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Northwest Atlantic Fisheries Organization



Report of the Standing Committee on International Control
(STACTIC)

21-23 June 2004
Copenhagen, Denmark

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2004

Report of the Standing Committee on the
International Control (STACTIC)
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Report of the Standing Committee on International Control (STACTIC)

**21-23 June 2004
Copenhagen, Denmark**

1. Opening of the Meeting

The Chairman (Martin Newman, EU) opened the meeting and welcomed delegates (Annex 1) to Copenhagen on June 21, 2004 at 10:15 hrs. There were no opening statements.

2. Appointment of Rapporteur

Mr. Robert Steinbock (Canada) was appointed rapporteur.

3. Adoption of Agenda

The revised Provisional Agenda was adopted as modified (Annex 2). It was agreed, as proposed by the delegate of the EU, to add a new agenda item on the functioning of the Joint Inspection Scheme including the issue of inspection times.

4. Compilation of Compliance Data – Presentation by the Secretariat

Mr. Ricardo Federizon presented the Secretariat's compilation of the NAFO fishing reports for the STACTIC compliance analysis (STACTIC Working Paper 04/01-Annex 3) as previously prescribed in STACTIC WP 02/14. He noted that the compilation was prepared to enable easy comprehension, to facilitate the comparison and cross-verification of data from different sources, and to facilitate the identification of data gaps and missing reports. He indicated the following difficulties were encountered during the compilation:

- Reports in non-English language
- Unreadable or difficult to read reports because of poor quality of reproduction
- Incomplete information in the reports, e.g. no information on fishing dates, division or subarea, mesh size, missing hail reports
- Inconsistent information on infringements between the issuing report, cover letters, and reports on inspection and surveillance activities
- Lack of care in specifying units (kg or mt) and in placing decimal points in reporting catches.

He recommended the submission of fishing reports in English, the standardization of the format of observer reports, and the electronic submission of reports to the Secretariat to improve the overall quality of data.

Dr. Johanne Fischer advised that the final compilation will be sent to Contracting Parties before the NAFO annual meeting to allow cross-checking of data before the STACTIC meeting. Delegates expressed appreciation to the Secretariat for the comprehensive compilation of a substantial and complex amount of data. Delegates requested that the Secretariat provide vessel names to the Contracting Parties concerned in order to check the accuracy of the data. It was concluded that this did not contravene the confidentiality rules in Annex XX.3 of the NAFO Conservation and Enforcement Measures (NCEM).

Delegates provided views and a number of concrete suggestions to structure, summarize and improve the coherence and transparency of the data. Some noted that the assessment should reflect an assessment of overall compliance and not just provide an analysis of infringements. The delegate of Iceland suggested that the Secretariat would compile data of the functioning of the VMS, in particular communication between the different Fishery Monitoring Centres (FMC), and the Secretariat. This could help to locate problems and subsequently correct them. The delegate of the EU noted that, in addition to presenting data on fleet compliance, additional data should be provided to reflect Contracting Party obligations to provide a more comprehensive picture of reporting responsibilities. She presented the proposal for this two-part review (STACTIC Working Paper 04/8- Annex 4). This proposal was

supported by delegates and it was agreed that Part I should also include tables on Contracting Parties submission of observer reports and port inspection reports to the Secretariat. It was agreed that while the tables represented a good first step in moving forward with the joint compliance review in September, it was recognized that the list is not exhaustive and additional improvements may be possible by the Secretariat.

5. Functioning of the Joint Inspection Scheme (including Inspection times)

The delegate of the EU noted that the increased number of Canadian inspections in the NAFO Regulatory Area since early May had created considerable uncertainty and frustration for their fishermen and was hampering their legitimate fishing activities. In reference to a June 6, 2004 letter from the Russian Fisheries Representative in Canada to NAFO (NAFO GF/04-259), he raised a number of concerns regarding the application and implementation of the NAFO Joint Inspection Scheme which he considered should be discussed to avoid any misunderstandings. The concerns were as follows:

- Duration of the inspections (usually longer than the prescribed 3 hours for routine situations) – this has been a frequent problem and a list of occurrences was provided to Canada. The EU has seen an improvement concerning respect for the 3 hour time limit since then.
- Absence of prior notification of inspections – in particular at night
- Need to better implement the obligation in Article 24.3 in the NCEM concerning coordination of inspection activities among all inspection platforms operating in the NRA.
- Need to enhance the equitable distribution of inspections and equal treatment of fishing vessels as prescribed by Article 24.6 of the NCEM. He referred to the annual report on objectivity of inspections produced by the Secretariat pursuant to Article 24.6 showing that the EU fleet had received a disproportionately high number of inspections over the last five years.
- High frequency of inspections – high number of inspection vessels relative to the number of fishing vessels has led to some vessels being inspected up to 10 times during a fishing trip. These activities have been described by Canadian authorities as intending to harass non-Canadian fishing activities.
- Use of video cameras during inspections, not limited to the fish processing areas of the vessel, which is not provided for under the NCEM.
- Legal basis for inspections in the NAFO Regulatory Area and Canada's interpretation of the applicability of the control measures in the UN Fish Stocks Agreement (UNFA).

The delegate of Canada noted many allegations of a general nature but the absence of specific incidents. He confirmed the increased number of Canadian NAFO inspections since early May which was necessitated by the increasing level of non-compliance in the NRA by some vessels during 2003 and the threat posed to moratoria stocks by continued directed fishing. He stated that Canadian inspectors are experienced and knowledgeable in the NAFO rules based on substantial inspection experience. He stated that the intent of the enhanced inspections was to target rogue vessels and that the increased inspections have resulted in changes and improvements to fishing behavior. He noted that there are exceptions to the 3 hour rule based on violations and the time of boarding relative to the time of a vessel's tow. He was not aware of any incidents when inspections were not notified in advance and noted that Canada would investigate fully if the details of an incident were provided. He acknowledged inspections do occur at night by Fast Rescue Craft (FRC). He did not see any evidence or statistics that would support a disproportionate number of inspections or unequitable treatment. He stated that Canadian inspectors coordinated their activities with the EU and Faroese inspectors and sought cooperation.

The Secretariat circulated STACTIC Working Paper 04/5 (Annex 5) – to present a quarterly report on the objectivity of inspections between Contracting Parties during January to March 2004 however there was no discussion of the content.

There were no comments from other delegates. The Chair noted that while STACTIC would take note of the concerns expressed, some elements could be discussed bilaterally, while other concerns were highly political and beyond the ambit of STACTIC. The delegate of the EU noted that if prior notification is not provided, it is of the view that inspections could be refused. He stated that if these activities continue with no improvement, then the EU may have to reconsider its participation in the Joint Inspection Scheme.

It was noted that technical experts from Canada and the EU had discussed these concerns in detail as well as specific incidents. The delegate of Canada committed to fully cooperate and undertook to fully review the specific incidents, to cooperate to try to resolve the issues and communicate the results to the EU.

6. Modifications to the NAFO Monitoring and Control Scheme (harmonization of STACTIC WP 03/12 (Revised), 03/17 and 03/18)

Three proposals proposing modifications to the NAFO Monitoring and Control Scheme were tabled at the September 2003 Fisheries Commission meeting. Canada was tasked to seek to harmonize the three proposals and obtain comments through consultations with other Contracting Parties. The delegate of Canada introduced and described STACTIC Working Paper 04/4 (Annex 6) which represents primarily a synthesis of the three proposals as well as the inclusion of new definitions related to infringements. The delegate of the EU recalled that this attempt to improve and reorganize the NAFO Scheme is based on the desire to facilitate a reduction in the current level of 100% observer coverage.

Four main points were discussed extensively:

1. **Scope:** comments on the scope of observer coverage had been provided by Iceland, the EU and Canada. Delegates felt that no progress could be made on the scope issue as the Canadian proposal for guidelines for establishing observer coverage levels had not been elaborated to date. Canada undertook to provide this for September 2004 meeting.
2. **Infringements:** Canada had proposed distinct definitions of infringements and apparent infringements to differentiate between the findings of inspectors and information received from other monitoring sources such as observer data. The delegate of the EU noted that an infringement cited by an inspector obliges a flag State to act under NCEM Article 32, whereas there is no such obligation with findings from other monitoring sources. He noted that this category is intended to feed into inspection activities at sea or in port. In the absence of agreement, it was agreed to defer consideration of the definitions.
3. **Port Inspection:** The Canadian proposal for a two-tiered inspection approach based on analyses of data to pre selected vessels for Level 1 or Level 2 inspection during vessel offloading in a Contracting Party port was considered overly complex and incomplete to ensure a full understanding. Delegates (in particular Ukraine, Russia and Lithuania) expressed significant concerns about not over-complicating inspection procedures. Canada undertook to reflect on these concerns and table a modified Port Inspection Protocol in September 2004.
4. **Web Based Possibilities:** Delegates expressed support for the Canadian suggestion to consider exploring the possibilities of posting reporting data to a secure web site for access by inspecting authorities. It was agreed that this type of solution should be pursued. The delegate of Iceland showed the functioning of such web based solutions on the website of the Icelandic Directorate of Fisheries (www.fiskistofa.is).

Also discussed was the proposal to amend Article 13 – Authorization to Fish. While some concerns were expressed that new measures to deal with IUU fishing should be dealt with in the context of the draft text developed in STACFAC/STACTIC W.P. 04/5 (Annex 7), it was agreed that this could be pursued by STACTIC in parallel with the STACFAC/STACTIC exercise.

Concerns were expressed with the proposal to amend Article 18 to require all fish harvested in the NRA and frozen at sea to be packaged and marked/identified with the species product type/NAFO Division and date. It was agreed to determine current market requirements on product labelling before pursuing this proposal.

The Chair reminded the meeting of the point raised by Norway during the STACFAC/STACTIC meeting concerning landings of vessels that have transhipped fish. Norway undertook to submit a paper to the September meeting.

The delegate of Japan expressed difficulties with Article 23.17 in STACTIC Working Paper 04/4 which called for vessels entering the NRA and that do not carry observers to be available for inspection at a pre-arranged checkpoint. He stated that Japan has no experience with this type of measure in other regional fisheries management organizations and considered the proposed measure as excessive.

The delegate of the EU stated that some conclusions will need to be drawn on the proposal to modify the NAFO Monitoring and Control Scheme in September 2004. He noted that under NCEM Article 23.8, it is unclear whether NAFO will have an observer scheme from 01 January 2005 if recommendations are not provided for a new Scheme.

7. Possible Amendments to the NAFO Conservation and Enforcement Measures (including Annex to describe toggle chains for the shrimp fishery)

The delegate of Canada presented a proposal to modify the NCEM by adding Annex XXII to illustrate and describe toggle chains (STACTIC Working Paper 04/7-Annex 8). The requirement for the use of toggle chains is for vessels fishing for shrimp only in Division 3L. It was agreed to recommend this proposal to the Fisheries Commission subject to the illustration being modified to more accurately reflect the actual proportions.

8. NAFO/NEAFC harmonization on VMS system and Monitoring of Fisheries

The delegate of Iceland presented a proposal developed jointly with Denmark (in respect of the Faroe Islands and Greenland) and Norway to harmonize the VMS message format and reports by fishing vessels consistent with the formats used in NEAFC (STACTIC Working Paper 04/3-Annex 9). It was agreed in principle to amend Annexes IX and X and to add a new Annex to clarify the message system subject to further technical examination. The Secretariat was requested to examine the cost implications of this proposal before the September meeting.

Delegates expressed appreciation for these joint efforts to ensure continuing harmonization in formats between NAFO and NEAFC. It was acknowledged that this was a reciprocal process between organizations.

It was noted that the NAFO and NEAFC Secretariats had agreed to jointly create a new public website on the North Atlantic format. The Secretariats will continue discussions on developing this site to ensure harmonization. STACTIC recommends that a joint NAFO/NEAFC group of experts be appointed to oversee the North Atlantic format. A similar recommendation has been made by the control group of NEAFC (PECCOE). The delegate of Norway advised that a FAO Experts Consultation on data formats and procedures in monitoring control and formats would be hosted by Norway during September 27-29, 2004 in Bergen with invitations limited to experts from a specified group of countries.

9. Update on 2003 Observer/VMS Pilot Project

It was noted that there are currently three vessels participating in the pilot project – one from Iceland and two from Norway. Delegates provided updates on their expected participation this year. It was noted that information on the pilot project participation is updated on the NAFO website under the Members Pages (STACTIC Working Paper 04/2-Annex 10).

10. Increase of Inspection Presence in the NRA (i.e. review of current coverage, associated costs, sharing of costs)

The delegate of the EU explained the background. At the 2003 NAFO meeting, the EU suggested that Contracting Parties not sending a patrol vessel to the NRA should be prepared to help defray the significant costs of the inspection presence. It was decided to task STACTIC to review the current coverage, which Contracting Parties provide coverage and the associated costs, and the possible options for more broadly sharing these costs. STACTIC was requested to report and recommend options towards more equitable sharing of coverage and/or costs.

There was a recognition by experts that there was room for improvement in enhanced communications and coordination at the operational level between inspection platforms and for exchanges of inspectors - while paying due regard to some restrictions to exchanges on military vessels. The delegate of the EU noted its intent to pursue further discussions on enhanced opportunities for this type of cooperation.

The delegate of the EU sought the views of other delegates as to how they envisaged sharing the “inspection burden”. The delegate of Canada supported the EU proposal for more broad participation in the Joint Inspection Scheme. In the past, Canada has invited inspectors from other Contracting Parties to participate on the Canadian inspection platform and could make both Canadian inspection vessels and inspectors available. The delegate of

Russia concurred with the Canadian proposal and advised that Russia has well-qualified inspectors available. The delegate of Denmark (on behalf of the Faroe Islands and Greenland) noted the cooperation in the NAFO area among inspectors from the Faroes, Greenland and Russia last year. The Chair opined that the pooling of costs of an inspection platform and a possible multinational pool of NAFO inspectors could help to develop a common approach to inspections - thus improving confidence and building bridges among Contracting Parties. He noted that this could involve cooperation in the deployment of inspectors and the coordination of areas and vessels to be inspected. **STACTIC recommends that Contracting Parties increase this cooperation, involving in particular the exchange of inspectors, including from Contracting Parties that do not currently have an inspection presence in the NRA.**

11. SCS Doc. 00/23 (FC Doc. 03/18) – Consideration of Possible Options to Provide Observer Data to the Scientific Council

The Chair advised that STACREC was reiterating forcefully the request from the Scientific Council for observer data on a set-by-set basis in a format consistent with SCS Doc 00/23, as adopted by the Fisheries Commission (STACTIC Working Paper 04/6-Annex 11). The harmonized NAFO observer program data system proposal is presented in NAFO FC Doc. 03/18. After extensive discussion concerning the uncertainty of how to implement the request as well as the costs and administrative burden, delegates considered that it may be premature to pursue this matter pending a new Observer Scheme. It was agreed to defer consideration of this item but that it should kept on the agenda for the September 2004 annual meeting.

12. Other Matters

There were no other matters.

13. Adoption of Report

The report for the meeting was adopted. The report, as well as relevant working papers, will be posted to the NAFO website.

14. Adjournment

The meeting adjourned on Wednesday, June 23, 2004 at 15:45 hrs. The next meeting will be held in September, 2004.

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Annex 2. Agenda

1. Opening by the Chairman (Martin Newman, EU)
2. Appointment of Rapporteur
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**Annex 3. The Compilation of NAFO Fishing Reports for
STACTIC Compliance Analysis (by NAFO Secretariat)**
(STACTIC Working Paper 04/1-Revision 1)

I INTRODUCTION

STACTIC Working Paper 02/14 dated May 2002 requires the NAFO Secretariat (NS) to compile information from catch statistics (Recording of Provisional Catches, STATLANT data), from port and inspection at sea reports, summary data of observer reports, VMS, surveillance in the NAFO Regulatory Area (RA), and other relevant information available to the Executive Secretary.

The objective of the compilation is to enable STACTIC to produce a compliance report at the NAFO Annual Meeting in September 2004. The compilation permits easy comparison of the data from different sources.

II DATA COMPILATION

A. Fishing Trip

STACTIC Working Paper 02/14 specifies that the compilation of catch information for each vessel from various sources (i.e. VMS, Observer, Port, and Inspection Reports) should be tabulated on a “fishing trip” resolution. According to the CEM definition, a fishing trip refers to “the time beginning when the vessels enters the Regulatory Area and ending when the vessel leaves the Regulatory Area and all catch on board from the Regulatory Area is unloaded or transshipped” (CEM 2004). This definition applies largely to the fishing periods reported by port inspectors. However, the fishing dates indicated in Observer Reports and VMS hail reports do not usually correspond to a “fishing trip”. Splitting or combining the catch data from the respective VMS or Observer reports to derive the catch of a “fishing trip” is virtually impossible. Therefore, for the purpose of this compilation, a fishing period refers to the start and end dates as indicated in the Reports, and does not necessarily imply a fishing trip.

In order to facilitate comparison of catch information from different sources the various reports were tabulated in chronological order and aligned to correspond with the dates of the other sources (see Table 1). This system allows the identification of data gaps or missing reports as they represent blank cells in the compilation tables (submitted separately from this Working Paper).

B. The Compilation Tables

The compilation of the information is presented in nine spreadsheet tables, based on the format recommended by STACTIC (STACTIC Working Paper 02/14):

- Table 1 – Catch by Vessel from VMS, Observer, Port and Inspection Reports.
- Table 2 – Mesh Size Observations
- Table 3 – Information on Interference with STS and Position Reports
- Table 4 – Information on Prevention of Inspectors from carrying out the inspector’s duties.
- Table 5a – CP Summary of VMS Reports, Observer Reports, Port Reports, Monthly Provisional Catch Reports and STATLANT 21A on catches.
- Table 5b – CP Summary of Inspector Reports on catches
- Table 6 – CP Summary on Mesh Size Observations
- Table 7 – CP Summary on Interference with Satellite tracking System
- Table 8 – CP Summary on Prevention of Inspectors from carrying out the inspectors’ duties.

