date on which, for a"
- 3(c) The first line to be replaced by the following: "Within 7 days of the date of issue of such a telex or cable by the Executive Secretary, each"

Consequently in Part IV, Rule 5(v)(c), the last 3 lines should be replaced by the following text:

"or more than 7 days after the date of issue of a telex or cable by the Executive Secretary informing all Contracting Parties of the date on which a certain "Others" quota is presumed to be fully caught and fishing under that quota should cease;"

4. In Part II - Gear, Regulations A 1 and 2, 2-seam trawls and 4-seam trawls only were considered. It was reported to the Working Group that there might be 5-seam trawls or other special constructions, not found within the conception of 2-seam and 4-seam trawls, which could be used commercially.

It is suggested that the Fisheries Commission should request every Contracting Party that would have any knowledge of such trawls to provide information and suggestions on how to define the components of such trawls.

5. The Working Group proposes to add, as soon as possible, to the Conservation and Enforcement Measures, as a new Schedule, full page drawings of the various types of trawls, i.e. mid-water and bottom, 2-seam and 4-seam, with square and without, which would provide a guideline to the nomenclature of the trawl net. Members are invited to recommend any appropriate examples known to their experts.
6. Schedule VI does not make clear if topside chafers, in particular the modified Polish-type, will be allowed to cover the whole length of the codend inclusive of lengthener(s). If this is so, the text of Schedule VI must mention the lengthener(s) and that the lengths limiting the cover include the lengths of lengthener(s), if any.
7. Experience has shown that it would be of advantage to add a new item to Part III, Rule B 2 which could read as follows:
  - (g) whether the vessel is a fishing or processing vessel and, in the event of being a fishing vessel, what type of gear she will utilize.

The Working Group recommends that a proposal along these lines be made to the Fisheries Commission.

8. It has been noticed by the Working Group that Part IV Rules 1(i), 2, 5(i), 11 and 12 are the only Regulations binding on the Contracting Parties where notifications to the Commission are stipulated. From the text of the Convention, and from the Rules of Procedure, and from the way in which the Fisheries Commission functions, it appears that it would be more logical, and in some cases the only practical possibility, that all notifications from the Contracting Parties should be made to the Executive Secretary and this official, in turn, would then communicate it to all members of the Commission.

The Working Group recommends that it be proposed to the Fisheries Commission to correct the text of Part IV where indicated above by replacing the "notification to the Fisheries Commission" with "notification to the Executive Secretary" followed by communication of the information received to all Fishery Commission members.

9. The Working Group notes that as a result of a previous amendment the comments and the signature by the master of the vessel (#29 of the Report of Inspection) come after the master has signed the Report. The Group feels that this was done intentionally so that the master's comments are completely free from the inspector's actions. However, it would seem that in this manner, the comments of the master are not really part of the Report and if this conclusion is valid, then #29 could be eliminated or else the master's comments should be made before the receipt of the Report by the master in #28. Before this reversal, however, maybe the words "any part of" should be eliminated. This is, however, a legal problem and the Group does not feel entitled to take up any final position on the matter.
10. The expression "fisheries jurisdiction of vessels" has been eliminated from the text of all the Conservation Measures by decision of the Fisheries Commission. Unfortunately, the revision now carried out by the Working Group revealed that this same expression has not been eliminated from the text of the Scheme of Joint International Enforcement as it still appears in the last but one line of Rule 5(i), the last line of 5(iv), the 12th line of Rule 5(v) and the 2nd line of 12(i).

In 5(i) the correction should be made as it has already been made in other parts of 5(v) and therefore after the words "appropriate authorities" in the last but two lines, it should read:

"of the Contracting Party for the inspected vessel."

Similarly, in 5(iv) the last two lines, after the words "report sent", should read:

"to an appropriate authority of the Contracting Party for the inspected vessel."

Also, in 5(v) in the 11th and 12th line one should read:

"Contracting Party for the inspected vessel," instead of "Contracting Party exercising fisheries jurisdiction over the inspected vessel,"

Equally, in 12(i) the 1st and 2nd lines should read:

"vessels of that Contracting Party specifying," instead of "vessels over which that Contracting Party exercises fisheries jurisdiction specifying,"

11. In Part IV, Rules 11 and 12, the Working Group, after being informed that very few Contracting Parties, if any, report to the Commission by the 1st of March, decided to recommend to the Fisheries Commission that this date be changed to the 1st of July as the Annual Meeting of NAFO is in September as opposed to the ICNAF Annual Meeting of June.
12. The question of certification of measuring gauges has not been studied by the Working Group but it is felt that, at least in some cases, the master might choose to doubt the validity or accuracy of a measuring gauge which has been used or is being used by an inspector for the measurement of mesh sizes on board his vessel. Such questions may make it necessary that the markings of certified mesh measuring gauges by the different Contracting Parties should be known by all Contracting Parties.  

This is a question that the Working Group recommends to the study of the Fisheries Commission.
13. In one of the last meetings of the Fisheries Commission, the problem of inspection of the vessels engaged in research was raised and discussed without arriving at any conclusion except that without a new firm proposal of alteration, the text should stand as it is. Consequently, the Working Group did not discuss this problem and the present observation in this Report is simply to serve as a reminder.
14. The Working Group is not sure if it would not be advisable to define in a note to Schedule III of Part V what is meant by "round fresh weight". The statisticians know when completing STATLANT forms that this round weight means whole weight, but masters of fishing vessels may not know this fact so clearly.

