

Northwest Atlantic Fisheries Organization



Report of the Standing Committee on International Control
(STACTIC)

12-15 June 2006
Copenhagen, Denmark

NAFO
Dartmouth, N.S., Canada
2006

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**12-15 June 2006
Copenhagen, Denmark**

1. Opening of the Meeting (Vice-Chair: Mads Nedergaard, DFG)

The Chairman opened the meeting at 9:45am at the Representation of Greenland and Faroe Islands (North Atlantic House / Nordatlantens Brygge), Copenhagen, Denmark and welcomed representatives of Canada, Denmark (in respect of the Faroe Islands and Greenland), EU, France (in respect of St. Pierre-et-Miquelon), Iceland, Japan, Norway, Russia, the United States and the NAFO Secretariat to the STACTIC intersessional Meeting (Annex 1).

No opening statements were made.

2. Election of Chair

Mads T. Nedergaard (DFG) assumed the post of Chair.

The issue of Vice Chair was deferred to the 2006 NAFO annual meeting.

3. Appointment of Rapporteur

Mr. Brent Napier (Canada) was appointed rapporteur.

4. Adoption of Agenda

The Chair introduced the agenda and indicated that, due to its relative importance, the focus of the meeting should be on item 5 *NAFO Reform*. The Chair recommended that any additional items not provided for in the agenda should be addressed in agenda item 8 *Other matters*.

The NAFO Executive Secretary brought to the attention of the Chair three additional items that required STACTIC's attention: a Ukrainian proposal on Observers, the introduction of electronic standard observer reports and deferred items from the Montreal meeting of the NAFO Working Group on Reform. The Chair deferred these items to later in the agenda.

The agenda as attached was adopted. (Annex 2)

5. NAFO Reform

The Chair opened item 5.

i. Review effectiveness of existing NAFO monitoring, control and surveillance (MCS) scheme and consider changes that would improve effectiveness and efficiency in terms of operation, results and costs.

The Chair introduced the agenda item and opened the floor for comments.

The representative of the EU suggested that STACTIC review areas of concern within the MCS scheme with a view to determining current challenges and focusing STACTIC efforts. The representative of the EU raised the matter of cost effectiveness of the current inspection practices and suggested that current level of inspection presence could be reviewed. The representative of the EU indicated that, given the current level of fishing activity in the NRA, it should be considered whether the inspection vessel presence could not be reduced to a more appropriate level. The representative of the EU also referred to the provisions of Article 33 (3) (follow-up on infringements within 72 hour period) and questioned whether this could be respected by Contracting Parties

with no inspection platform in the NRA. The representative of the EU also expressed the view that all Contracting Parties with a fishing presence in the NRA should become involved in the inspection activity.

The Chair offered three potential areas of focus: authority of inspectors, cost effectiveness (including cost sharing) and joint inspections. In this context the Chair indicated that efficiencies may be achieved through better coordination of enforcement efforts. The Chair further suggested that representatives from the three Contracting Parties with recent inspection experience could reflect on their experiences.

The representative of Canada noted that Fisheries Commission discussions had presumably occurred on this agenda item with a general consensus that there was a need to improve the current MCS scheme in the area outlined in item 5ii. The representative from Canada suggested that it may be useful to continue this discussion in the context of specific drafts.

The EU representative considered the work of STACTIC, in the context of NAFO reform, would be improved if the parameters of the task could be clearly defined before entering into discussions on detailed proposals.

ii. Strengthen the monitoring, control and surveillance (MCS) regimes including:

• Joint MCS systems

The representative of Canada introduced STACTIC Working Paper 06/07 (Annex 3) on improved coordination and cooperation under the Joint Inspection and Surveillance Scheme and invited general discussion.

The representative of Norway and of the United States both indicated that, should they participate at some point in the future, all inspection platforms are considered military in nature and that there would be no problem having civilian inspectors operating from these platforms.

The representative of the United States supported the joint inspection initiative and indicated that similar experiences in the United States (eg: fisheries and drug enforcement operations) have been positive experiences. The representative of the United States added that, should they participate, they would require more flexibility in the scheduling of inspection resources.