In Table 1, catches by vessels are presented alphabetically first by CP and then by call sign. Rules on Confidentiality (Annex XX of 2004 CEM) require the Secretariat to ensure that the identity of individual vessels is not disclosed. Therefore, in our databases and in this compilation, all vessels are coded to replace the identifying call signs.

Table 5 was split into two tables – Table 5a contains catches from VMS, Observer, etc., and Table 5b contains catches from at-sea Inspection Reports. This was necessary as the catch information from at-sea Inspection Reports is not directly comparable to the catch information from other sources.

C. Apparent Infringements (AI)

The sources of information on AI are the Inspector Reports and Port Reports and the accompanying cover letters, official statements and communications. Summaries of the AI are presented in the tables. For example, AIs involving misreporting of catches or fishing for prohibited species are presented in Table 1, Table 5a and Table 5b. All AIs involving mesh size violations are given in Tables 2 and 6.

D. Transshipments, Charter Arrangements, and Research Activities

A comparison of catches from VMS, Observer and Port Reports with those from recording of provisional catches can be problematic when they involve transshipments, charter arrangements, and scientific research.

Review of the submitted reports and communications to the NAFO Secretariat indicated that in 2003 only one incident of transshipment was recorded, i.e. 565 tons of redfish involving a Russian vessel receiving catches from five other Russian fishing vessels. Examination of the catch and VMS data from these fishing vessels, however, did not reveal such a transaction and the transshipment vessel did not send a VMS report. The transshipment was reported in a Port Inspection Report.

In 2003, research activities were conducted by Canada, Denmark (in respect of the Faroe Islands and Greenland), Russia, the EU (Spain) and Japan in the NAFO RA in accordance with Part III C of the 2003 CEM. However, in the compilation the catch data emanating from these fishing research activities are not included.

Charter arrangements in 2003 involved Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), Estonia, France (in respect of St. Pierre et Miquelon), Poland and USA in capacity as either chartering CP or flag state CP in the utilization of fishing days for shrimps at 3M and/or catch for shrimps at 3L. The catches from these arrangements are reflected in the Monthly Provisional Catch reports that the NAFO Secretariat receives. However, it can not be determined which portion of the catches as reported in the VMS, Observer, or Port Reports has to be attributed to charter arrangements.

In this present compilation, no attempt was made to adjust catches as reported from the VMS, observers, and ports to take into account transshipments, charter arrangements, and research activities. As explained above, this involved much uncertainty and would therefore not have contributed to improve the overall quality of the compilation.

III DATA SOURCES AND CRITERIA FOR INCLUSION

A. VMS (Vessel Monitoring System)

Fishing vessels entering and exiting the NAFO RA are required to submit catch reports (COE and COX, previously ENT and EXI; the previous practice was partly continued in 2003). Only “fishing periods” (see II.A) ending in 2003 are considered in this compilation. For VMS Reports, a “fishing period” is defined as the days between a COE-COX pair. Usually, the difference between catches on entry and on exit is considered as the catch in the NAFO RA (COX – COE). In the example table below, the total catches of Vessel #1250 are 335,000 and 341,500 kg of shrimps. The corresponding fishing days are 27 and 32 days.

RC	FR	TM	RA	DA	TI	COD	RED	PLA	WIT	YEL	GHL	CAP	SKA	SQU	PAN	OTH
1250	EST	COE	3M	20030730	10	0	0	0	0	0	0	0	0	0	0	0
1250	EST	COX	3M	20030826	2355	0	0	0	0	0	0	0	0	0	335000	0
1250	EST	COE	3M	20030830	1515	0	0	0	0	0	0	0	0	0	0	0
1250	EST	COX	3M	20031001	830	0	0	0	0	0	0	0	0	0	341500	0

The next table represents an example for a fishing period that started in 2003 and is nevertheless not considered in this compilation because the vessel exited the area not prior to 2004. This fishing period will be included in the 2004 compilation next year.

RC	FR	TM	RA	DA	TI	COD	RED	PLA	WIT	YEL	GHL	CAP	SKA	SQU	PAN	OTH
1399	JPN	COE	3L	20031025	2200	0	0	0	0	0	0	0	0	0	0	0
1399	JPN	COX	3L	20040124	1230	0	0	0	0	0	429140	0	0	0	0	0

Consequently, in the following example, a fishing period that started in 2002 is included in the present compilation of 2003 because the vessel exited the NAFO RA in 2003.

RC	FR	TM	RA	DA	TI	COD	RED	PLA	WIT	YEL	GHL	CAP	SKA	SQU	PAN	OTH
1193	EST	ENT	3M	20021224	2000	0	0	0	0	0	0	0	0	0	0	0
1193	EST	EXI	3M	20030119	2345	0	0	0	0	0	0	0	0	0	181000	0

The way that vessel masters report their catches was not consistent. In the exit reports (COX) sometimes a cumulative catch is reported that includes the catch on board when entering the NAFO RA. In other cases, the exit reports do only account for catches in the NAFO RA. If COE is larger than COX then the catch reported on exit can be considered to constitute fish caught in the NAFO RA only. In the example below vessel #1020 caught 19,600 kg of halibut (GHL) and 8,300 kg of “others” (OTH).

RC	FR	TM	RA	DA	TI	COD	RED	PLA	WIT	YEL	GHL	CAP	SKA	SQU	PAN	OTH
1020	LTU	COE	3M	20031020	1350	0	0	0	0	0	1100	0	0	0	0	138700
1020	LTU	COX	3M	20031212	1655	700	600	16300	330	0	19600	0	411000	0	0	8300

There are cases where no catch was reported on entry to the NAFO RA. In such cases, we assume that the vessel did not retain any catch on board when entering the NAFO area. The example below illustrates this. One added problem with missing entry reports is that the number of fishing days cannot be determined accurately.

RC	FR	TM	RA	DA	TI	COD	RED	PLA	WIT	YEL	GHL	CAP	SKA	SQU	PAN	OTH
1124	FRO	COX	3M	20030629	750	0	0	0	0	0	0	0	0	0	579445	0
1124	FRO	COX	3M	20030817	650	0	0	0	0	0	0	0	0	0	507076	0
1124	FRO	COX	3M	20030827	730	0	0	0	0	0	0	0	0	0	129624	0

The catch reports transmitted at entries to and exits from the NAFO RA allow an estimate of total catches by individual vessels. It should be noted that catches reported via VMS only detail regulated fish stocks/species, i.e. cod (COD), redfish (RED), American plaice (PLA), witch flounder (WIT), yellowtail flounder (YEL), Greenland halibut (GHL), capelin (CAP), squids (SQU), and shrimps (PAN) as well as the unregulated skates (SKA). The rest of the species are lumped under “Others” (OTH). For the purpose of this compilation, skates were also combined with “others”.

B. Observers Reports

Observers Reports are expected to be available for all CP fishing activities in the NAFO RA and the total catch reported by observers should be similar to the catches reported via VMS. Observers Reports which cover fishing period ending in 2003 are included in the compilation. For reports that cover a fishing period starting in 2002 and ending in 2003, it was attempted to identify the 2003 catch portions. If this was not possible, the whole report is included in the compilation. The same applies for reports that cover a fishing period starting in 2003 and ending in 2004 where attempt was made to identify the 2003 portion of the catch. The present compilation includes the following information from Observer Reports: Fishing period and the number of fishing days, division or subarea, fishing gear, mesh size, catch of main species, and total catch.

C. Port Reports

When a vessel unloads its catches at a NAFO Contracting Party's Port, a port inspection will take place. The total catches as reported by the port inspectors should be comparable to those from Observer Reports and from vessel reports via VMS. Total catches are reported as live weight after port inspectors apply a conversion factor. For the compilation of catches from Port Reports that cover fishing periods starting in one year and ending in the next year, the same criteria apply as described under "Observer Reports" above. The following information from the Port Inspection Reports is compiled: Fishing period and the number of fishing days, division or subarea, fishing gear, mesh size, catch of main species, total catch. Summaries of any Apparent Infringements (AI) issued by port inspectors are also presented in the compilation tables.

D. Inspection Reports

Contracting Parties with inspections presence in the NAFO RA in 2003 Canada, European Union (EU) and Faeroes Islands. Only reports of inspection that were conducted in 2003 are included in the present compilation regardless of the fishing period. The following information from the Inspector Reports are compiled: Fishing period, division or subarea, fishing gear, mesh size, catch of main species, total catch. Summaries of the Apparent Infringements (AI) issued by the at-sea inspectors are also included in the compilation tables. Catch information from at-sea inspection reports is not directly comparable to the catch information from VMS, Observer, and Port Reports (because (a) fishing is ongoing, and (b) the same catch can be inspected more than once). Therefore, catch data from the at-sea Inspection Reports are presented in a separate table (Table 5b).

E. Monthly Provisional Catches.

NAFO Contracting Parties submit their monthly estimates of catches taken by their vessels. These are reported on a species resolution. Note that unregulated species from CP's catch estimates are lumped under "others" for the purpose of this compilation. European Union (EU) submits their catch estimates for the entire EU and not for their individual states.

F. FAO STATLANT 21A

The STATLANT 21 database represents the official fisheries statistics of FAO Fishing Area 21 (corresponding to the NAFO Convention Area). For the purpose of catch comparison these data are presented in conjunction with the catches from other sources mentioned above. The STATLANT 21A catch data are generally available by mid-May of the following year.

G. Other relevant sources

Summary Reports, e.g. "Summary of Inspections, Catch Record Discrepancies and/or Apparent Infringement" submitted by Canada, and "Reports on Inspection and Surveillance" submitted by EU, as well as official communications to the NAFO Secretariat regarding AIs were also used as source documents for the compilation of information on AI.

IV Overview of the Compiled Data

A. Number of Fishing Vessels and Fishing Days (Table A)

If in 2003 at least one of the required reports (VMS, Observer, Port, and/or Inspection Report) was filed for a vessel, this vessel was identified as having fished in the NAFO RA. In total, 145 vessels were identified. Estimates of the total number of fishing days ranges from 12,103 to 17,163 days corresponding to an average of 80 – 102 fishing days per vessel in 2003. The estimated average number of vessels operating in any given day is between 33 and 42 vessels.

CP	# of vessels	# of vessel with VMS reports	# of fishing days (source: VMS)	# of fishing days (source: Observer Reports)	# of fishing days (Source: Port Reports)
CAN	3	3	26	25	-
EST	8	8	1393	2232	1728
E/DEU	3	3	81	141	-
E/ESP	32	31	4717	6351	6394
E/GBR	1	1	59	56	21
E/PRT	14	14	2066	1976	2559
FRO	10	9	1180	869	993
GRL	4	3	143	122	99
ISL	12	11	198	470	298
JPN	2	2	543	601	237
LTU	9	8	522	365	458
LVA	4	4	540	198	481
NOR	13	13	400	1759	1428
POL	1	1	34	-	33
RUS	28	23	138	1998	886
UKR	1	1	63	-	-
TOTAL	145	135	12103	17163	15615
EU (Total)	50	49	6923	8524	8974

B. Number of Observer Reports and Port Reports

The number of Observer Reports and Port Inspection Reports are given in Tables B and C. Port Inspection Reports come from Canada and EU.

CP	# of reports
CAN	3
EST	33
EU/DEU	3
EU/ESP	87
EU/GBR	2
EU/PRT	30
FRO	21
GRL	4
ISL	21
JPN	10
LTU	14
LVA	6
NOR	50
RUS	26
Grand Total	310
EU (total)	122

CP	# of Reports
E/ESP	59
E/GBR	1
E/PRT	31
EST	61
FRO	22
GRL	4
ISL	11
JPN	7
LTU	24
LVA	20
NOR	54
POL	1
RUS	34
Grand Total	329
EU (Total)	91

C. Number of Inspection Reports.

Canada, EU and Faeroes have inspector presence at the NAFO RA. Table D shows the frequency of at-sea inspection conducted by the Inspecting CP on the vessels from each CP.

CP\ Ins. CP	CAN	EU	FRO	TOTAL
CAN	1			1
EST	8	7	5	20
EU/DEU		4		4
EU/ESP	48	76	5	129
EU/PRT	40	27		67
FRO	2	9	6	17
GRL	1	3		4
ISL	1	2	1	4
JPN	3	2		5
LTU	7	6	2	15
LVA	1	4	1	6
NOR	4	11	6	21
POL		1		1
RUS	30	26	1	57
UKR		1		1
Grand Total	146	179	27	352
EU Total	88	107	5	200

D. Availability of Catch Data

Table E shows the available catch data received by the NAFO Secretariat. The Monthly Provisional Catch data from EU are submitted as total of the catches of the individual countries of the EU. The blanks signify that the NAFO Secretariat did not receive the data, and the dashes signify that the data are not expected. Catches from the different sources, by CP, by regulated species/stocks, and by Division or Sub area, are tabulated in Table 5a of the compilation.

CP	VMS	Observer	Port	MPC	STATLANT 21A
CAN	√	√		√	√
CUB				√	
EST	√	√	√	√	√
EU	-	-	-	√	-
E/DEU	√	√		-	√
E/DNK				-	√
E/ESP	√	√	√	-	√
E/GBR	√	√	√	-	√
E/PRT	√	√	√	-	
FRA-SP					√
FRO	√	√	√	√	
GRL	√	√	√	√	√
ISL	√	√	√	√	√
JPN	√	√	√	√	√
LTU	√	√	√	√	√
LVA	√	√	√	√	√
NOR	√	√	√	√	√
POL	√		√		
RUS	√	√	√	√	√
UKR	√			√	
USA				√	

E. Apparent Infringements issued.

In all, there were 26 citations involving 21 vessels from 7 CP (Table F). Care should be taken in quantifying the AI or citations because of cases wherein there are multiple violations in a single citation (e.g. misreporting of catches and gear modification in a single inspection), cases of a single violation but with two multiple citations, the second serving as a verification of the first, and citations that were eventually rescinded by the issuing CP. There are also two separate cases of AI wherein the fishing masters dispute the citation. However, the NAFO Secretariat does not have further information on the developments of the disputed cases.

Table G presents the details of the AI with the footnotes noting the different cases of AI mentioned above. Five types of AI were identified: 1) Directed fishing for prohibited species, 2) Failure to have independent observers, 3) Mesh size or gear modification violation, 4) Misreporting of catches, and 5) No satellite tracking device.

CP	# of vessels with AI citation	# of citations
E/ESP	4	4
E/PRT	9	11
EST	1	1
FRO	1	1
JPN	1	2
LTU	2	3
RUS	3	4

Table G. Details of the AI

Summary of AI in 2003.							
CP	Vessel Code	App. Infr.	Ins or Port Rpt	Ins Party or Port	Date	Remarks	
E/ESP	1029	Directed fishing for prohibited species	Port	Vigo	13-Oct-03	Part IV 6 iv b. (Port Rpt 273)	
E/PRT	1345	Directed fishing for prohibited species	at-sea Inspection	CAN	05-May-03	Part I A 5 a) Directed fishery for COD (Ins Rpt 45)	
E/PRT	1345 ^{A,B}	Directed fishing for prohibited species	Port	Garanha de Nazare	28-May-03	Part I A 5 a) (Port Rept.108 and Fish/D/5/JMC/D (2003). Verification of the AI issued during at-sea inspection on 5 May 03.	
E/PRT	1298	Directed fishing for prohibited species	at-sea Inspection	CAN	07-Nov-03	Part I A 5 (a) Directed fishery for PLA (Ins. Rpt 317)	
E/PRT	1326 ^C	Directed fishing for prohibited species	at-sea Inspection	CAN & EU	13-Sep-03	Part I A. 5. c) PLA 5% incidental catches (Ins Rpt 290 & 298)	
E/PRT	1132 ^C	Directed fishing for prohibited species	at-sea Inspection	CAN & EU	17-Sep-03	Part I A. 5. c) PLA 5% incidental catches (Ins Rpt 289 & 299)	
RUS	1368 ^D	Directed fishing for prohibited species	at-sea Inspection	CAN	09-Jun-03	Part I A 5 (a) Directing fishing for species subject to incidental catch limits (Ins Rpt 100). Citation eventually rescinded by Canada 8-Oct-03.	
RUS	1386 ^D	Directed fishing for prohibited species	at-sea Inspection	CAN	17-May-03	Part I A 5 (a) Directing for PLA, s aspecies subject to incidental catch limits (Ins. Rpt 380). Citation eventually rescinded by Canada 8-Oct-03	
FRO	1146	Failure to have independent observer on-board	at-sea Inspection	CAN	30-Jun-03	Part VI A 1a) (Ins Rpt 163)	
JPN	1399	Failure to have independent observer on-board	at-sea Inspection	CAN	06-Jul-03	Part VI A 1a) (Ins Rpt 164)	
E/ESP	1304	Mesh Size/Gear modification	at-sea Inspection	EU	01-Oct-03	Part II C4 Strengthening ropes (Ins. Rpt 318)	
E/ESP	1096	Mesh Size/Gear modification	at-sea Inspection	EU	02-Oct-03	Art.10 1) c) Mesh size of 269.3 mm being less than the minimum legal size of 280 mm (Ins Rpt 319).	
E/PRT	1047 ^A	Mesh Size/Gear modification	Port	Garanha de Nazare	20-Jun-03	Part II C (Port Rpt. 116 and FISH/D/5/JMC/ND d (2003)	
EST	1174	Mesh Size/Gear modification	at-sea Inspection	CAN	25-Oct-03	Part IV 9 ii. 126 mm mesh size. Legal size is 130 mm. (Ins. Rpt. 314)	
EST	1174 ^B	Mesh Size/Gear modification	Port	Vigo-Frioya	19-Dec-03	Verification of the AI issued during at-sea inspection on 25 Oct 03. (Port Rpt 335)	
JPN	1399	Mesh Size/Gear modification	at-sea Inspection	CAN	06-Jul-03	Part II C 4 Strengthening ropes obstructing mesh opening (Ins Rpt 164)	
RUS	1386 ^E	Mesh Size/Gear modification	at-sea Inspection	CAN	04-Jun-03	Part II C 4 (Ins. Rpt. 99)	
RUS	1015 ^E	Mesh Size/Gear modification	at-sea Inspection	CAN	14-Aug-03	Part II C 2 c) (Ins. Rpt 184)	
E/ESP	1269	Misreporting of catch	Port	Cangas do Morazzo	30-May-03	Part IV 9 i.(Port Rpt112)	
E/PRT	1300	Misreporting of catch	at-sea Inspection	EU	12-Nov-03	Part IV 9 i) Misreporting of catches (Ins. Rpt. 384)	
E/PRT	1325	Misreporting of catch	Port	Aveiro	09-Dec-03	Part I D 2c) i) ii) (Port Rpt 322)	
E/PRT	1068	Misreporting of catch	Port	Aveiro	02-Dec-03	Part 1 D 2 c i) ii) Record of catch in logbook (Port Rpt 302).	
E/PRT	1324 ^A	Misreporting of catch	Port	Aveiro	21-Aug-03	Part 1D 2 c i) ii) ((Port Rpt 224 and FISH/D/5/JMD(2003))	
E/PRT	1326 ^C	Misreporting of catch	at-sea Inspection	CAN & EU	13-Sep-03	Part I D 2 a) i) ii) Record of catches in the logbook; and Part 1 D 2 c) i) Failure to maintain production logbook (Ins Rpt 290 & 298).	
E/PRT	1132 ^C	Misreporting of catch	at-sea Inspection	CAN & EU	17-Sep-03	Part I D 2 a) i) ii) Record of catches in the logbook; and Part 1 D 2 c) i) Failure to maintain production logbook (Ins Rpt 289 & 299)	
E/PRT	1345 ^A	Misreporting of catch	Port	Aveiro	12-Sep-03	Part I D 2 a) i) ii) (Port Ins. Rpt. 242 and FISH/D/5/JMC/D (2003)	
LTU	1020	Misreporting of catch	at-sea Inspection	CAN	19-Nov-03	Part I D 2 c) Rcord cumulative production logbook (Ins. Rpt 345).	
LTU	1020	No satellite tracking device.	at-sea Inspection	CAN	19-Nov-03	Part V I B No operational VMS onboard (Ins. Rpt 345)	
LTU	1045	No satellite tracking device.	at-sea Inspection	CAN	31-Dec-03	Part V I B No operational VMS onboard (Ins. Rpt 372).	

