

Northwest Atlantic



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**Annual Compliance Review - 2003**

**1. Introduction**

In accordance with the terms of reference outlined in STACTIC W.P. 02/14 a review was undertaken by STACTIC in 2004 on compliance with the Conservation and Enforcement Measures (CEM) in 2003. It was acknowledged by delegations that the process was valuable but would need to be developed and improved in the light of experience.

Following the agreement of Contracting Parties at the STACTIC Meeting in Copenhagen in June 2004, data tables were prepared by the Secretariat and circulated to STACTIC participants in July 2004 (STACTIC W.P. 04/18 Revised) according to the lay out contained in the W.P. 04/8 . These tables, which number 13 in total, were drawn up on the basis of the obligations outlined in Conservation and Enforcement Measures (CEM) and provide an overview of the compliance of Contracting Parties or vessels with those obligations. The tables are contained in STACTIC Working Document 04/18 (Revised).

**2. Observations on the data**

The Secretariat provided a detailed explanation of the compilation that they had undertaken which is contained in STACTIC W.P. 04/1 (Revision 2). The Secretariat encountered the following difficulties and problems during the compilation:

1. Reports in different languages.
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 sub-area, 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.

**3. Assessment of the compilation tables**

An assessment was carried out table by table, of the incidences of non-compliance. This assessment is attached at the annex to this document. Tables 1 to 5 concern compliance by Contracting Parties and tables 6 to 13 concern compliance by vessels.

#### a) **Compliance by Contracting Parties**

The problems encountered by the Secretariat with regard to the data were confirmed. Parties agreed that a greater effort needs to be made to improve the information provided, in view of the significant discrepancies between a number of different data sources (observer reports, VMS and Port Inspections). It was also agreed that greater attention needs to be paid to quality control related to VMS communications.

On the whole Contracting Parties had fulfilled their obligations under the CEM with regard to providing reports to the Secretariat. Delays had been noted with regard to the notification of fishing vessels (Table 1) but in view of the amendment to the CEM whereby a vessel register had been introduced this would no longer be a requirement from 2004.

Delays were also noted concerning reports of follow up to citations of infringements (Table 4). However, such information had been provided at a later date. It was agreed that the normal STACTIC procedure whereby Contracting Parties notified the disposition of infringements (FC Doc. 04/5) provides a more accurate impression of the situation as it contains updated information.

#### b) **Compliance by Vessels**

According to an analysis of the tables, it was noted that there were recurring incidents of citations for infringements in 2003 for the following:

- directed fishing on species under moratoria
- misreporting of catch
- mesh violations
- VMS violations
- failure to carry independent and impartial observers.
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Canada and the USA took the view that infringements should not be viewed as the only indicator of non-compliance and all relevant indicators should be considered.

Due to discrepancies in the data it was impossible to determine compliance with catch limits.

#### 4. **Additional information**

In accordance with paragraph 3 of the terms of reference Canada requested that additional sources of information be examined in the review. Canada made a presentation in this regard.

The Canadian presentation concentrated on the issue of directed fishing for moratoria species. On the basis of economic analysis, observer data, VMS data, at-sea inspections and aerial surveillance, Canada took the view that masters were directing for moratoria species and misreporting catch of unregulated species in order to cover this activity. In addition, masters were using various strategies, such as covering catch with tarpaulin, to avoid detection of non-compliant behavior. Canada stated that this was a serious concern in 2003. Canada also took the view, which was supported by the USA that citations for infringements should not be considered the only indicator of non-compliance. Canada recommended that a standardized port inspection protocol would provide for improved inspections and confirmation of catch as well as improved confidence in NAFO and transparency between Contracting Parties. Canada recommended that capping fisheries of unregulated species would prevent or minimize the potential for masters to use these fisheries as a cover for directed fisheries for moratoria species. It was also proposed that the Secretariat should undertake a

comprehensive review of VMS reports to determine the frequency of missing reports. There was a discussion on these points but there was no consensus to bring them forward.

The presentation made by the EU (STACTIC W.P. 04/22) provided an overview of citations for infringements issued each year from 1994 to 2003.