The representative of the EU agreed in principle with the concept and indicated that Canada and the EU were currently working on a joint patrol in July. In addition the representative of the EU indicated that the EU had previously worked with SPM on a similar initiative and found the experience provided valuable feedback. The representative of the EU did however identify some areas within the proposal that required further attention including: a need to further review the role of the NAFO Executive Secretary, a potential link to overall inspection presence, the concept of lead officer (including a change in language to inspector-in-charge), deployment plans (which vessels are inspected and where) and finally concerns that problems of NCEM interpretation should be addressed prior to joint inspections.

On the issue of lead inspector, the Chair indicated that it was his experience that this function was generally determined by seniority. The representative of Norway indicated that, certainly in cases where an inspector is aboard vessels from their respective flag State, the inspector from the flag State should have the lead for reasons of language and authority to follow-up. The representative of the United States supported Norway and indicated that the concept of lead inspector/inspector-in-charge should not be ambiguous but clear to participating inspectors.

The Executive Secretary indicated that involvement from the Secretariat in an advisory coordinating role could create a more equitable distribution of inspection costs and potentially identify over/under capacity of inspection resources. As well, the Executive Secretary added that any future request to assist in the coordination of NAFO inspection activities should not be a problem but added that real time reporting of inspection presence would be a requirement. On the matter of over/under capacity of inspection resources the Executive Secretary indicated that, with the guidance of STACTIC, it would be possible to develop a ratio of fishing effort to inspection effort based on historical data. The representative of the EU indicated

that historical effort might identify peaks and troughs and would be useful background information. The Chair asked the Executive Secretary to provide the historical catch and inspection data.

The representative of Canada cautioned that establishing appropriate inspection levels was more complex than correlating level of fishing effort with level of inspection as the relationship should also consider compliance levels and fishery type. The representative of Canada also voiced concerns about exploring limits on patrol vessels as the mandate of STACTIC was to look for ways to improve effectiveness not necessarily to reduce inspection capacity.

The representative of the EU recommended that this subject be revisited at the 2006 NAFO annual meeting after there had been an opportunity to benefit from some practical experiences from the initiative planned over the course of the summer 2006.

This item was deferred to the 2006 NAFO annual meeting and closed.

• **Dissemination of collected data**

The representative of Canada presented STACTIC Working Paper 06/5 (Annex 4) on Data sharing between NAFO and NEAFC and provided a brief summary of the proposal. The representative of Canada further indicated that NAFO had previously worked with NEAFC on establishing common codes (North Atlantic Format) and noted a process for establishing this exchange with NEAFC is required.

The Chair commented that cooperation would be beneficial to both RFMOs and that sharing catch data could be useful when addressing potential misreporting of catch. The Chair also remarked that there was still a need to work on the format of data, make an official request to NEAFC and consult with the Advisory Group on Data Communication.

The representative of Iceland indicated that it would also be useful to have a “smart system” that automatically polled the database upon reporting of catch from either jurisdiction.

The representative of Russia pointed out that the confidentiality conditions found in Annex XIX (3.4) of the NCEM’s may need to be amended to allow for the exchange of data with NEAFC.

Upon a request from the Chair, Iceland reviewed the Canadian proposal and provided comments based on their knowledge of data management and NEAFC’s structure. The representative of Iceland advised that there were four implementation options that could be considered in the context of the current Canadian proposal. The four options had different system, data and NCEM (and NEAFC Measures) text implications. The Chair thanked Iceland for its advice and requested that the representative of Iceland prepare a working paper that fully outlines the four options and the steps required to implement these options. The representative of Iceland undertook to provide the requested working paper prior to the next annual NAFO meeting.

The representative of the EU thanked the representative of Iceland for the effort on this topic and noted that further reflection on the follow-up process may be required to identify processes to be followed when inconsistencies are detected.

At the request of the Chair Iceland undertook to produce a Working Paper that elaborated on the options presented to STACTIC based on the Canadian proposal as well as develop a Working Paper on weekly catch reporting and the technological implications to the current NAFO format.