^ADocument FISH/D/5/JMC/D 2003 indicates an AI. But the Port Inspection Report and the cover letter do not indicate an AI.

^BThe Port report verifies or confirms the AI issued during at-sea inspection.

^CThe AI was issued by both CAN and EU during a joint at-sea inspection.

^DThe AI citation issued by inspecting CP CAN was eventually rescinded.

^EThe fishing master disputes the AI as indicated in the "Masters' Comments".

IV CONCLUSIONS

A. Difficulties and problems encountered during the compilation

1. Reports in foreign language.
2. Unreadable or difficult to read reports because of poor quality of reproduction.
3. Incomplete information in the reports, e.g. no information on fishing dates, division or subarea, mesh size, missing hail reports.
4. Inconsistent information on AI between the issuing report, cover letters, and Reports on Inspection and Surveillance Activities.
5. Lack of care in specifying units (kg or mt) and in placing decimal points in reporting catches.

B. Recommendations

1. Reports in official language: English
2. Standardization of format of observer reports.
3. Electronic submission of reports.

Annex 4. Compliance Review (paper presented by EU)
(STACTIC Working Paper 04/8)

I – Contracting Party reporting obligations

1. Vessel Registry (Article 15 CEM)

CP	Fishing vessels			Research vessels notified
	Notifications (total)	By 1 st January	After 1 st January	

2. Monitoring (Chapter III CEM) – Monthly catch and fishing days report

Table D in page 7 of Secretariat Working Document. Add a column to indicate whether monthly fishing days reports are received from CPs

3. Inspection (Chapter IV CEM)

Article 25 CEM

CP	Notification of inspection means		Notif. of Inspection plans	Notif. of Inspection presence	Notif. of Contact authorities
	By 1 st Nov.	After 1 st Nov.			

Article 35 CEM – CP Report on follow-up to infringements

CP	Report received by 1 st February	Report received by 1 st September

Article 36 CEM – Annual Report on Inspection and Surveillance activities

Table C in page 7 Secretariat Working Document – A first column should be inserted to indicate whether the annual report is submitted by CPs.

II. Fleet Compliance

1. Compliance with Catch limits – Articles 3 to 9 CEM

Tables 5a and 5b as proposed by the Secretariat

2. Fishing days

Table IV.A in page 5 of Secretariat Working Document – A column should be added indicating limits established – where appropriate – in the CEM.

3. Catch reporting

CP	COE received	COX received	Nr fishing periods	Transshipment reports notified

4. Gear

Table 2 as prepared by the secretariat – Vessel codes should be masked.

5. VMS

Table 7 as proposed by the Secretariat, but vessel codes should be masked. A column should be added to note – by numbers – instances of interference with the STS reported (from table 3, last column).

6. Infringements summaries

Table 8 as proposed

Table F in Secretariat Working Document p. 8

Table G in Secretariat Working Document p. 9 with some modifications:

- Vessel codes should be masked
- The column “App. Infr.” Should be re-labelled “Citations for infringements”
- The contents of the last column “Remarks” should figure right after the column “citations for infringement” under the label “ Descriptive”
- The footnotes should be noted in the last column under “Remarks”
- Extra information in table 6 (mesh size observations” should also be noted in the column “Remarks”.

**Annex 5. Quarterly Report on the Objectivity in the Realization and Distribution of
Inspection Between the Contracting Parties – January – March, 2004**
(presented by Secretariat - STACTIC Working Paper 04/5)

Following the CEM 2004 (Chapter IV, 24.6) the Secretariat reports on the objectivity in the realization and distribution of inspections between the Contracting Parties.

The article stipulates that

“ ..., the number of inspections carried out by a Contracting Party on vessels of any other Contracting Party shall, as far as possible, reflect the ratio of the inspected party's fishing activity to the total fishing activity in the Regulatory Area, per quarter. This ratio shall be measured on the basis of, inter alia, the level of catches and vessel days on ground and shall also take into account compliance records. “

As already stated in previous years, a quarterly analyses is difficult to do because the Secretariat does not receive all the necessary information in a timely manner. Nevertheless, we submit the following tables based on the available information received in the Secretariat for the period of January –March 2004.

The Secretariat has used for some years now a simple method to analyze the objectivity of inspections at sea in the NAFO RA using annual estimates for catch and effort in the RA plus reported infringements and total numbers of inspections. Objectivity is measured as a relation between relative numbers of inspections (D) and the relative degree of involvement in the fisheries of the NAFO RA. For each CP this degree of involvement is equally composed of (A) relative annual catches, (B) relative annual effort (in fishing days), and (C) the degree of non-compliance as measured by the relative number of apparent infringements found by inspections at sea. The formula used is:

$$\text{Objectivity} = \frac{D}{\frac{A+B+C}{3}}$$

An objectivity above "1" indicates "over inspection" and an objectivity below "1" indicates "under inspection".

Objectivity of NAFO Inspections
(based on Inspection Reports received to-date by the Secretariat
for the first quarter of 2004)
January – March 2004

Contracting Parties	Catches (MT)	Fishing days	# app. infringements	# inspections (boardings)
Canada	NA	-	0	0
Cuba	NA	-	0	0
Denmark-Faroes	383	151	0	1
- Greenland	-	-	0	0
Estonia*	2955	476	0	3
European Union	8048	2204	2	42
France (SPM)	-	-	0	0
Iceland	562	73	0	0
Japan	691	128	0	0
Latvia	818	152	1	1
Lithuania	1204	19	0	3
Norway	847	155	0	1
Poland	482	44	0	1
Russia	1532	257	0	4
Ukraine	-	-	0	0
USA	NA	-	0	0
TOTAL:	17522	3659	3	56

Contracting Parties	Catches (%)	Fishing days (%)	App. Infringements (%)	Inspections (boardings) (%)	Objectivity
	A	B	C	D	
Canada	0.0	-	-	-	NA
Cuba	0.0	-	-	-	NA
Denmark -Faroes	2.2	4.1	-	1.8	.86
- Greenland	0.0	-	-	-	NA
Estonia *	16.9	13.0	-	5.4	.54
European Union	45.9	60.2	66.6	75.0	1.30
France (SPM)	0.0	-	-	-	NA
Iceland	3.2	2.0	-	-	NA
Japan	3.9	3.5	-	-	NA
Latvia	4.7	4.2	33.3	1.8	.13
Lithuania	6.9	0.5	-	5.4	2.20
Norway	4.8	4.2	-	1.8	.60
Poland	2.8	1.2	-	1.8	1.35
Russia	8.7	7.0	-	7.1	1.36
Ukraine	0.0	-	-	-	NA
USA	0.0	-	-	-	NA

Note: Catches were taken from the provisional monthly reports. Vessel days were calculated provisionally based on VMS reports. The asterisk (*) indicates that this CP had fished on another CP's quota under a charter arrangement. For the purpose of the objectivity calculations, chartered catches and effort are included in those of the receiving CP.

**Annex 6. Proposal for Modifications to the NAFO Monitoring and Control Scheme –
Harmonization of STACTIC WP 03/12 (Revised), 03/17 and 03/18 (prepared by Canada)**
(STACTIC Working Paper 04/4-Revised)

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**Proposal for
Modifications to the NAFO Monitoring and Control Scheme**

EXPLANATORY MEMORANDUM

This paper proposes modifications to the NAFO Monitoring and Control Scheme and specifically to Article 2- Definitions; Article 12 - Authorization to Fish; Article 17 - Product Marking/Identification Requirements; Article 21 - Communication of Catches; Article 22- Observer Program and Chapter V -Inspections in Port.

The document primarily represents the merging of 3 proposals tabled at the September 2003 STACTIC meeting as well as the inclusion of new definitions related to infringements. The three STACTIC Working Papers proposals are as follows:

1. STACTIC Working Paper **03 /12**(revised) - Canadian Proposal for a Port Inspection Protocol
2. STACTIC Working Paper **03/17** - EU Proposal with a view to improving the Control Scheme of NAFO
3. STACTIC Working Paper **03/18** - Canadian Proposal for Modifications to the Program for Observers and Satellite Tracking

A brief description of proposed modifications follow:

Article 2 - Definitions

Modifications to Article 2 outline definitions for infringement and apparent infringement and will provide clarity regarding possible incidents of non-compliance with the NCEM and obligations for follow-up by Contracting Parties.

Article 13 - Authorization to Fish

Modifications to Article 13 - Authorization to Fish outline obligations of Contracting Parties (or flag states as appropriate) to exercise effective control over their vessels and to ensure that compliance data is cross-checked.

Article 18- Product Marking/Identification Requirement (New Title)

Modifications to Article 18 - Product Marking/Identification requirements expand obligations to all fish harvested in the Regulatory Area to facilitate the port inspection protocol and also assist in the at sea inspection process.

Article 22- Communication of Catches

Modifications to Article 22- Communication of Catches require the submission, by vessel masters, of bi-weekly catch reports to enhance the inspection processes and facilitate real time control of catches. A format for this report is included as an Annex.

Article 23- Observer Program

Modifications to Article 23 - Observer Program outline new obligations and also introduces the concept of a separate NAFO document to outline operational procedures for observers.

The new obligations relate to Contracting Parties, the Secretariat, inspectors, and observers. **There may also be a proposal developed by Canada that outlines a criteria-based approach for the establishment of observer coverage levels.**

The new Annexes outline some processes that were previously incorporated in the text of STACTIC WP 03/17 and 03/18 and include harmonized briefings, formats for reporting requirements, and training/certification processes.

Chapter V- Inspections in Port

Modifications to Chapter V- Inspections in Port include obligations which would be incorporated into the main text of the NCEM and also introduces the concept of a separate NAFO document to outline procedures for the port inspection process.

Modifications include a new article outlining general provisions for port inspections. The modified chapter will also outline obligations of Contracting Parties to implement a two-tiered port inspection program to target vessels with compliance problems for an enhanced port inspection process. This will require analyses on a number of information sources and the sharing of this information with Contracting Parties in whose ports their vessels may land.

It also includes an obligation for the master to submit a landing report in advance of landing to facilitate the port inspection process.

The separate NAFO document outlines detailed procedures for sampling and inspection of products to arrive at a reliable estimate of product type and quantity offloaded. The procedures establish an international standard for offloading of fish products as well as provisions for a third party audit process to monitor the implementation of these procedures by all Contracting Parties.

Proposed Modifications to the CEM

The following section proposes specific language to be inserted into the NCEM and provides a rationale for each proposed modification.

Article 2 - Definitions

"Infringement" means any activity or omission of a fishing vessel which gives grounds for suspecting that a violation of the applicable provisions of the CEM has occurred and which has been identified pursuant to Chapter IV or V of the CEM.

"Apparent Infringement" means any activity or omission of a fishing vessel which gives grounds for suspecting that a violation of the applicable provisions of the CEM has occurred and which has been identified pursuant to Chapter III of the CEM.

Rationale

Definitions of infringement and apparent infringement will provide clarity for inspectors, observers, port authorities and others involved in the Control and Monitoring Schemes of NAFO.

Article 13 - Authorization to Fish

1.0 Each flag state Contracting Party shall:

- a) authorise the use of fishing vessels flying its flag for fishing activities under Article 1 only where it is able to exercise effectively its responsibilities in respect of such vessels;
- b) ensure that only authorised fishing vessels flying its flag conduct fishing activities under Article 1;
- c) ensure that fishing vessels flying its flag comply with applicable measures adopted under the NAFO Convention;
- d) ensure that authorised vessels have no history of Illegal, Unregulated and Unreported (IUU) fishing activities or that, if those vessels have such a history, the new owners have provided sufficient

evidence demonstrating the previous owners and operators have no legal, beneficial, or financial interest in, or control over those vessels, or that having taken into account all relevant facts, their authorised vessels are not engaged in or associated with IUU fishing;

- e) ensure, to the extent possible under domestic law, that the owners and operators of the authorised vessels are not engaged in or associated with fishing activities by fishing vessels which are not authorised to fish in the Regulatory Area;
- f) take measures to ensure, to the extent possible under domestic law, that the owners of authorised vessels are citizens or legal entities within the flag state contracting party so that any contract or punitive actions can be effectively taken against them;

2.0 Flag State Contracting Parties shall establish a validation system comprising, in particular, cross checks and verification of all data resulting from applicable measures adopted under the NAFO convention. The flag state shall notify any discrepancies following such cross checks to the captain of the vessel and require an explanation.

- 3.0 Each Contracting Party shall undertake to manage the number of authorized fishing vessels and their fishing effort commensurate with the fishing opportunities available to that Contracting Party in the Regulatory Area.

Rationale

The proposed measures are aimed at reinforcing the obligations of the flag state to exercise effective control over its vessels and to ensure that compliance data is cross-checked by the flag state.

Article 18- Product Marking/Identification Requirement

All fish harvested in the NAFO Regulatory Area and frozen at sea shall be packaged and marked/identified with the species/ product type/NAFO Division and date.

Rationale

A product marking/identification requirement for all products will facilitate the at sea and port inspection processes by providing the ability to readily compare fish in the hold with logged records.

Article 22- Communication of Catches

- 4.a) As of 1 January 2005, the master shall complete, every two weeks, a report by division on aggregate catches by species retained on board, discards and undersized fish as recorded in the logbook. The VMS template described in Annex A-1 shall be used.
- b) The reports shall be transmitted by Monday 24:00 UTC for the proceeding **two** weeks ending Sunday midnight. If the electronic means for transmitting these reports to and from the FMC is not functioning, the master shall notify the FMC of this failure and transmit the report by any other means of communication available, keep a written log of these transmissions on board and make them available to inspectors if requested.
- c) Contracting Parties shall ensure that technical facilities on board their vessels necessary to send electronic catch reports have been tested with the Secretariat. The testing of this exchange shall be deemed successful once data exchanges have been completed with all recipients at a 100% reliability rate.
- d) The Executive Secretary shall notify the Contracting Party of any vessel from which no reports have been received for 4 consecutive weeks without justification, and copy this notification to Contracting Parties with an inspection presence in the Regulatory Area.

The sequence of messages under Articles 20, 37 and this Article shall be as follows:

Report	Code:	Remarks
Catch on Entry	COE	6 hour position in advance of the vessel's entry into the RA
Entry	ENT	The first position report from a vessel detected to be inside the RA
Position	POS	Position report every 2 hours
Transshipment	TRA	As relevant
Catch on Exit	COX	6 hours in advance of the vessel's departure from the RA
Exit	EXI	The first position report from a vessel detected to be outside the Regulatory Area.
Catch Report	TBD	Biweekly Catch report from Vessel
Advance Landing Report	TBD	48 hours in advance of ETA to port

Canada

Rationale

Unless they board and inspect vessels, inspectors patrolling in the area are currently unable to follow activities of fishing vessels on a real time basis. Such information would facilitate the task of the inspection vessel to ensure an effective level of compliance in the Area. Such reports will also allow the Contracting Party (or Flag State as appropriate) to have control over catch of vessels on a real time basis.