## **5. Conclusions and Recommendations**

Parties agreed that non-compliance was a threat to the conservation of vulnerable stocks and that the Compliance Review for 2003 had been a useful first exercise in determining such non-compliance.

However, it is clear from the first experience of undertaking a Compliance Review that a greater effort needs to be made in order to ensure a greater degree of accuracy in the data that is used as a basis for the review. It was also acknowledged that improvements need to be made in the process of its compilation and analysis.

The Secretariat made the following recommendations:

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

Concerning citations, certain types of infringements by fleets were reported, as follows:

- EU, directing for moratoria species and misreporting of catch.
- Lithuania, VMS requirements
- Russia, mesh size
- Faroe Islands; Japan, lack of an independent observer (not confirmed by the Japanese authorities).

Significant discrepancies in the data from VMS, observer reports and port inspections are a generalized problem for which no obvious explanation could be provided in many cases. Parties concurred that it was important to do a critical analysis of the data and address discrepancies. Parties agreed on the need to ensure that compilation tables and information on the disposition of infringements in FC Doc.04/5 are up to date. The validity was questioned of comparing data from disparate sources, such as VMS, observer and port inspection data with provisional monthly catch and STATLANT 21 statistics.

## ANNEX

**Table 1 – Number of Vessels Notified to NAFO Secretariat (pursuant to Article 15 CEM)**

Some delays were reported in the sending of notifications of fishing vessels to the Secretariat in 2003. The Secretariat also pointed out some problems in receiving data and in the quality of some data.

Given the amendments to the Article 15 (6) of the CEM establishing a vessel register, this will no longer be a requirement in 2004.

**Table 2- Submission of Catch and Effort Data for 2003 by Contracting Parties (CPs) to the NAFO Secretariat, as of 30<sup>th</sup> June 2004**

Parties discussed issues specific to their own activity such as further details on Port Inspections. Parties agreed to investigate missing data which included:

- Canada, Port Inspection data
- Cuba, provisional monthly catch data (explained by charter arrangement)
- France (SPM), only STATLANT 21 data submitted (explained by fact fishery occurs only in 3Ps)
- Denmark (FRO), information submitted after deadline
- Poland, only VMS and number of port inspections submitted,
- Ukraine provided data on VMS and provisional monthly catch only, (explained by charter arrangement.)

It was concluded that Table 2 dealing with submission of catch and fishing effort was completed in a satisfactory manner.

**Table 3-Notification of Inspection Plans (Pursuant to IV CEM)**

It was noted that only Canada, Denmark (FRO), and EU carried out inspections. All had submitted inspection plans and provided notification as required under the CEM. Denmark (FRO) did not submit by November 1 deadline as the inspection plan had not been finalized by that date.

**Table 4- Reports on Infringement follow-up (pursuant to Article 35 CEM)**

According to Table 4, reports on follow-up received by September 1, 2003 were as follows

- no reports had been received from the EU by the due date
- no report from Denmark (FRO) by the due date
- 1 of 2 reports received from Russia by the due date

Reports on follow-up received by February 1, 2004 were as follows:

- no reports received from EU by the due date
- no reports from Lithuania by the due date

Parties offered explanations for why some data was missing. In some cases, the follow-up was not reflected in the table but details had been provided at a later date.

It was noted that regarding Table 4, FC 04/5 Revised would be a better tool since it is updated on an ongoing basis.

It was concluded that the table is of limited value since it deals with reported infringements rather than follow-up and therefore shows only occasions when requirements under the scheme were not

followed. It was agreed the quality and detail of the report i.e. whether any action was taken and the details of that action, was more important than the quantity of reports.

**Table 5 – Annual Report on Inspection and Surveillance Activities (Pursuant to Article 36 CEM)**

Only Canada, EU and Denmark (FRO) submitted reports as they are the only Contracting Parties with an inspection presence.

**Table 6a – Catch Data (from VMS, observer, port, monthly provisional catch and STALANT 21 reports) and compliance with catch limits (pursuant to Articles 3 to 9 CEM)**

Parties noted significant discrepancies between various sources of data. Japan noted their concerns as expressed in W.P. 04/18 (1) that the Japanese authorities could not confirm the failure to have an independent and impartial observer on board with respect to tables 6a, 6b, 9 and 13. Several parties expressed concerns about the accuracy of table 6a and possible explanations were provided but no firm conclusions established.