This work will be further discussed at the 2006 NAFO annual meeting.

• **Regular compliance review mechanisms**

Canada introduced STACTIC Working Paper 06/6 (Annex 5) on proposed roles and responsibilities for the STACTIC Compliance Assessment. The representative of Canada supported the current assessment

process and noted that the proposal reflected work completed by the Compliance Working Group in 2005/2006 and outlined suggestions/recommendations on improvements to the compliance assessment.

The Chair noted that the proposal might be a burden for the Executive Secretary and that she may require tools/guidance to proceed with any proposed administrative assessment. The Executive Secretary indicated that the Secretariat was equipped to handle this request but would be grateful for guidance from STACTIC.

Additional discussion on this matter occurred under agenda item 7.

• **Cost sharing of MCS systems in a fair and transparent manner**

The Chair introduced the agenda item however there was general uncertainty on the intent of this item. The Chair indicated that STACTIC could explore sharing the burden of maintaining an inspection presence in the NRA and suggested that STACTIC Working Paper 03/2 be reviewed as a possible resource document.

As no proposals were tabled under this agenda item, the Chair asked delegates to reflect on this matter prior to the 2006 NAFO annual meeting.

iii. Establishment of guidelines for sanctions

The representative of Canada presented STACTIC Working Paper 06/4 (Annex 6) on a regional sanctions framework and provided a detailed synopsis. The representative of Canada indicated that Canada had no firm views on the population of the table in Annex 1 and was open to input on the matter.

The Chair indicated that this subject may be problematic due to the variety of legal systems and practices in the various Contracting Parties and suggested a general discussion on the proposal.

The representative of the EU agreed that the subject of a sanctions framework was delicate and indicated that recent experience in attempting a similar exercise in the EU was challenging as different countries had different systems. The representative of the EU proposed gathering the various thresholds for Contracting Parties within STACTIC as a starting point.

The representative of Iceland indicated that the concept of a sanctions framework was appearing on agendas in various international fora and agreed with the EU that, as a first step, STACTIC should collect information on applied sanctions threshold for the respective Contracting Parties.

The representative of Russia identified some inaccuracies in Annex 1 of the proposal and the Chair suggested that Russia work with Canada to correct the references.

The representative of the EU indicated that as an additional first step “serious infringements” needed to be defined as the proposed Annex 1 contained infringements not identified in Article 33 of the NCEM’s.

The Chair suggested that Contracting Parties with infringements in NAFO could provide a synopsis of the sanctions levied and the others could provide similar examples from their domestic fisheries.

The representative of Canada indicated that the collection of sanction thresholds may be a worthwhile initiative, however the ultimate objective of the exercise was to develop guidelines.

The representative of Russia indicated that sanctions should be levied against vessels or companies but not against Contracting Parties. The representative of Canada explained that this section of the proposal was based on an existing process allowed under Article 8 (2) of the NCEM’s.

The representative of Iceland indicated that transparency was a good first step and that by documenting existing sanction levels, those Contracting Parties applying inadequate sanctions may be identified.

The representative of EU questioned the usefulness of a vague set of guidelines and reiterated that the follow-up to infringements should be considered and that “serious infringements” in the context of sanctions be defined. Contracting Parties agreed on the principle of applying dissuasive and proportionate sanctions. However there was no consensus on how to proceed in drafting guidelines.

The representative of the EU drafted and introduced STACTIC Working Paper 06/12 (Annex 7) on this subject.

The representative of Canada noted that the proposal does not meet the FC instruction as it appeared to reflect a list of possible sanctions and enforcement measures rather than guidelines on sanctions. It was agreed that there needs to be further discussions on the matter.

The representative of the United States suggested that Contracting Parties should endeavor to provide a description of fisheries sanctions in their respective domestic infringement systems. Afterwards, STACTIC could then rank infringements based on level of severity and suggest responsive measures / sanctions.