Article 23- Observer Program

Scope

- 1.0 [Observer coverage levels shall be established in accordance with guidelines outlined in Annex B (to be developed by Canada for consideration)]
- 2.0 [Each Contracting Party shall during 2004 require that 100% of its vessels fishing in the Regulatory Area at any one time, carry at least one observer on board the vessel. This coverage shall be reduced to 60% from 1 January 2005, to 40% from 1 January 2006 and to 20% from 1 January 2007.]
- 3.0 A Contracting Party with the number of vessels operating in the Regulatory Area which are less in number than correspond to the reduction defined in paragraph 2 shall ensure the presence of an observer on board these vessels with the same level of coverage, as specified in paragraph 2 of the total time that the vessels are present in the Regulatory Area.
- 4.0 Contracting Parties shall immediately place an observer on board any vessel flying their flag that is cited for a serious infringement as described in Article X, unless the vessel is re-routed in accordance with Article X. Contracting Parties with an inspection presence in the Regulatory Area shall have their inspectors confirm their vessels' infringements before the observer is placed on board.

Obligations of the Contracting Parties

- 5.0 Contracting Parties shall recruit, designate and place observers on board vessels flying their flag as well as on vessels of non-Contracting Parties that so agree. While on board, observers shall remain under the responsibility of the Contracting Party that designated them and respond to the relevant authorities thereof.
- 6.0 Contracting Parties shall not later than 1 January 2006 further ensure that designated observers have completed the technical training required by the guidelines laid down in Annex X prior to any placement on vessels. This training shall last at least X weeks and shall include a certification process.

Or, alternatively:

7.0 Contracting Parties shall ensure that the observers they recruit and designate have the qualifications, training and certification outlined in Annex C.

8.0 Where a Contracting Party has not placed an observer on board a vessel and is obliged to do so, any other Contracting Party may place an observer on board subject to the consent of the Contracting Party of the vessel, until the latter provides a replacement.

USA

9.0 Contracting Parties shall ensure that an observer be on board the vessels referred to in point 2.0 at all times while fishing in the Regulatory Area.

10.0 The duties of the observer shall begin when the vessel enters into the Regulatory Area. These duties are outlined in Annex D

11.0 When selecting the vessels on board of which observers are to be placed, Contracting Parties shall take into account inter alia the history of compliance of individual vessels, as well as that of their owners and/or operators.

12.0 Observers shall be rotated between all vessels and, as far as possible, a balance shall be maintained between the types of fishery in which the vessels are engaged.

13.0 Contracting Parties shall ensure that their observers carry adequate insurance for the tasks they are required to carry out and any other risks derived from their presence and activities on board.

14.0 Contracting Parties shall provide the observer with a portable computer and other means necessary to fulfil their tasks relating, in particular, to the drafting and transmission of reports by electronic means, as well as a standardised equipment kit including certified mesh gauges, scales and sampling equipment.

EU

15.0 Contracting Parties shall before 1 January 2006 create a computerised data base where all **relevant** data contained in observer reports in accordance with this programme are collected.

16.0 Contracting Parties shall provide the Executive Secretary with a list of certified observers operating under this programme, which shall be kept current. The Executive Secretary shall make this list available to Contracting Parties with an inspection presence in the Regulatory Area.

17.0 Contracting Parties shall from 2006 onward ensure that vessels with catch on board when entering the Regulatory Area and that do not carry observers are available for inspection at a pre-arranged checkpoint. Guidelines shall be established at the 2004 Annual Meeting

18.0 Each Contracting Party shall designate an individual responsible for coordination of their observer program. Names of these designated officials shall be submitted to the NAFO Secretariat before November 30, 2004.

19.0 The designated authority for each Contracting Parties shall ensure that when apparent infringements are identified by observers, the form in Annex E is completed.

20.0 Contracting Parties shall report annually to STACTIC on their compliance with the observer coverage level requirements. This report shall specify by vessel, the number of fishing days in the NRA, the number of those days that were observed and the disposition of apparent infringements identified by observers.

Impartiality – Code of Conduct

USA

21.0 Observers shall comply with the **Code of Conduct for Observers** outlined in Annex F.

22.0 Observers shall be independent and impartial and may not under any circumstances be a crew member or officer, nor have any links with the owner or crew of the vessel on board of which they are placed. An observer whose lack of impartiality has been proven shall be immediately replaced by the designating Contracting Party.

Status of Observers

23.0 Observers shall have no enforcement authority. Observations made by observers in accordance with Annex D, paragraph 2 a) may not be construed as inspection findings made in accordance with Article XX.

Obligations of the Captain

24.0 Captains of vessels carrying observers on board shall in particular

- a) co-operate fully with the observer and ensure that all officers and crew do likewise, in order to facilitate the observer carrying out his/her tasks efficiently;
- b) provide observers appropriate accommodation, including lodging, food and adequate sanitary facilities of a standard commensurate with the status of a ship's officer;
- c) provide observers adequate space on the bridge or pilot house for clerical work, as well as work tables, scales and other equipment on deck adequate for carrying out observer duties;
- d) give observers access to all fishing gear and any other relevant equipment, including satellite navigation equipment, radar display viewing screens and electronic means of communications available on board the vessel for transmission of observer reports;
- e) give observers access to the vessels working deck during net and fish retrieval and to any specimen, alive or dead, that is brought onboard the vessel or to be discarded;
- f) maintain a good and respectful working relationship with the observer, ensure their security and welfare in the performance of their duties and safeguard their freedom and dignity.

Reporting requirements of the observer

25.0 In carrying out his/her duties, observers shall establish the following reports in an electronic format:

- a) **a summary report at the end of the assignment. The VMS template described in Annex G-1 shall be used. This report should include observations on instances of possible serious violations, if any, including instances where fishing activities in the Regulatory Area are being declared as having been taken outside this Area. The summary report shall be transmitted to the Contracting Party of the vessel as well as directly to the inspection authorities of the port of landing at least 30 hours in advance of the vessel's entry into port. A copy of this report shall be made available to the captain of the vessel.**
- b) **a final report within 5 days after the end of the assignment. This report shall include daily totals of catch by species and division. The final report shall be transmitted to the Executive Secretary and the Contracting Party of the vessel.**

Obligations of the Executive Secretary

26.0 Upon receipt of the reports referred to in paragraph 25, the Executive Secretary shall upon request, make the final report available to other Contracting Parties. Copies of reports made available to other Contracting Parties shall not include location of catch in latitude and longitude.

27.0 The Executive Secretary shall also bring to the attention of any Contracting Party instances of incomplete reporting or the absence of final reports.

28.0 The Executive Secretary shall report annually to STACTIC on the number and type of infringements and apparent infringements identified in the observer summary reports, trip reports and interview forms. The format outlined in Annex H shall be used to make this report.

Costs

29.0 All costs arising from the assignment of observers under this Programme shall be borne by the Flag State Contracting Party of the vessel onboard which they are placed. Contracting Parties may charge their costs, in part or in full, to the operators of their vessels.

Review

30.0 This Observer Program shall be subject to review and revision in 2005, except where levels of compliance would decrease to a level warranting the review or revision at an earlier date.

Rationale: These enhancements are intended to improve the **effectiveness and** efficiency of the program and better enable the Secretariat and Contracting Parties to make use of the data collected by observers.

The program for Observers and Satellite Tracking has been in place since 1996 and with the exception of an increase in satellite tracking coverage, the program has not been modified since its inception. A recent Canadian assessment (presented at the June STACTIC meeting) of the program concluded that the satellite tracking component was implemented in a consistent fashion by all participating Contracting Parties by using common data and operational procedures but the observer program has not had the benefit of this type of standardization. The report concludes that the result is the emergence of 12 widely different reporting and operational formats that significantly hamper analytical assessment.

Observer findings are not reported on a real time basis and therefore in most cases not available to inspection and port authorities in time. Observers should therefore be obliged to transmit catch reports so that those data are available for inspection vessels and for port authorities when the vessel returns to port. In order to achieve this goal, observers should be provided with independent means to transmit reports electronically on a real time basis.

The current observer rules do not provide for any rules regarding training of observers. This has often led to the situation where insufficiently trained observers with very different backgrounds are being placed on vessels. The result has in many cases been that observer data has been considered unreliable and has not been used for control or scientific purposes. Therefore, all observers should be obliged to undergo a standardised training which should include a certification process.

Clearer provisions on the tasks and obligations of the observers as well as the obligations of the captain of the vessel are also needed to achieve this goal.

Chapter V - Inspections in Port

Article 37 - General Provisions (New Opening Article)

1.0 When, in the port of a Contracting Party, a port call is made by a vessel which has been engaged in fishing for stocks subject to the Conservation and Enforcement Measures, that Contracting Party shall ensure that its inspector is present, and that, on each occasion where catch is offloaded, an inspection takes place to verify the species and quantity caught. *Contracting Parties shall ensure that the offloading is monitored in accordance with the procedures in Article 38.*

2.0 The Contracting Party shall ensure that the interference in the offloading activity is minimized and that the quality of the catch is not adversely affected.

EU

- 3.0** Upon receipt of the information *contained in the Advance Landing report (Article 20)*, and where applicable, of the summary report submitted by the observer in accordance with Article 22, the relevant port authorities shall compare the data contained therein as well as data derived from VMS reports, inspection reports ~~as well as reports from other sources.~~
- 4.0 The landing of the catch shall not be permitted until this process has been finalised, unless in cases of force majeure there is a special authorisation from the Flag State authorities.
- 5.0 If the relevant vessel is flying another flag than the flag of the port State, port state and flag states authorities shall co-operate to compile and make available all data necessary for port inspection.
- 6.0 The port authorities shall, without delay, transmit all data received to the Flag State for verification by comparison with data derived from VMS reports. The Flag State shall provide the port State with a statement determining if the data corresponds to VMS data and other data available to the flag state.
- 7.0 The port authorities shall attach the statement of the Flag State to the port inspection report.
- 8.0 Contracting Parties shall facilitate a third party review system by permitting authorities from other Contracting Parties to observe all aspects of their port inspection process. The results of these reviews shall be reported annually to STACTIC/ NAFO Secretariat?**
- 9.0 Vessels operating in the Regulatory Area shall, at least 48 hours in advance of seeking access to port for the purpose of landing catch, provide the relevant port/inspection authorities and, if the port state is not the flag state, its flag State authorities, with the following information in the format outlined in Annex A-2**
- a) a copy of their authorisation to fish;
 - b) details of their fishing trip including:
 - i. areas fished and quantities of fish therein by species they intend to land.
 - ii. the amount of product onboard, and the amount to be offloaded by species and product type
 - iii. the amount of product onboard, by species and product type, that was harvested in the RA
 - c) a copy of the inspection reports in case the vessel has been inspected at sea.

EU

(Note by Canada: The preceding section 9.0 comprised the former Article 21, paragraph 5.0 and was moved to Article 37 on the suggestion of the EU)

Article 38 -Port Inspection Procedures

- 1.0** When catch is to be offloaded in a Contracting Party port, Contracting Parties will, based on analyses of the data as outlined in Articles 21 and 37, pre select vessels for Level 1 or 2 offloading inspections as follows:

a) Level 1

Level 1 inspections shall be carried out on vessels which have a good compliance record and for which the data for the current trip indicates that there are no catch discrepancies onboard the vessel. Level 1 will involve a routine enumeration of product coming off the vessel, according to the procedures outlined for an Enumeration Inspection, as outlined in Part XX of NAFO Doc XX.

b) Level 2

Level 2 inspections will be carried out when catch discrepancies are identified in the course of a Level 1 inspection, or in the following circumstances:

- **The vessel has been cited for an infringement of the CEM**
- **The observer has reported an apparent infringement, or a discrepancy exists between the observer's and master's catch report.**
- **Information from other sources, including VMS and air surveillance, indicates that the vessel may have engaged in illegal fishing activity or misreporting of the product onboard the vessel.**

Level 2 will involve an enhanced inspection, incorporating compositional and/or compliance sampling (as described in Part XX of NAFO Doc XX) of product onboard as required.

2.0 Inspectors shall, in the course of port inspections:

- a) **verify species and quantities of fish onboard**
- b) **verify any information from inspections under Chapter IV**
- c) **verify mesh size of nets on board**
- d) **verify size of fish for those species with minimum fish size requirements retained onboard**
- e) **verify VMS data from the vessel (through the Flag State as necessary)**
- f) **confirm the presence onboard of the vessel's Authorization to fish**

Article 39 -Port Inspection Reports

- 1.0 The competent authorities of the Port State shall, on request, transmit the results of the port inspection to the Flag State of the vessel within 14 working days of the date on which the port inspection was completed.
- 2.0 Results of port inspections shall include at least the information listed in Annex XIII, Section B (Annex I).
- 3.0 A copy of the results of the port inspection shall be transmitted to the Executive Secretary within 30 days as from the date on which the landing was completed and shall be provided to other Contracting Party on request.
- 4.0 Where possible, Contracting Parties should transmit the results of the port inspection in accordance with this paragraph in the format defined in Annex XIII, Section A.

Rationale: The NAFO Conservation and Enforcement Measures require Contracting Parties to inspect all vessels that operate in the NAFO Regulatory Area at each port call and when catch is offloaded, to ensure verification of species and quantity caught.

The frequent and continuing identification of discrepancies between information sources and port inspections requires resolution. As well, annual reports to STACTIC on the disposition of infringements indicate that the follow-up process on citations may also require improvement.

The effectiveness of the current port inspection process is limited somewhat by the lack of real time information from onboard observers and VMS. Further complicating the process are varying operational procedures in use by different Contracting Parties.

The current control system does not provide for a sufficient interaction between the different control tools in place. When a vessel enters into port, the port inspection authorities often do not have access to findings of inspections at sea, observers or VMS data. By obliging the captain of the vessel to make a port call in advance, and by giving port authorities access to such information, port authorities will be in a better position to carry out an effective port inspection.

List of Annexes

Annex A-1	Revisions to Annex X NCEM - 6) Catch Report Every Two Weeks
Annex A-2	Revisions to Annex X NCEM - 7) Advance Landing Report
Annex B	Protocol for Establishing Observer Coverage Levels (To Be Developed)
Annex C	Recruitment, training and Certification Guidelines for Observers
Annex D	Duties of Observers
Annex E	Observer-Reported Apparent Infringement Form
Annex F	Code of Conduct for Fishery Observers
Annex G-1	Observer Summary Report
Annex G-2	Trip End report (To Be Developed)
Annex H	Disposition of Observer reported Apparent Infringements
Annex I	Revisions to Annex XIII NCEM, Port Inspection Report

Annex A-1
Revisions to Annex X - NCEM
Format for the communication of catches and reports by fishing vessels

6) Catch Report every two weeks

Data Element:	Code:	Mandatory / Optional	Remarks:
Start record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination, "XNW" for NAFO
Sequence Number	SQ	M	Message detail; message serial number in current year
Type of Message	TM	M	Message detail; message type, "CAT" as Catch report
Radio call sign	RC	M	Vessel registration detail; international radio call sign of the vessel
Trip Number	TN	O	Activity detail; fishing trip serial number in current year
Vessel Name	NA	O	Vessel registration detail; name of the vessel
Contracting Party Internal Reference Number	IR	O	Vessel registration detail; unique Contracting Party vessel number as ISO-3 flag state code followed by number
External Registration Number	XR	O	Vessel registration detail; the side number of the vessel
Relevant Area	RA	M	Activity detail: NAFO Division
Latitude	LA	M ¹	Activity detail; position at time of transmission
Longitude	LO	M ¹	Activity detail; position at time of transmission
Catches every two weeks species live weight	CA	M M	Activity detail; cumulative catch by species retained on board (exclusive of discards), either since commencement of fishing in R.A. ² or last "Catch" report, in pairs as needed. FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Discarding species live weight	RJ	M	Activity detail; discarded catch by species, either since commencement of fishing in R.A. ² or last "Catch" report, in pairs as needed. FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Undersize species live weight	US	M	Activity detail; undersize catch by species, either since commencement of fishing in R.A. ² or last "Catch" report, in pairs as needed. FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Date	DA	M	Message detail; date of transmission
Time	TI	M	Message detail; time of transmission
End of record	ER	M	System detail; indicates end of the record

1 Optional if a vessel is subject to satellite tracking

2 Meaning the first "Catch Report" in current fishing trip in the R.A.

Annex A-2
Revisions to Annex X
Format for the communication of catches and reports by fishing vessels

7) Advance Landing Report

Vessel:			Side Number:		
ETA :		Port :			
Departed:		Port:			
Master:			Observer:		
Trip Details					
Days	Division	Dir. Species	Days	Division	Dir. Species
PRODUCT TO BE OFFLOADED:					
FROM NRA:					
Species	Product Type	Carton Weight	Total KG		
			Total to be Offloaded from the NRA		
FROM OUTSIDE NRA:					
			Total to be Offloaded from Outside the NRA		
PRODUCT TO REMAIN ON VESSEL:					
			Total to Remain on Vessel		
ATTACHMENTS:					
Authorization to Fish			Inspection report:		
Master:					

Annex B
Protocol for Establishing Observer Coverage Levels

(To be developed and proposed by Canada)

Annex C

Recruitment, Training and Certification Guidelines for Observers

Recruitment

1. Contracting Parties shall ensure that the observers they designate have the following qualifications:
 - a) sufficient experience to identify species and fishing gear;
 - b) satisfactory knowledge of the relevant Conservation and Enforcement Measures;
 - c) the ability to carry out scientific tasks or to observe and record fishing activities accurately;
 - d) satisfactory knowledge of the language of the flag State of the vessel onboard which they carry out their duties;
 - e) computer skills relevant for the exercise of their duties;
 - f) general nautical skills.

Training and Trainers

2. Trainers shall deliver a program that is certified by the Contracting Party and includes a course training standard designed to train individuals to complete the duties outlined in Annex D.
3. The trainers shall ensure that observer candidates complete an examination on conclusion of the training program.
4. The Trainers shall maintain appropriate records and issue documents of successful completion.