There was further discussion on the value of each of the various data sources. Some CPs questioned the validity of comparing VMS, observer and port inspection data with provisional monthly catch and STATLANT 21 statistics.

**Table 6b – Catch data (from at-sea inspection reports) and compliance with catch (Pursuant to articles 3 to 9 CEM)**

The reports contained in 6b are not comparable to other sources as the data is an indication of catch data between inspections on a particular vessel. The summary information was also in Tables 12 and 13.

Some CPs indicated that there was value in the Table 6b since it could identify instances of directed fishing or exceeding by-catch as outlined in the NCEM. The information is made available to flag states to analyze further as they choose.

**Table 7 – Fishing Days at NAFO RA, including fishing days for shrimps at Area 3M (Pursuant to Articles 3 to 9 CEM)**

Several parties expressed concern about the accuracy of data and noted a number of discrepancies. Parties discussed possible reasons for the discrepancies including transit time included as fishing days, time lag between entry and commencement of fishing, and technical failures. The Secretariat noted that days between entry and exit are the days that are included. There was a measure of unreliability with VMS data and it made comparison between VMS, observer reports and port inspection data more difficult.

Problems with language and legibility of some observer reports were also noted as well as lack of standard observer report. Parties discussed specific items related to their own activity and agreed to scrutinize figures and provide explanations where possible.

**Table 8 – Catch reporting though hail reports (Pursuant to Articles 3 to 9 CEM)** . Discrepancy between number of entries and exits was noted. The Secretariat offered an explanation for the difference between the number of days calculated from Catch on Entry reports (COE) versus VMS days . It was noted that this was further complicated by missing data. For example there were a number of discrepancies between COE/COX (catch on exit) which should in fact be identical.

**Table 9 – Gear and Mesh size information (Pursuant to Articles 3 to 9 CEM)**

Data was reviewed and the most prevalent type of violation cited by CP was noted including:

- Estonia, mesh size, 1
- EU, gear infringement, 1; mesh size, 2 (one not confirmed by Port Inspection)
- Japan, gear infringement, 1
- Russia, gear infringement, 1

Missing data from port inspection reports was noted. Parties provided corrections specific to their activity.

**Table 10 – CP Summary on Satellite Tracking System (STS) Position Reports and Citations concerning STS**

Concerns about VMS were raised and apparent discrepancies noted. Parties discussed concerns of quality control and cases where infringements were issued. Parties offered explanations for compliance areas that seemed to be problematic. Lithuania noted that new software is now in place and offered assurances that data would be improved.

Iceland noted there was a misunderstanding on the name of a vessel in an inspection report and that there had been a recording mistake by an operator, due in part to difference between NAFO and NEAFC regulations. This had been corrected with the Secretariat. Iceland suggested that the system should provide a warning to CP's if Catch on Entry is recorded without a following positional report. Assurances were offered that pertinent data would be improved.

**Table 11 – CP Summary on AI regarding Prevention of Inspectors from carrying out their duties**

There were no infringements for obstructing inspectors and therefore full compliance with this provision of CEM. It was recommended that Table 11 be simplified to one line that noted infringements only, if any.

**Table 12 – Number of vessels cited with AI and number of citations**

Discrepancies can easily be explained as during a single inspection, it was possible for a vessel to be cited for more than one infringement.

**Table 13 – Details of Apparent Infringements Issued**

It was noted that certain CPs had specific areas of non-compliance.

- EU, directing for moratoria species and misreporting catch.
- Lithuania, VMS requirements
- Russia, mesh size
- Faroe Islands; Japan, lack of an independent observer (not confirmed by Japanese authorities).

2 citations for Russia had been withdrawn.

Following review of tables, the details of dispositions of infringements contained in 04/5 were discussed. Some parties provided additional updates of ongoing dispositions. In cases where information could not be provided at this time, Parties agreed to investigate further.