Certification

5. The observer candidate shall obtain an acceptable grade as determined by the Contracting Party authorities. In addition to an acceptable grade, the observer candidate must also sign undertaking to comply with the Code of Conduct.
6. The Contracting Party authorities shall issue a Certificate of Designation to the observer candidate who has successfully completed the training program and signed undertaking to comply with the Code of Conduct.
7. The Certificate of Designation cards shall include the following information:
 - Name and date of birth of observer
 - Identification number and expiration date
 - Photograph and signature of observer
 - Signature of Contracting Party authority

Revocation of Certification

8. Certification shall be revoked by the **Contracting Party Authorities** when:
 - a) An observer has not performed the duties outlined in Annex D for a period of ? years
 - b) An observer has breached the Code of Conduct
9. Upon revocation, the Certificate of Designation card shall be reclaimed by the Contracting Party.

USA

Annex D Duties of Observer

Objectives of Observer Program

1. The objectives of the observer program are:

- a) to monitor compliance with the Conservation and Enforcement measures in force, and
- b) to collect catch and effort data, other scientific data and additional information related to the fishery in the Regulatory Area.

2. The duties of observers are *described in detail in an Operations Manual (to be developed)* and shall comprise the following:

- a) monitor the vessel's compliance with the Conservation and Enforcement Measures adopted by the Fisheries Commission and in force. In particular, they shall
 - (i) broad estimate of the total catch held on board on entry into the Regulatory Area;
 - (ii) record the fishing activities of the vessel and verify the position of the vessel engaged in fishing;
 - (iii) observe and estimate catches with a view to identifying catch composition and depth and monitoring discards, by-catches and undersized fish;
 - (iv) record gear type, mesh size and attachments deployed (*measure gear and attachments and record results*);
 - (v) verify the entries made in the logbook;
 - (vi) monitor the functioning of, and report on any tampering with, the Satellite tracking system;
 - (vii) be available to inspectors during at sea inspections;
 - (viii) upon request from the relevant inspection authorities, be available for a debriefing when the vessel enters into port;
 - (ix) if the observer considers it appropriate, signal any observations on possible violations to the captain
 - (x) report, using established codes, suspected serious infringements identified by the observer to an inspection vessel, which should report it to the Executive Secretary.
- b) carry out scientific work as requested by the Fisheries Commission based on advice by the Scientific Council. In particular, they shall
 - (i) record details of the vessel's partition of time between searching, fishing and transit;
 - (ii) take samples of catches and record the biological data of species caught;
 - (iii) collect catch and effort data on a haul by haul basis. This data shall include location, depth, time of the net on the bottom, catch composition, discards, by-catches and undersized fish;
 - (iv) collect data, including location, on fishing gear loss and waste disposal.

Annex E

**Observer-Reported Apparent Infringement Form
(To be completed by Contracting Party authorities)**

Vessel/Master Name:	Reference Number:
Trip Dates:	Apparent Infringement:
Observer:	NCEM Chapter/Article:
Details:	
Contracting Party Response:	
Final Disposition of Apparent Infringement:	
Signature:	Date:

Annex F

Code of Conduct for Fishery Observers

General

- 1. Observers shall conduct themselves at all times in a professional manner.**
- 2. Observers shall avoid any behavior that could adversely affect the integrity of the observer program. They are expected to conduct themselves in an honest and businesslike manner in all situations and shall refrain from engaging in any activities that would negatively affect their person or role.**
- 3. Observers shall comply with all requirements established in laws and regulations of the Contracting Party to the vessel to which the observer is assigned insofar as such requirements are not incompatible with the Conservation and Enforcement Measures adopted by the Contracting Party and in force;**
- 4. Observers shall respect the hierarchy and general rules of behavior which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program.**
- 5. An Observer shall report objectively any apparent infringements observed and submit an authentic verifiable data package and trip report.**

Gratuities/Bribes

- 6. Observers shall not accept any gratuity in the form of an object or a consideration that may place the observer in a compromising position. Gratuities include, but are not limited to money, fish products, free trips and alcoholic beverages.**
- 7. Any offer of a gratuity/bribe shall be reported immediately to Contracting Party authorities.**

Conflict of Interest

- 8. An Observer shall disclose any conflicts of interest to Contracting Party authorities in writing as soon as the Observer becomes aware of the conflict.**
- 9. An Observer shall not:**
 - hold a commercial fishing licence and/ or act as a crewmember on any fishing vessel.**
 - be involved in the purchase of fish for the purpose of resale.**
 - be an owner, operator or manager of an enterprise that catches, cultures, process or transports fish.**
- 10. An Observer shall not accept a deployment to a vessel owned or operated by the Observer's immediate family.**

Confidentiality of Information

- 11. All collected data, photographs and literature shall be turned over to the Contracting Party Authority at the completion of a deployment.**
- 12. In performing their duties, observers shall treat as confidential all information with respect to the fishing operations of the vessels and of the owners of the vessels and accept this requirement in writing as a condition for placement;**

Observer Identification Cards

- 13. An Observer shall return the Certificate of Designation card to the Contracting Party authority upon request.**

**Annex G-1
Observer Report Formats**

(Summary report to be completed by the observer and submitted at least 30 hours in advance of the vessel's entry into port)

Vessel name _____ Call Sign _____ Flag State _____ Observer _____ Trip Period _____

Date	Div.	Fishing Gear		Bycatch		Discards		Undersize		Logbooks		Production			Hails		Samples		App. Infr.		VMS System	
		Type	Mesh	Spec ¹	Quant. ²	Spec ¹	Quant ²	Spec ¹	Quant ²	Spec ¹	Quant ²	Yes	No	Whole	HG	Fillets	Yes	No	Yes	No	Yes	No

- By marking "yes" in the "Logbook" column, the observer approves of the entries made by the captain for the trip.
- By marking "yes" in the "Hails" column, the observer confirms that hails made by the captain for the trip are correct.
- By marking "yes" in the "Samples" column, the observer confirms that (s)he has taken samples of the catch for scientific purposes.
- By marking "yes" in the "App. Infr." column, the inspector indicates that an apparent infringement was observed during the trip. Details in Comment Section.
- By marking "yes" in the "VMS" column, the observer confirms that the vessel's VMS system is functioning properly and without interference.

Comments:

¹ By FAO Codes
² Quantity in Tons

ANNEX G-2

(Trip-end report to be completed by the observer and submitted to Contracting Party Authorities)

(To be developed and proposed by Canada)

Annex H
Disposition of Observer-reported Apparent Infringements
Revised STACTIC Form A and B
 (To be submitted to NAFO Secretariat by Contracting Parties)

ANNUAL RETURN OF INSPECTIONS, CATCH RECORD DISCREPANCIES, INFRINGEMENTS, AND/OR APPARENT INFRINGEMENTS

Contracting Party Reporting: _____ Year: _____

Contracting Party of Inspected Vessels: _____

SUMMARY OF INSPECTIONS, CATCH RECORD DISCREPANCIES, **INFRINGEMENTS**, AND/OR APPARENT INFRINGEMENTS

Total Number of Inspections: _____ **Total Number of Infringements:** _____

Total Number of Apparent Infringements: _____ Total Number of Catch Record Discrepancies: _____

DETAILS OF CATCH RECORD DISCREPANCIES, **INFRINGEMENTS**, AND/OR APPARENT INFRINGEMENTS

Name of Vessel Inspected or Observed and Side Number	Date of Inspection or Observation	Location at time of Inspection or Observation (NAFO Division or name of port)	Details of infringements , apparent infringements and/or catch record discrepancies (Indicate Applicable Chapter/Article of NAFO Conservation and Enforcement Measures)

Date of Return: _____
 STACTIC Form A

ANNUAL RETURN OF DISPOSITION OF CATCH REORD DISCREPANCIES, INFRINGEMENTS, AND/OR APPARENT INFRINGEMENTS

DETAILS OF CATCH REORD DISCREPANCIES, **INFRINGEMENTS**, AND/OR APPARENT INFRINGEMENTS

Name of Vessel Inspected or Observed and Side Number	Date of Inspection or Observation	Details of infringements , apparent infringements and/or catch record discrepancies (indicate applicable Chapter/Article of NAFO Conservation and Enforcement Measures)	Disposition of infringement(s) , apparent infringement(s) and/or catch record discrepancies

Date of Return: _____
 STACTIC Form B

Annex I**Revisions to Annex XIII, NCEM - Port Inspection Report**

B. Information to be inserted in the report

6.0 VMS Verification

VMS Data Verified

Yes	No
-----	----

Contracting Party (or Flag State) Statement
Attached

Yes	No
-----	----

Comments

Yes	No
Yes	No

Source Document**Article 2- Definitions**

NEW (Draft 1)

Article 13 - Authorization to Fish

1.0	WP 03/17
2.0	WP 03/17
3.0	CURRENT

Article 18 Product Marking/ Identification Requirement (New Title)

NEW

Article 22 - Communication of Catches

4. a) b) c) d)	WP 03/17
5 a)	WP 03/17
5. b) i.	WP 03/17
5 b) ii.	WP 03/12
5. b) iii.	WP 03/12
5. c)	WP 03/17

Article 23 -Observer Program

1.0	NEW
2.0	WP 03/17
3.0	WP 03/17
4.0	WP 03/17
5.0	WP 03/17
6.0	WP 03/17
7.0	WP 03/17 + 18 COMBINED
8.0	WP 03/17
9.0	WP 03/17
10.0	WP 03/17 + NEW
11.0	WP 03/17
12.0	WP 03/17
13.0	WP 03/17
14.0	WP 03/17
15.0	WP 03/17
16.0	WP 03/17
17.0	WP 03/17
18.0	WP 03/18 + NEW (Draft 1)

19.0	WP 03/18 + NEW (Draft 1)
20.0	WP 03/18 + NEW (Draft 1)
21.0	WP 03/18
22.0	WP 03/17
23.0	WP 03/17 + 18 COMBINED
24.0	WP 03/17
25.0	WP 03/17
26.0	WP 03/17
27.0	WP 03/17
28.0	WP 03/18
29.0	WP 03/17
30.0	WP 03/17

Chapter V - Inspections in Port

Article 37 - General Provisions (NEW OPENING ARTICLE)

1.0	CURRENT + WP 03/12 + NEW (Draft 1)
2.0	CURRENT
3.0	WP 03/17 + 18 + NEW (Draft 1)
4.0	WP 03/17
5.0	WP 03/17
6.0	WP 03/17
7.0	WP 03/17
8.0	WP 03/12 + NEW
9.0	WP 03/12 + 17 (Moved from Article 21)

Article 38- Port Inspection Procedures

1.0	WP 03/12
2.0 a)	CURRENT
2.0 b)	CURRENT
2.0 c)	CURRENT
2.0 d)	CURRENT + NEW (Draft 1)
2.0 e)	WP 03/12
2.0 f)	NEW (Draft 1)

Article 39- Port Inspection Reports (New Title)

1.0	CURRENT
2.0	CURRENT
3.0	CURRENT
4.0	CURRENT

Annex C - Recruitment, Training and Certification Guidelines for Observers

1.0 a) b) c) d) e) f)	WP 03/17
2.0	WP 03/18
3.0	WP 03/18
4.0	WP 03/18
5.0	WP 03/18
6.0	WP 03/18
7.0	WP 03/18
8.0	WP 03/18
9.0	WP 03/18

STACTIC WP 03-12/17/18**DISCUSSION PAPER**

This document presents the articles, paragraphs and sections from the combined papers that require further discussion and possible revision before they can be incorporated into the final document.

In some instances, passages require clarification by the author and can be returned to the original document quickly. Other issues are reflective of a lack of consensus on approach in some areas.

The four main points requiring further discussion center on the following:

1. Scope

The scope of observer coverage has been an issue at NAFO meetings in recent years. Comments on the scope are provided by Iceland, the EU and Canada.

2. Infringement

A proposal has been made to provide distinct definitions of infringement and apparent infringement to differentiate between the findings of inspectors and information received from other monitoring sources.

3. Port Inspection

The proposed port inspection protocol for all vessels landing fish from the NRA has received extensive comments from Iceland and the EU.

4. Web Based Possibilities

It is proposed for discussion that consideration be given to exploring the possibilities of posting reporting data to a secure web site for access by inspecting authorities.

1. SCOPE

Article 23 - Observer Program

Scope

1.0[Observer coverage levels shall be established in accordance with guidelines outlined in Annex B (to be developed by Canada for consideration)]

ICELAND:

As often has been mentioned, Iceland has suggested reduced observer coverage and our first proposal was with 20%. Now there is Pilot Project running with 50% coverage and I believe that Iceland will be unwilling to increase it again. So instead of 60-40-20 percent, I suggest 40-30-20. This is my compromised proposal, and I refresh that in last annual NAFO meeting in September 2003, Iceland wanted 20% coverage.

EU:

General Comments: The EC considers all elements falling under this exercise as being a package. In general terms, we reiterate our position that any modifications of substantial nature must be compensated by a substantial reduction of the observer coverage. We find it surprising that in submitting this document, there is no consideration given to this vital theme.

Article 23: As stated above, the scope remains an essential issue for the EC. We will refrain from detailed comments until Annex B is made available.

2.0 [Each Contracting Party shall during 2004 require that 100% of its vessels fishing in the Regulatory Area at any one time, carry at least one observer on board the vessel. This coverage shall be reduced to 60% from 1 January 2005, to 40% from 1 January 2006 and to 20% from 1 January 2007.]

DENMARK (FAROES AND DENMARK (FAROES AND GREENLAND)):

Is this to be understood as if DENMARK (FAROES AND GREENLAND) in the year of 2006 has two vessels in NRA it is enough with observer on one of the vessels? What if the vessel with observer onboard leaves 1 week before the vessel without observer? This could be some very complicated calculation.

If a CP does not know in advance how many fishing-days total the CP is going to fish in NRA it is going to be difficult to plan the observer coverage.

2. INFRINGEMENT

Article 2 - Definitions

"Infringement" means any activity or omission of a fishing vessel which gives grounds for suspecting that a violation of the applicable provisions of the CEM has occurred and which has been identified pursuant to Chapter IV or V of the CEM.

"Apparent Infringement" means any activity or omission of a fishing vessel which gives grounds for suspecting that a violation of the applicable provisions of the CEM has occurred and which has been identified pursuant to Chapter III of the CEM.

ICELAND:

Is the only difference between "Infringement" and "Apparent Infringement" in reference to Chapters, the former to IV and V but the latter to III? Is one supposed to be more serious than the other, or are they equally serious? And is "Serious Infringement" the third and most serious one?

EU:

Article 2: The EC can support the first definition proposed by Canada. We are not in favour of a definition of infringement which refers to findings pursuant to chapter III of the CEM since such a definition would blur the necessary distinction between inspection findings and monitoring tools, such as observer data. The latter category may not, per se, constitute evidence of infringements but rather is intended to feed into inspection activities at sea or in port.

It should be clarified that the EC by no means is opposed to the concept of using monitoring data for follow-up action, which we understand is the concern of Canada. We believe however that this concern is being catered for in various other suggested provisions, in particular Article 12 paragraph 3.0, but also in the revised observer programme and port inspection scheme.

DENMARK (FAROES AND DENMARK (FAROES AND GREENLAND)):

It should be clarified which articles in chapter IV, III or V the definitions of 'Apparent infringement' and 'Infringement' refers to.

DENMARK (FAROES AND GREENLAND) suggests instead of the definition "Infringement means any activity or omission of a fishing vessel which gives ground for suspecting..." this definition: "... which gives clear ground for suspecting..."

DENMARK (FAROES AND GREENLAND) suggests an addition to the definition so instead of "Apparent infringement means any activity or omission of a fishing vessel which gives grounds for..." the following phrase is suggested: "Apparent infringement means any activity or omission of a fishing vessel which gives reasonable grounds for..."

We also finds it is important to have the definition of "Serious infringement" here in article 2 as well (Article 32).

3. PORT INSPECTION**Article 37 - General Provisions**

- 1.0 When, in the port of a Contracting Party, a port call is made by a vessel which has been engaged in fishing for stocks subject to the Conservation and Enforcement Measures, that Contracting Party shall ensure that its inspector is present, and that, on each occasion where catch is offloaded, an inspection takes place to verify the species and quantity caught. *Contracting Parties shall ensure that the offloading is monitored in accordance with the procedures in Article 38.*

DENMARK (FAROES AND DENMARK (FAROES AND GREENLAND)):

Does this paragraph mean that a CP must carry out a port Inspection every time a CP vessel is offloading catch taken in the RA? We suggest that the port inspection is carried out when a vessel has been cited for a apparent infringement or other irregularities.

- 2.0 The Contracting Party shall ensure that the interference in the offloading activity is minimized and that the quality of the catch is not adversely affected.
- 3.0 Upon receipt of the information *contained in the Advance Landing report* and where applicable, of the summary report submitted by the observer in accordance with Article 22, the relevant port authorities shall compare the data contained therein as well as data derived from VMS reports and inspection reports.
- 4.0 The landing of the catch shall not be permitted until this process has been finalised, unless in cases of force majeure there is a special authorisation from the Flag State authorities.
- 5.0 If the relevant vessel is flying another flag than the flag of the port State, port state and flag states authorities shall co-operate to compile and make available all data necessary for port inspection.
- 6.0 The port authorities shall, without delay, transmit all data received to the Flag State for verification by comparison with data derived from VMS reports. The Flag State shall provide the port State with a statement determining if the data corresponds to VMS data and other data available to the flag state.
- 7.0 The port authorities shall attach the statement of the Flag State to the port inspection report.

ICELAND:

As I previously said there should be a consideration on what reports types should be used. Too many report types with the same information increases the possibility of unintentionally discrepancy between reports (typing errors, human mistakes, etc). This of course can effect port inspections.

The co-operation between flag state and port state seems to be a bit complicated. I think that every CP wants to have good co-operation but in my opinion the proposal as it is in 5.0-7.0 will only increase the bureaucracy and therefore increase the cost. We should consider it carefully to give CPs access to data derived from VMS reports. Then could all CPs get the information they need whenever they need. NAFO should be modern and use all technology available.

- 8.0 Contracting Parties shall facilitate a third party review system by permitting authorities from other Contracting Parties to observe all aspects of their port inspection process. The results of these reviews shall be reported annually to **STACTIC/NAFO Secretariat?**

EU:

Paragraph 8.0: The EC considers that the current NAFO rules on access of third country inspectors to observe port inspections strikes an appropriate balance of interests. It should be recalled that the port inspection scheme refers to inspections taking place on the territory of Contracting parties outside the Convention Area of NAFO. The current wording of this paragraph would allow government officials to conduct official business on the territory of another country without the consent of local authorities and is therefore excessive.

USA:

Report should go to the Secretariat for use in annual compliance review

9.0 Vessels operating in the Regulatory Area shall, at least 48 hours in advance of seeking access to port for the purpose of landing catch, provide the relevant port/inspection authorities and, if the port state is not the flag state, its flag State authorities, with the following information in the format outlined in Annex A-2:

- a) a copy of their authorisation to fish;
- b) details of their fishing trip including:
 - i. areas fished and quantities of fish therein by species they intend to land.
 - ii. the amount of product onboard, and the amount to be offloaded by species and product type
 - iii. the amount of product onboard, by species and product type, that was harvested in the RA
- c) a copy of the inspection reports in case the vessel has been inspected at sea.

ICELAND:

A Landing Report with at least 48 hours in advance is too long notice and I would like to explore the possibilities of shorter one, maybe 24 hours.

In 5.0 there are some information that has to be provided to port authorities. Should this information be sent by fax? What is the purpose of sending a copy of the licence, for an example, licence for Icelandic vessels are in Icelandic? The Secretariat should rather provide a list of authorised vessels on the NAFO website.

Are inspections reports also to be sent by fax? Could it be enough to keep a list on the website with information on vessels that have been inspected? On that list could be information on the result (was all OK?, yes/no) and relevant port authorities would then know if they should read the inspection report carefully onboard and check on some "infringements" or not.

Alternatively, port authorities should only be provided with a copy of "negative" reports, but not "positive".

EU:

There seem also to be some overlap between the three sub-items under point 9.0 b).

DENMARK (FAROES AND DENMARK (FAROES AND GREENLAND)):

10.0a) It should not be necessary to have a copy of the vessels if the secretariat has a list of notified vessels.

11.0b) These points should be rephrased since there seems to be some overlap.

Article 38.0

1.0 When catch is to be offloaded in a Contracting Party port, Contracting Parties will, based on analyses of the data as outlined in Articles 21 and 37, pre select vessels for Level 1 or 2 offloading inspections as follows:

a) Level 1

Level 1 inspections shall be carried out on vessels which have a good compliance record and for which the data for the current trip indicates that there are no catch discrepancies onboard the vessel. Level 1 will involve a routine enumeration of product coming off the vessel, according to the procedures outlined for an Enumeration Inspection, as outlined in Part XX of NAFO Doc XX.

b) Level 2

Level 2 inspections will be carried out when catch discrepancies are identified in the course of a Level 1 inspection, or in the following circumstances:

- The vessel has been cited for an infringement of the CEM
- The observer has reported an apparent infringement, or a discrepancy exists between the observer's and master's catch report.
- Information from other sources, including VMS and air surveillance, indicates that the vessel may have engaged in illegal fishing activity or misreporting of the product onboard the vessel.

Level 2 will involve an enhanced inspection, incorporating compositional and/or compliance sampling (as described in Part XX of NAFO Doc XX) of product onboard as required.

2.0 Inspectors shall, in the course of port inspections:

- a) verify species and quantities of fish onboard
- b) verify any information from inspections under Chapter IV
- c) verify mesh size of nets on board
- d) verify size of fish for those species with minimum fish size requirements retained onboard
- e) verify VMS data from the vessel (through the Flag State as necessary)
- f) confirm the presence onboard of the vessel's Authorization to fish

ICELAND:

My first reaction regarding port inspection is that the procedures are too detailed and complicated. While selecting Level 1 (L1) or Level 2 (L2), who should determine what is a good compliance record? Can Iceland decide unilateral which vessels from Latvia have good compliance record?

The comments to article 13 are relevant here: "When data is cross checked, a question arises about accuracy. How much deviation should be allowed? If a captain reports 500 tons catch but when the catch is weighed it is 520 tons? Is that OK? This is especially crucial with reference to port inspection." The question could be, if there is just a tiny discrepancy should L2 take place?

The phrase "vessel may have engaged in illegal fishing" is inaccurate. All vessels may have engaged in illegal fishing, port inspection is just one part in checking out compliance. One could think that L2 should always take place. I think that continuous choose between L1 and L2 complicates inspections. For instance, if discrepancy is discovered at the very end of L1, should L2 take place?

The proposed text in 2.0, does it apply to both L1 and L2? I notice that in f) inspectors shall confirm the presence of vessel's authorisation (licence) to fish. In article 21 5.0 it is proposed that vessels send a copy of there authorisation to port state, so I ask again, is that necessary?

As I said earlier I think that proposed port inspection procedures are too detailed and complicated. They leave nothing left for CPs to use their own procedures and methods. As I understand the proposal, port inspections has to be done in exact order and not in any other way. That means that CPs, at least Iceland, will have two types of port inspections procedures, one for NAFO and one with "our methods".

In my opinion proposed port inspection will increase cost because there will always have to be two inspectors available and rather big portion of catches is checked. And because that rather big portion is always inspected I have doubt how that can not affect products quality. I think there is a great risk affecting product quality if rather big portion of catches is always inspected.

Instead of having rather detailed and a bit complicated port inspection procedures, we could use sudden and unexpected inspections. I think that each CP should carry out such inspections in a way that suit them best. However, NAFO could of course accept some provisions on minimum percentage of vessel's landings

inspected (sudden inspection) and requirement of such inspections.

Our experience in Iceland is that sudden and unexpected inspections can be just as effective. If every vessel/captain know that he can be detailed inspected at all time, the odds are very high that he will comply with regulations. I think it is too expensive to inspect every landing of all vessels in details.

EU:

Article 38: The EC is open to discuss any amendments of the port inspection scheme in this direction provided that it leads to an equal treatment of vessels. Procedures will in any case have to be feasible in practise and take into account inter alia the size of the intended landings.

DENMARK (FAROES AND GREENLAND):

1 b) The first arrow mentions vessels that have been cited for an infringement of the CEM. It is important to define what kind of infringement that makes it necessary to have an inspection of level 2.

2 f) This paragraph mentions that the inspector shall confirm the presence onboard of the vessel's authorisation to fish in the course of port inspection. But is it not the Flag States responsibility that the vessel has an authorisation to fish and then it should be enough that a CP has notified the vessel to NAFO.

4. WEB BASED POSSIBILITIES

CANADA:

Canada proposes a discussion on the potential for the application of web based reporting for all NAFO monitoring functions. Specific recommendations are included for some of the measures in this document; however, it is felt that many other components of the NAFO Monitoring Scheme could be significantly enhanced through the use of web based electronic reporting.

5. OTHER MEASURES REQUIRING DISCUSSION AND/OR CLARIFICATION

Article 13 - Authorization to Fish

3.0 Flag State Contracting Parties shall establish a validation system comprising in particular cross checks and verification of all data resulting from applicable measures adopted under the NAFO convention. The flag state shall notify any discrepancies following such cross checks to the captain and require an explanation.

ICELAND:

When data is cross-checked, a question arises about accuracy. How much discrepancy should be allowed? If a captain reports 500 tons catch but when the catch is weighed it is 520 tons. Is that OK? This is especially crucial with reference to port inspection.

But of course, I acknowledge the importance of cross checks. That is something that should be done.

DENMARK (FAROES AND GREENLAND):

- 1.0 d) DENMARK (FAROES AND GREENLAND) finds it necessary to discuss what the following phrases means: 'Sufficient evidence' and 'All relevant facts'.
- 1.0 e) This point is not very clear. Does this point mean that a vessel owner should not be allowed to own one vessel with a license to fish in international waters and at the same time own a vessel which is not allowed to fish in international waters?
- 1.0 e) + f) This is important to include in the discussions regarding the implementation of a NCP scheme like NEAFC.

2.0 First sentence:

DENMARK (FAROES AND GREENLAND) finds it necessary to discuss the meaning of the phrase 'Particular cross checks'. If the phrase does not have some particular cross checks in mind it should only say 'Cross checks' and maybe define what type of data should be crosschecked. A suggestion could be to cross check information from port inspection and catch reports.

2.0 Second sentence:

DENMARK (FAROES AND GREENLAND) suggests that not all discrepancies are notified but only the more serious discrepancies are notified and for vessels with a history also smaller discrepancies.

3.0 DENMARK (FAROES AND GREENLAND) would like to an explanation of the purpose of this paragraph.

Article 18- Product Marking/Identification Requirement (New Title)

All fish harvested in the NAFO Regulatory Area and frozen at sea shall be packaged and marked/identified with the species/ product type/NAFO Division and date.

ICELAND:

It is very important that all products are well and clearly marked. However, we have to keep in mind that catches from different fishing divisions can, in some cases, be packed together (in boxes/pallets).

EU:

Article 18: While the EC would be open to discuss amendments aimed at facilitating inspections at sea or in port, we don't necessarily see a need to introduce such an obligation for all species fished in the NAFO Area.

DENMARK (FAROES AND GREENLAND):

This article suggests that all fish harvested in the NRA and frozen at sea shall be packaged and marked with the species, product type, NRA division and date.

DENMARK (FAROES AND GREENLAND) suggest an addition: "...or any other marking, which could in similar way give same identification. The master must provide a list of codes used".

DENMARK (FAROES AND GREENLAND) has the opinion that for control purposes it should be enough with a stowage-plan, which could include different types of product, NRA division, species and date.

There should be an exception if all products are the same species, product type and NRA division.

Article 22 Communication of Catches

- 4.a) As of 1 January 2005, the master shall complete, every two weeks, a report by division on aggregate catches by species retained on board, discards and undersized fish as recorded in the logbook. The VMS template described in Annex A-1 shall be used.
- b) The reports shall be transmitted by Monday 24:00 UTC for the proceeding **two** weeks ending Sunday midnight. If the electronic means for transmitting these reports to and from the FMC is not functioning, the master shall notify the FMC of this failure and transmit the report by any other means of communication available, keep a written log of these transmissions on board and make them available to inspectors if requested.
- c) Contracting Parties shall ensure that technical facilities on board their vessels necessary to send electronic catch reports have been tested with the Secretariat. The testing of this exchange shall be deemed successful once data exchanges have been completed with all recipients at a 100% reliability rate.
- d) The Executive Secretary shall notify the Contracting Party of any vessel from which no reports have been received for 4 consecutive weeks without justification, and copy this notification to Contracting Parties with an inspection presence in the Regulatory Area.

ICELAND:

It is difficult to understand how Contracting Parties can have control over catches of vessels on a real time basis, if captains only report catches every two weeks. I think that catch-reports with more frequency should be used, even daily (as in the Pilot Project).

EU:

Article 22: All Reports envisaged under this Article should preferably be in the North Atlantic Format.

DENMARK (FAROES AND GREENLAND):

- 4 b) This should be harmonized with the rules in NEAFC where the reports have to be transmitted every week.
- 4 c) This paragraph should be deleted. The catch report should be communicated to the NAFO Secretariat via the Flag State.
4. d) DENMARK (FAROES AND GREENLAND) has the opinion the time limit should be much shorter.

CANADA:

Consideration should be given to the exploration of web based possibilities for posting information relevant to catch communication as well as other measures. For example some of the data necessary for the port inspection process could be posted to a secure web site.

Article 23- Observer Program

2.0[Each Contracting Party shall during 2004 require that 100% of its vessels fishing in the Regulatory Area at any one time, carry at least one observer on board the vessel. This coverage shall be reduced to 60% from 1 January 2005, to 40% from 1 January 2006 and to 20% from 1 January 2007.]

ICELAND:

It is my opinion that "X% of its vessels fishing in the RA at any one time" is unacceptable. Provision like that can lead to complicated coverage control and increased cost. We could, for an example, have 10 vessels fishing in the RA and 6 without observer onboard, i.e. 40% coverage. Now, if the other 4 vessels finish their fishing earlier and leave the RA, we only have 6 vessels left and none of them with observer onboard. How can we put observers onboard these vessels? In some cases an observer can "jump" between vessels at sea but sometimes not. Are we supposed to fly observers onboard with helicopters?

I suggest that the provision shall be something like this: "X% of total time that all vessels of a CP are present in the RA". On a year basis the coverage has to be at least X% but can be higher or lower for shorter periods. Segments 11.0 and 12.0 are very important and should be part of this measure. According to these segments CP has to keep balance between vessels and different types of fisheries but a balance within the year should also be included.

DENMARK (FAROES AND GREENLAND):

Is this to be understood as if DENMARK (FAROES AND GREENLAND) in the year of 2006 has two vessels in NRA it is enough with observer on one of the vessels? What if the vessel with observer onboard leaves 1 week before the vessel without observer? This could be some very complicated calculation.

If a CP does not know in advance how many fishing-days total the CP is going to fish in NRA it is going to be difficult to plan the observer coverage.

3.0 Contracting Parties shall immediately place an observer on board any vessel flying their flag that is cited for a serious infringement as described in Article X, unless the vessel is re-routed in accordance with Article X. Contracting Parties with an inspection presence in the Regulatory Area shall have their inspectors confirm their vessels' infringements before the observer is placed on board.

DENMARK (FAROES AND GREENLAND):

DENMARK (FAROES AND GREENLAND) suggests to replace the word 'Shall' in the last sentence with 'Can'.

5.0 Contracting Parties shall recruit, designate and place observers on board vessels flying their flag as well as on vessels of non-Contracting Parties that so agree. While on board, observers shall remain under the responsibility of the Contracting Party that designated them and respond to the relevant authorities thereof.

6.0 Contracting Parties shall not later than 1 January 2006 further ensure that designated observers have completed the technical training required by the guidelines laid down in Annex X prior to any placement on vessels. This training shall last at least X weeks and shall include a certification process.

Or, alternatively:

7.0 Contracting Parties shall ensure that the observers they recruit and designate have the qualifications, training and certification outlined in Annex C.

ICELAND:

Iceland has previously stated that some standard (minimum) qualification, knowledge and skills that an observer has to have can be accepted. However, Iceland has problem accepting minimum time of training and it had been stressed that X days of learning do not guarantee acceptable qualification. It also seems to me that the guidelines (or annex) for training is a part of the measure and all CPs have to follow the guidelines but can not use their own methods. That seems unacceptable.

DENMARK (FAROES AND GREENLAND):

6.0 The training of observers should not be defined as a number of weeks because it is not a guarantee for the standard of the training.

EU:

Paragraph 7.0: It is not clear to us what the alternative is. If the intention is that paragraph 7.0 is an alternative to paragraphs 5.0 and 6.0, the latter paragraphs seem more complete. In any case, a transitional period to allow Parties to introduce a training and certification process seems needed.

12.0 Contracting Parties shall ensure that an observer be on board the vessels referred to in point **2.0** at all times while fishing in the Regulatory Area.

DENMARK (FAROES AND GREENLAND):

This must refer only to when the observer coverage must to 100%?

11.0 When selecting the vessels on board of which observers are to be placed, Contracting Parties shall take into account inter alia the history of compliance of individual vessels, as well as that of their owners and/or operators.

DENMARK (FAROES AND GREENLAND):

It could be a problem to define whether a vessel is non-compliant and consequently there could be some disagreement among the CP.

14.0 Contracting Parties shall provide the observer with a portable computer and other means necessary to fulfil their tasks relating, in particular, to the drafting and transmission of reports by electronic means, as well as a standardised equipment kit including certified mesh gauges, scales and sampling equipment.

ICELAND:

It is necessary that observers have good equipment but we have to have in mind that it can increase cost, especially means to send electronic reports. Captains are obliged to give observers full access to equipment onboard.

CANADA:

In addition to the kit equipment indicated in 14.0, observers should also be issued digital cameras to record photographic evidence from the vessels that could be submitted with the trip report.

15.0 Contracting Parties shall before 1 January 2006 create a computerised data base where all **relevant** data contained in observer reports in accordance with this programme are collected.

DENMARK (FAROES AND GREENLAND):

Is this to be a database or is it only necessary to register the data electronically? If it is a database there must be a time-limit for implementation of this demand.

17.0 Contracting Parties shall from 2006 onward ensure that vessels with catch on board when entering the Regulatory Area and that do not carry observers are available for inspection at a pre-arranged checkpoint. Guidelines shall be established at the 2004 Annual Meeting

EU:

Paragraph 17.0: If ever the concept of checkpoints be agreed upon, refinement will be necessary to strike an appropriate balance.

18.0 Each Contracting Party shall designate an individual responsible for coordination of their observer program. Names of these designated officials shall be submitted to the NAFO Secretariat before November 30, 2004.

EU:

Paragraph 18.0: We don't understand what the benefit of this provision is.

DENMARK (FAROES AND GREENLAND):

DENMARK (FAROES AND GREENLAND) suggests that a certain department is responsible for the observer program instead of a certain person

19.0 The designated authority for each Contracting Parties shall ensure that when apparent infringements are identified by observers, the form in Annex E is completed.

EU:

Paragraph 19.0: The purpose of this provision is unclear as well as how the information in the proposed annex E is going to be used.

CANADA:

This provision is proposed as a means to track and follow up on apparent infringements reported by observers. Annex E is intended as a template for use by Contracting Parties to track the follow up process to apparent infringements reported by observers and to report annually on the disposition of these apparent infringements.

20.0 Contacting Parties shall report annually to STACTIC on their compliance with the observer coverage level requirements. This report shall specify by vessel, the number of fishing days in the NRA, the number of those days that were observed and the disposition of apparent infringements identified by observers.

EU:

Paragraph 20.0: The need for this paragraph is unclear. In any case, the reference to disposition of observer findings must be deleted. For reasons set out above, observer findings by no means can be treated on the same level as inspection findings in terms on enforcement.

25.0 In carrying out his/her duties, observers shall establish the following reports in an electronic format:

- a) a **summary report** at the end of the assignment. The VMS template described in Annex G-1 shall be used. This report should include observations on instances of possible serious violations, if any, including instances where fishing activities in the Regulatory Area are being declared as having been taken outside this Area.
The summary report shall be transmitted to the Contracting Party of the vessel as well as directly to the inspection authorities of the port of landing at least 30 hours in advance of the vessel's entry into port. A copy of this report shall be made available to the captain of the vessel.
- b) a **final report** within 5 days after the end of the assignment. This report shall include daily totals of catch by species and division. The final report shall be transmitted to the Executive Secretary and the Contracting Party of the vessel.

ICELAND:

Reports from observers need some consideration. Should they send daily reports or only summary report? Information in summary report seems to be the same as in daily reports and therefore summary reports could be unnecessary. There is also the possibility that all reports will be made available on the NAFO website so all CPs could simple choose the vessel they want to look at before inspection.

I can't really see the need for a final report and would like to see the rationale for the purpose of that report. I think that we should avoid drowning us all in many types of reports and rather use fewer and effective ones.

CANADA:

Observers reports should not be made available to the master while the observer is onboard the vessel.

DENMARK (FAROES AND GREENLAND):

25 b) The summary report in Annex G-1 includes check of logbooks entries. If the observer confirms the entries in the vessels logbook it should not be mandatory to send this report.

28.0 The Executive Secretary shall report annually to STACTIC on the number and type of infringements and apparent infringements identified in the observer summary reports, trip reports and interview forms. The format outlined in Annex H shall be used to make this report.

EU:

General Comments: The EC further reiterates its view that a clear distinction must be maintained between inspection findings, and monitoring and other data. In particular, we do not consider it appropriate or desirable that, in relation to fisheries conducted in international waters, to accord observer findings the same status as inspection findings.

Paragraph 28.0: This provision to be deleted for the reasons set out above.

CANADA:

The Executive Secretary should also report annually to STACTIC on observer coverage levels by Contracting Parties

DENMARK (FAROES AND GREENLAND)

DENMARK (FAROES AND GREENLAND) has to state that we are not in the favour of using fishery observers as scientific observers but we can accept the fishery observer collects minor samples after instructions.

Annex C
Recruitment, Training and Certification Guidelines for Observers

Recruitment

1. Contracting Parties shall ensure that the observers they designate have the following qualifications:
 - a) sufficient experience to identify species and fishing gear;
 - b) satisfactory knowledge of the relevant Conservation and Enforcement Measures;
 - c) the ability to carry out scientific tasks or to observe and record fishing activities accurately;
 - d) satisfactory knowledge of the language of the flag State of the vessel onboard which they carry out their duties;
 - e) computer skills relevant for the exercise of their **duties**;
 - f) general nautical skills.

Training and Trainers

2. Trainers shall deliver a program that is certified by the Contracting Party and includes a course training standard designed to train individuals to complete the duties outlined in Annex D.
3. The trainers shall ensure that observer candidates complete an examination on conclusion of the training program.
4. The Trainers shall maintain appropriate records and issue documents of successful completion.

Certification

5. The observer candidate shall obtain an acceptable grade as determined by the Contracting Party authorities. In addition to an acceptable grade, the observer candidate must also sign undertaking to comply with the Code of Conduct.
6. The Contracting Party authorities shall issue a Certificate of Designation to the observer candidate who has successfully completed the training program and signed undertaking to comply with the Code of Conduct.
7. The Certificate of Designation cards shall include the following information:
 - Name and date of birth of observer
 - Identification number and expiration date
 - Photograph and signature of observer
 - Signature of Contracting Party authority

Revocation of Certification

8. Certification shall be revoked when:
 - a) An observer has not performed the duties outlined in Annex D for a period of ? years
 - b) An observer has breached the Code of Conduct
9. Upon revocation, the Certificate of Designation card shall be reclaimed by the Contracting Party.

EU:

Annex C: The point of the provisions in this Annex is, in our view, missed. The main objective should be to establish what sort of training candidates should undergo in order to be certified observers so as to provide a relatively similar competence of observers. There is no point in providing detailed provisions regarding the design of certification cards etc if the competence of observers are comparable.

DENMARK (FAROES AND GREENLAND):

1 c) DENMARK (FAROES AND GREENLAND) finds it necessary to point out that the observers are not scientific observers and should therefore not have qualifications to carry out scientific tasks.

1 d) It should be enough that the observer can speak a language that is understood by the Flag State of the vessel where they carry out their obligations.

1 e) Please clarify what kinds of duties are considered here?

5 What kind of grade is referred to?

Duties of Observer

Objectives of Observer Program

1. The objectives of the observer program are:

- a) to monitor compliance with the Conservation and Enforcement measures in force, and
- b) to collect catch and effort data, other scientific data and additional information related to the fishery in the Regulatory Area.

2. The **duties** of observers are *described in detail in an Operations Manual (to be developed)* and shall comprise the following:

- a) monitor the vessel's compliance with the Conservation and Enforcement Measures adopted by the Fisheries Commission and in force. In particular, they shall
 - (i) broad estimate of the total catch held on board on entry into the Regulatory Area;
 - (ii) record the fishing activities of the vessel and verify the position of the vessel engaged in fishing;
 - (iii) observe and estimate catches with a view to identifying catch composition and depth and monitoring discards, by-catches and undersized fish;
 - (iv) record gear type, mesh size and attachments deployed (*measure gear and attachments and record results;*)
 - (v) verify the entries made in the logbook;
 - (vi) monitor the functioning of, and report on any tampering with, the Satellite tracking system;
 - (vii) be available to inspectors during at sea inspections;
 - (viii) upon request from the relevant inspection authorities, be available for a debriefing when the vessel enters into port;
 - (ix) if the observer considers it appropriate, signal any observations on possible violations to the captain
 - (x) report, using established codes, suspected serious infringements identified by the observer to an inspection vessel, which should report it to the Executive Secretary.
- b) carry out scientific work as requested by the Fisheries Commission based on advice by the Scientific Council. In particular, they shall
 - (i) record details of the vessel's partition of time between searching, fishing and transit;
 - (ii) take samples of catches and record the biological data of species caught;
 - (iii) collect catch and effort data on a haul by haul basis. This data shall include location, depth, time of the net on the bottom, catch composition, discards, by-catches and undersized fish;
 - (iv) collect data, including location, on fishing gear loss and waste disposal.

DENMARK (FAROES AND GREENLAND)

1.0 b) Greenland does not agree in the observers duties should be collecting scientific data since the observer is a fishery observer and not a scientific observer. They can however collect minor samples after instructions.

2.0 b) Greenland cannot agree on this paragraph since the observers are not to be scientific observers see for example (ii).

Annex F
Code of Conduct for Fishery Observers

General

1. Observers shall conduct themselves at all times in a professional manner.
2. Observers shall avoid any behavior that could adversely affect the integrity of the observer program. They are expected to conduct themselves in an honest and businesslike manner in all situations and shall refrain from engaging in any activities that would negatively affect their person or role.
3. Observers shall comply with all requirements established in laws and regulations of the Contracting Party to the vessel to which the observer is assigned insofar as such requirements are not incompatible with the Conservation and Enforcement Measures adopted by the Contracting Party and in force;
4. Observers shall respect the hierarchy and general rules of behavior which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program.
5. An Observer shall report objectively any apparent infringements observed and submit an authentic verifiable data package and trip report.

Gratuities/Bribes

6. Observers shall not accept any gratuity in the form of an object or a consideration that may place the observer in a compromising position. Gratuities include, but are not limited to money, fish products, free trips and alcoholic beverages.
7. Any offer of a gratuity/bribe shall be reported immediately to Contracting Party authorities.

Conflict of Interest

8. An Observer shall disclose any conflicts of interest to Contracting Party authorities in writing as soon as the Observer becomes aware of the conflict.
9. An Observer shall not:
 - hold a commercial fishing licence and/ or act as a crewmember on any fishing vessel.
 - be involved in the purchase of fish for the purpose of resale.
 - be an owner, operator or manager of an enterprise that catches, cultures, process or transports fish.
10. An Observer shall not accept a deployment to a vessel owned or operated by the Observer's immediate family.

Confidentiality of Information

11. All collected data, photographs and literature shall be turned over to the Contracting Party Authority at the completion of a deployment.
12. In performing their duties, observers shall treat as confidential all information with respect to the fishing operations of the vessels and of the owners of the vessels and accept this requirement in writing as a condition for placement;

Observer Identification Cards

13. An Observer shall return the Certificate of Designation card to the Contracting Party authority upon request.

DENMARK (FAROES AND GREENLAND):

DENMARK (FAROES AND GREENLAND) suggests that instead of the phrase: “An observer shall disclose any conflicts of interest....” Is replaced with: “An observer shall disclose any conflicts between the observer and the crew onboard of the vessel of interest...”.

Annex 7. Text to Enhance Compliance by Contracting Parties with NAFO Measures
(STACFAC/STACTIC Working Paper 04/5)

(These amendments are intended to follow Article 35 of Chapter IV)

Article 35.1
Establishment of CP “Problem Vessel” List

1. Each year, STACTIC shall examine the reports submitted pursuant to Article 35, together with any other information received, and any other information provided to it during its meeting.
2. STACTIC shall review the information referred to in paragraph 1 and shall identify those vessels in respect of which no effective action has been taken in response to infringements that have been notified.
3. Following this review, STACTIC shall submit to Fisheries Commission for approval a proposed CP “Problem Vessel” List (hereinafter “CPPV List”).
4. On approval of the CPPV list, Fisheries Commission shall request Contracting Parties whose vessels appear thereon to take effective action in respect of these vessels, including:
 - a) immediately and fully investigating the infringement and reporting back to STACTIC on the progress and outcome of the investigation;
 - b) where applicable, prosecuting and imposing sanctions adequate in severity to be effective in securing compliance and depriving the offending vessel of the benefits accruing from its non-compliant behaviour;
 - c) where applicable, seizure of illegal catch and/or gear; and,
 - d) where applicable, withdrawing or suspending the vessel’s fishing license.
5. The Secretariat shall place the CPPV List on a secure section of the NAFO website. The list shall include the name and flag state of the vessel and the radio call sign.

Article 35.2
Annual Review of the CPPV List

1. STACTIC shall undertake a review of the existing CPPV List each year and, as appropriate, recommend to the Fisheries Commission that vessels are maintained thereon or removed. STACTIC shall recommend that the Fisheries Commission remove a vessel from the CPPV List if:
 - a) the flag state of the vessel concerned provides satisfactory information to establish that:
 - i) it has taken effective action pursuant to paragraph 4 of Article 35.1;
 - ii) the vessel has changed ownership and the new owner can establish the previous owner no longer has any legal, financial, or real interests in the vessel, or exercises control over it and the flag state is satisfied that the new owner will not engage in non-compliant fishing activity; or,
 - iii) the vessel did not commit the infringement reported pursuant to Article 35; or,
 - b) STACTIC otherwise determines that the vessel should be recommended for removal.
2. The Fisheries Commission shall review the recommendations made by STACTIC pursuant to this Article and shall amend the composition of the CPPV List as appropriate.

Article 35.3
Actions vis-a-vis Flag States

1. Fisheries Commission identify, at subsequent annual meetings, as appropriate, those Contracting Parties that have repeatedly not taken effective action in respect of their vessels on the CPPV List.
2. Fisheries Commission may, in respect of those Contracting Parties whose vessels are identified pursuant to paragraph 2, recommend any other measures to ensure that effective action is taken.
3. Where Fisheries Commission determines that no effective action has been taken, and the Flag State has received notice of the consequences of its failure to take such action, Fisheries Commission may recommend that Contracting Parties adopt trade restrictive measures against the Flag State in question, consistent with their international obligations.
4. STACTIC shall review each year all trade restrictive measures that have been adopted and, where circumstances warrant, submit for the approval of Fisheries Commission, recommendations for the lifting of the measures.
5. This Article shall be interpreted in a manner consistent with international law, including the principles, rights, and obligations in WTO agreements, and be implemented in a fair and transparent manner.

Article 35.4
Additional Measures by Contracting Parties

Nothing in Articles 35.1 to 35.3 shall affect the sovereign rights of Contracting Parties to impose additional measures in accordance with international law.

**Annex 8. Proposal by Canada for Modifications to the
NCEM to illustrate and describe Toggle Chains**

EXPLANATORY MEMORANDUM

This paper proposes the creation of an annex to describe and illustrate toggle chains. Vessels fishing for 3L shrimp are required by Article 10, paragraph 7 of the NAFO Conservation and Enforcement Measures to use toggle chains that are at least 72 cm in length. This provision is in place to reduce the capture of unwanted groundfish bycatch by requiring a minimum spacing between the footrope and the fishing line of at least 72 cm. The proposed revision to Article 10, paragraph 7 is as follows:

7. Vessels fishing for shrimp in Division 3L or 3M shall use sorting grids or grates with a maximum bar spacing of 22 mm. Vessels fishing for shrimp in Division 3L shall also be equipped with toggle chains of a minimum 72 cm in length, **as described in Annex XXII.**

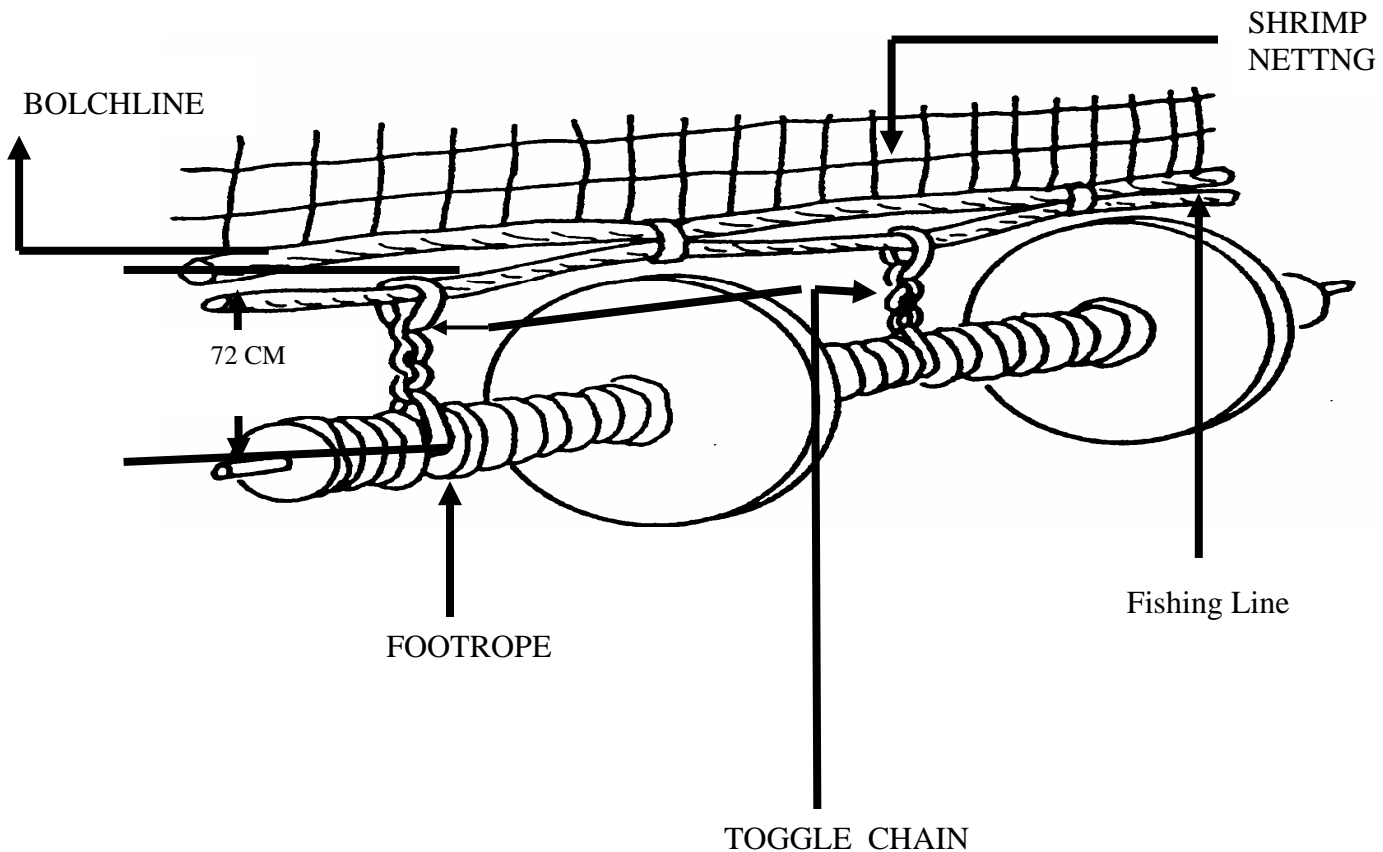
Annex XXII**Shrimp Trawl Toggle Chains**

Toggle chains are chains, ropes, or a combination of both, which attach the footrope to the fishing line or bolchline at varying intervals.

The terms "fishing line " and "bolchline" are interchangeable. Some vessels use one line only; others use both a fishing line and a bolchline as shown in the sketch.

The toggle chain length should be measured from the center of the toggle hole, which is attached to the footrope to the top of the chain, which is attached to the fishing line or the bolchline.

Attached is a sketch, which shows how to measure the toggle and chain length.



Annex 9. Proposal presented by Iceland, Denmark (in respect of Faroe Islands and Greenland) and Norway to harmonize the VMS message format and reports by fishing vessels consistent with the formats used in NEAFC
(STACTIC Working Paper 04/3-Revised)

Background:

At the STACTIC meeting in June 2003 it was agreed to establish an informal working group to compare the message system in NAFO and NEAFC and locate possible differences between the two systems. A report on the findings was presented during the Annual meeting in September 2003 and is available in STACTIC Working Paper 03/14.

Some of the findings have been taken into the latest version of the CEM (NAFO/FC Doc. 04/1) but there are still some items that need to be corrected and inserted.

The following proposal deals with the VMS message format in Annex IX and the format for communication of catches and reports by fishing vessels in Annex X.

Additionally a new Annex is proposed for clarification of the message system.

The proposed changes and amendments are based on harmonization, in order to make the messages and reports short and compact and for reasons of clarity.

**Annex IX
VMS Data Format**

The current template is only able to accept automatic VMS position reports. Following the recent changes to the message system where the Entry report was renamed as Catch on Entry and Exit as to Catch on Exit and the first positions detected either inside or outside the Regulatory Area transmitted as Entry and Exit accordingly, these could be taken into the same message template. Additionally, manual position reports could also be dealt with in the same template.

This can be achieved by giving option for different codes for type of message and two different formats for latitude and longitude, one for decimal degrees and the other for degrees and minutes.

The following changes are proposed:

1. Sequence Number (SQ) to be set as mandatory with a footnote (1) making it optional in case of a VMS message. By this, manual position report from vessels with a defective satellite tracking system will be sequentially numbered as other messages.
2. As it is proposed to use this template for other messages, the Type of Message is proposed to have a footnote (4) where the other types of messages are listed:

Position	=	POS
Entry	=	ENT
Exit	=	EXI
Manual position	=	MAN

3. In the current template, the data element Vessel Name and External Registration Number are set as mandatory. It is proposed to change these to optional. There is no need to transmit these every time a position is forwarded since this information is already registered in the databases by the notification message (NOT).
4. It is proposed to include the two existing data elements for position in the template. The LT/LG (decimal degree) to be used for automatic VMS messages (footnote 3). LA/LO (degrees and minutes) to be used for manual messages (footnote 2).

Current template includes the data elements Record Date (RD), Record Time (RT) and Record Number (RN). These elements are not found in the templates for communication of catches in Annex X. These are relevant there as well.

The data elements RD, RT and RN are the, date, time and sequence number from the relevant Contracting Party and are to be inserted into the messages and reports received from fishing vessels . It will therefore be proposed to list and describe these separately together with general information on the message format in a new Annex. (See # XX)

New Annex IX

The following template and notes are proposed for the VMS Data Format:

Data Element:	Field Code:	Mandatory / Optional	Remarks:
Start record	SR	M	System detail; indicates start of record
From	FR	M	Message Detail; address of the transmitting party
Address	AD	M	Message detail; destination; "XNW" for NAFO
Sequence Number	SQ	M ¹	Message detail; message serial number in current year
Type of Message	TM ⁴	M	Message detail; message type, "POS" as Position report/message to be communicated by VMS or other means by vessels with a defective satellite tracking device
Radio call sign	RC	M	Vessel registration detail; international radio call sign of the vessel
Trip Number	TN	O	Activity detail; fishing trip serial number in current year
Vessel Name	NA	M	Vessel registration detail; name of the vessel
Contracting Party Internal Reference Number	IR	O	Vessel registration detail. Unique Contracting Party vessel number as ISO-3 flag state code followed by number
External Registration Number	XR	M	Vessel registration detail; the side number of the vessel
Latitude	LA	M ²	Activity detail; position at time of transmission
Longitude	LO	M ²	Activity detail; position at time of transmission
Latitude (decimal)	LT	M ³	Activity detail; position at time of transmission
Longitude (decimal)	LG	M ³	Activity detail; position at time of transmission
Date	DA	M	Message detail; date of transmission
Time	TI	M	Message detail; time of transmission
End of record	ER	M	System detail; indicates end of the record

¹ Optional in case of a VMS message

² Mandatory for manual messages

³ Mandatory for VMS messages

⁴ Type of message shall be "ENT" for the first VMS message from the Regulatory Area as detected by the FMC of the Contracting Party.

Type of message shall be "EXI" for the first VMS message from outside the Regulatory Area as detected by the FMC of the Contracting Party, and the values for latitude and longitude are, in this type of message, optional. Type of message shall be "MAN" for reports communicated by vessels with a defective satellite tracking device in accordance with Article 21 (5).

Annex X
Format for communication of catches and reports by fishing vessels

Following changes are proposed to Annex X

ENTRY report

5. Delete template 2) “ENTRY” report and use the template in Annex IX instead. At the same time the data elements Vessel Name (NA) and External Registration Number (XR) will be optional (see point 3)

TRANSHIPMENT report

6. Change heading for 3) “TRANSHIPMENT” report to read as:
 2) “TRANSHIPMENT” report
7. Change data element Master Name (MA) in the Transshipment report to be optional. This information is already being transmitted in the Catch on Entry (COE) report.
8. Make the data elements Latitude (LA) and Longitude (LO) optional by a footnote; Optional in the vessel is subject to satellite tracking in accordance with Article 21 (1).

Catch on EXIT report

9. Change the heading for “Catch on EXIT” report to read as:
 3) “Catch on EXIT” report
10. Make the data element Master Name (MA) as optional. [alternatively it could be deleted]
11. Make the data elements Latitude (LA) and Longitude (LO) optional by a footnote; Optional if the vessel is subject to satellite tracking in accordance with Article 21 (1)
12. In the remarks column for the data element Catch (CA) is a reference to the last Catch report. Since there is no template for Catch report in the CEM except for the one in the Pilot Project, this has probably no relevance and therefore the words “or last Catch report” should be deleted.
13. In this template is a data element “Days Fished” (DF). This looks to be new and probably taken directly from the NEAFC system. There is no reference to this data element in older NAFO document. There is no real use for this data element since the number of days in the area will automatically be calculated from the day of entry, this should either be made optional or simply deleted.

EXIT report

14. Delete template 5) “EXIT” report and use the template in Annex X instead. At the same time the data elements Vessel Name (NA) and External Registration Number (XR) will be optional (see point 3).

New Annex

15. It is proposed to add a new Annex to list “**Data Exchange Format and Protocols**”. The purpose of this Annex is to explain the structure of the data exchange format and to list or make reference to agreed communication protocols. Show template for Return messages (RET) with its error codes and list all data elements from the North Atlantic Format which are used in reports and messages in the NAFO Regulatory Area with explanation on the content and size of each.

Annex
Data Exchange Format and Protocols

A. Data transmission format

Each data transmission is structured as follows:

1. Data characters in accordance with ISO 8859.1
2. Each data transmission is structured as follows:
 - double slash (“//”) and the characters “SR” indicate the start of a message;
 - a double slash (“//”) and field code indicate the start of a data element;
 - a single slash (“/”) separates the field code and the data;
 - pairs of data are separated by space;
 - the characters “ER” and a double slash (“//”) at the end indicates the end of a record.

B. Data exchange protocols

Authorised data exchange protocols for electronic transmission of reports and messages between Contracting Parties and the Secretary shall be in accordance with Annex XX, Rules on Confidentiality.

New Annex...

Format for electronic exchange of fisheries monitoring information
(The North Atlantic Format)

Category	Data Element	Field code	Type	Contents	Definitions
System	Start Record	SR			Indicates start of the record
Details	End Record	ER			Indicates end of the record
	Return Status	RS	Char*3	Codes	ACK / NAC = Acknowledged / Not Acknowledged
	Return Error Number	RE	Num*3	001 – 999	Codes indicating errors as received at operation centre, see Annex D2
Message	Address destination	AD	Char*3	ISO-3166 Address	Address of the party receiving the message, “XNW” for NAFO
Details	From	FR	Char*3	ISO-3166 Address	Address of the transmitting party, (Contracting Party)
	Type of Message	TM	Char*3	Code	Code for the message type as
	Sequence Number	SQ	Num*6	NNNNNN	Message serial number
	Record Number	RN	Num*6	NNNNNN	Serial number of the record in the relevant year
	Record Date	RD	Num*8	YYYYMMDD	Year, month and date
	Record Time	RT	Num*4	HHMM	Hours and minutes in UTC
	Date	DA	Num*8	YYYYMMDD	Year, month and date
	Time	TI	Num*4	HHMM	Hours and minutes in UTC
Vessel	Radio Call Sign	RC	Char*7	IRCS Code	International Radio Call Sign of the vessel
Registration	Vessel name	NA	Char*30		Name of the vessel
Details	Ext. registration	XR	Char*14		Side Number of the vessel
	Flag State	FS	Char*3	ISO-3166	State of registration
	Contracting Party internal ref. number	IR	Char*3 Num*9	ISO-3166 +max. 9N	Unique vessel number attributed by the flag State pursuant to registration
	Port Name	PO	Char*20		Port of registration of the vessel/homeport
	Vessel Owner	VO	Char*60		Name and address of the vessel owner
	Vessel Charterer	VC	Char*60		Name and address of the vessel charterer
Vessel Character. Details	Vessel capacity unit	VT	Char*2 Num*4	“OC”/“LC” Tonnage	According to: “OC” OSLO 1947 Convention / “LC” LONDON ICTM-69 Capacity of the vessel in metric tons
	Vessel Power unit	VP	Char*2 Num*5	0-99999	Indication of which measurement unit applies "HP" or "KW" Total main engine power
	Vessel Length	VL	Char*2 Num*3	“OA”/“PP” Length in meters	Unit “OA” length overall, “PP” length between perpendiculars Total length of the vessel in meters, rounded to the nearest whole meter
	Vessel Type	TP	Char*3	Code	As listed in Annex V.A.
	Fishing Gear	GE	Char&3	FAO Code	International Standard Statistical Classification of the Fishing Gear as Annex VI
	Limited Authorization	LU	Char*3	Yes or No	Yes or No to indicate whether a limited authorization is valid or not

Category	Data Element	Field code	Type	Contents	Definitions	
Activity Details	Latitude	LA	Char*5	NDDMM *WGS-84)	e.g. //LA/N6235 = 62°35' North	
	Longitude	LO	Char*6	E/WDDMM (WGS-84)	e.g. //LO/W02134 = 21°34' West	
	Latitude (decimal)	LT	Char*7	+/-DD.ddd	Value negative if latitude is in the southern hemisphere ¹ (WGS84)	
	Longitude (decimal)	LG	Char*8	+/-DDD.ddd	Value negative if longitude is in the western hemisphere ¹ (WGS84)	
	Trip Number	TN	Num*3	001-999	Number of the fishing trip in current year	
	Days Fished	DF	Num*3	1 – 365	Number of days the vessel spent in the Regulatory Area during the trip	
	Catch	Species	CA	Char*3	FAO species code 0-9999999	The cumulative catch retained on board by species, in kilogram live weight rounded to the nearest 100 Kg since the vessel entered the R.A. or, in pairs as needed.
		Quantity		Num*7		
	Quantity onboard	Species	OB	Char*3	FAO species Codes 0-9999999	Quantity onboard the vessel by species in kilograms live weight rounded to the nearest 100 Kg, in pairs as needed
		Quantity		Num*7		
	Transferred species	Species	KG	Char+3	FAO species Codes 0-9999999	Information concerning the quantities transferred between vessels by species in kilograms live weight rounded to the nearest 100 Kg. whilst operating in the R.A.
		Quantity		Num*7		
	Relevant Area	RA	Char*6	ICES/NAFO Codes	Code for the relevant fishing area	
	Directed Species	DS	Char*3	FAO species codes	Code for the species the vessel is targeting. Allow for several species, separated by a space. E.g. //DS/species species species//	
Transhipped From	TF	Char*7	IRCS Code	International Radio Call Sign of the donor vessel		
Transhipped To	TT	Char*7	IRCS Code	International Radio Call Sign of the receiving vessel		
Master Name	MA	Char*30		Name of the vessels master		
Pilot Project	Apparent Infringement	AF	Char*1	Y or N	For onboard observer to report his observations	
	Discard	RJ	Char*3	FAO Species Code 0 - 9999999	Detailed information regarding discard in kilograms	
			Num*7			
	Undersize	US	Char*3	FAO Species Code 0 - 9999999	Detailed information regarding undersize catch in kilograms	
			Num*7			
	Daily catch	CA	Char*3	FAO species code 0-9999999	The cumulative catch retained on board by species, in kilogram live weight rounded to the nearest 100 Kg since the vessel entered the R.A. or, in pairs as needed.	
			Num*7			
	Mesh Size	ME	Num*3	0 – 999	Average mesh size in millimetres	
	Production	PR	Char*3	Code	Code for the production Annex XXI (c)	
	Log Book	LB	Char*1	Y or N	For onboard observer to approve the entries in the vessels log book	
	Hails	HA	Char*1	Y or N	For onboard observer to approve the hails sent from the vessel	
	Observer Name	ON	Char*30	Text	Name of the onboard observer	
	Free Text	MS	Char		Activity detail; for further comments by observer	

¹ The plus sign (+) does not need to be transmitted; leading zeros can be omitted.

D. 1) Structure of reports and messages as laid down in Annex IX and Annex X when forwarded by Contracting Parties to the Secretary.

Where appropriate, each Contracting Party shall retransmit to the Secretary reports and messages received from its vessels in accordance with Articles 21 and 22; subject to the following amendments:

- the address (AD) shall be replaced by the address of the Secretary (XNW)
- the data elements “record date” (RD), “record time” (RT), “record number” (RN) and “from” (FR) shall be inserted.

D. 2) Return messages.

The Secretary may send a return message every time an electronic transmission of a report or message is received from a Contracting Party if so requested and vice versa.

Return message format:

Data Element	Field Code	Mandatory/Optional	Remarks
Start Record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination, Contracting Party sending the report
From	FR	M	Message detail; XNW is NAFO (who is sending the return message)
Type of message	TM	M	Message detail; message type RET for return message
Return Status	RS	M	Reporting detail; code showing whether the message is acknowledged or not (ACK or NAK)
Return error number	RE	O	Reporting detail; number showing the type of error: message unreadable (101), inconsistent data (102), sequence error (103)
Record number	RN	M	Reporting detail; record number of the message which is received
Date	DA	M	Message detail; date of transmission
Time	TI	M	Message detail; time of transmission
End of Record	ER	M	System detail; indicates end of the record

E. Types of reports and messages

Annex	Provisions	Code	Message / report	Remarks
IV. A	Article 15	NOT	Notification	Notification of authorised fishing vessels
IX	Article 21(1)	ENT POS EXI	Entry Position Exit	VMS messages
	Article 21 (5)	MAN	Manual position	Reports transmitted by fishing vessels with a defective satellite tracking device to the Contracting Party
X	Article 22 (1a)	COE	Catch on Entry	Report transmitted by fishing vessels, prior to entering the R.A.
	Article 22 (1c)	TRA	Transshipment	Report on quantities on-loaded or off-loaded in the R.A.,
	Article 22 (1b)	COX	Catch on Exit	Report transmitted by fishing vessels, prior to leaving the R.A.
	Article 21 (1) Article 22 (2)	RET	Return	Automatic electronic message pursuant to reception of records
XXI (a)	1	CAX	Catch	Daily Catch report in Pilot Project
	2	OBR	Observer	Daily Observer report in Pilot Project

In the message template in Annex XXI (a) for the Observer report is a data element “Production” and in the Remarks column “code for the production”. There is no reference to where the codes are to be found. Therefore the following addition to Annex XXI is proposed.

Annex XXI (c)

Product form codes

Code	Product form
A	Round – Frozen
B	Round – Frozen (Cooked)
C	Gutted Head on - Frozen
D	Gutted Head Off - Frozen
E	Gutted Head Off – Trimmed - Frozen
F	Skinless Fillets - Frozen
G	Skin on Fillets - Frozen
H	Salted Fish
I	Pickled Fish
J	Canned Products
K	Oil
L	Meal Produced from Round Fish
M	Meal Produced from Offal
N	Other (Specify)

**Annex 10. Update on 2003 Observer/VMS Pilot Project
presented by NAFO Secretariat
(STACTIC Working Paper 04/2)**

According to Article 45.3 of the NAFO CEM: "Contracting Parties shall notify the Executive Secretary of their intention to participate in the Pilot Project within 30 days following the adoption of the pilot project by the Fisheries Commission." The Secretariat received responses from five (5) Contracting Parties on their intention to participate in the Pilot Project on Observers, Satellite Tracking and Electronic Reporting:

- Iceland reported that it planned to have 16 vessels;
- Norway reported that it planned to have 10 vessels;
- Faroe Islands reported that it planned to have 2 vessels;
- Greenland reported that it would be unable to participate; and,
- European Union (EU) stated it would be participating, however, they were unable to provide the number of vessels at this time due to the accession of some Contracting Parties of NAFO to the EU effective 01 May 2004.

Currently there are three (3) vessels participating in the pilot project: one (1) from Iceland and two (2) from Norway. The Secretariat is receiving the daily "CAX" and/or "OBR" reports very 24 hours and are forwarding them to the two Contracting Parties with inspection presence (Canada, EU), as well as sending the weekly compilation of catch rates, by-catch percentages and discard rates.

Information on the Pilot Project participation is updated on the NAFO website under the Members Pages/Fisheries Commission/Vessels/Pilot Project.

**Annex 11. Extract from the Report of the Standing Committee on Research
Coordination (STACREC), June 2004:**

2. Review of Previous Recommendations

a) From June 2003 Meeting

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NAFO Observer Program. STACREC recommended *the observer data be collected and archived on a set by set basis in a format consistent with SCS Doc. 00/23, as adopted by the Fisheries Commission, including all identifiers but that the data be made available to users without any identification of vessel name or country. Rather a unique identifier will be associated with each vessel and country and the user will not have access to the key to this code.* The Secretariat reported that this recommendation had not been implemented. Unique identifiers had been allocated but the Secretariat did not have the resources to computerize the voluminous data. STACREC stressed once again it cannot use observer data unless it is on a set-by-set basis and thus Scientific Council is still not able to utilize these detailed data to respond to requests from the Fisheries Commission.