The Chair suggested that Contracting Parties provide information on fisheries sanctions from their respective systems. Once this information was available, an analysis / assessment could be conducted during the 2006 NAFO annual meeting.

The representative of Canada noted that, while providing a summary of domestic fisheries sanctions would be a good first step that Canada could support it could not be considered to fulfill our mandate.

The agenda item was deferred to the 2006 NAFO annual meeting.

iv. Role of observers

The representative of Canada presented STACTIC Working Paper 06/8 (Annex 8) a discussion paper on areas of possible reform in NCEM Chapter III. The representative of Canada provided a comprehensive review of the proposed changes.

The representative of Russia presented STACTIC Working Paper 06/9 (Annex 9) under this agenda item which outlined proposed improvements to the MCS regime in areas related to joint inspections, neutral ports for inspection, the administration of sanctions, the coding amendments to Annex X of the NCEM's.

The representative of the EU indicated that VMS harmonization between NAFO and NEAFC was a sound idea, however indicated that suggestions with regards to the role of NAFO Observers should be more thoroughly discussed. The representative of the EU stated that, based on the mandate of STACTIC to explore the cost effectiveness of MCS elements, it was the EU's position that the need for an Observer program should be, at the very least, seriously reviewed.

The Chair commented that, due to the absence of a Ukrainian representative, the Ukrainian proposal (STACTIC WP 06/3 – Annex 10) will be further discussed at the next meeting of STACTIC.

The Chair suggested that, pending the outcome of the pilot project (information due June 30, 2006), the item would be deferred and a technical assessment conducted once the results of the pilot project is completed.

The representative of Iceland requested that all participating Contracting Parties and inspection agencies provide any relevant information on the effectiveness of the observer programs so that a proper technical evaluation can be conducted.

The representatives of Iceland and Norway noted that prior to making new rules regarding observers, a review of the pilot project should be undertaken.

The item was deferred to the 2006 NAFO annual meeting.

v. Follow-up on infringements

The representative of Canada introduced STACTIC Working Paper 06/10 (Annex 11) containing amendments to Chapter IV, of the NCEM's that focused on enhanced follow-up to infringements. The representative of Canada provided an overview on the proposal's objectives and key modifications to the text of Chapter IV and invited discussion on the matter.

The representative of the EU indicated that this was an important issue but questioned the concept of "neutral port" found in Article 33 (3), as it was not in-line with the atmosphere of cooperation that currently existed

within NAFO. The representative of the Canada noted that the concept was not new to discussions and indicated that it was an optional provision to be employed solely in specific cases. The representative of Canada referenced the Russian proposal (Annex 9) citing that it also contained a reference to neutral port inspections.

The Chair commented that courts may be reluctant to accept photography / video evidence as “stand-alone” evidence and noted that the addition of four new serious infringements into Article 33 ([1] k,l,m,n) were consistent with those identified in the NEAFC Scheme. In addition, the Chair proposed the possible addition of a fifth serious infringement currently including the NEAFC Scheme dealing with IUU vessels. The Chair recommended that STACTIC work towards greater harmonization with NEAFC, specifically on infringement issues.

The representative of the EU concurred, in principle, with the Chair but indicated that infringements were also a question of degree. Iceland also supported greater harmonization. The representative of the United States also supported the four new serious infringements stating that they were reasonable additions at this time but added that 33([1] m) may require additional clarification.

The Chair suggested that STACTIC could, in future, endeavor to develop an objective list of cases that would warrant a call to port (e.g., hold of a vessel is at 90% of capacity and it is not possible to determine the contents of the hold during an at-sea inspection). The representative of the EU noted that additional reflection must be given on reasons to redirect a vessel to port and considered that it was also necessary to evaluate the degree to which the infringement had been committed. It was also necessary to review the content of certain provisions (in particular Articles 9 and 20).

Additional discussion on this matter was deferred to September.

6. VMS re-Tendering

The Chair introduced the agenda item and asked that the Executive Secretary provide a background and status on this issue.

The Executive Secretary introduced draft call for tender and explained that in addition to some dissatisfaction regarding the level of service provided by Trackwell it was also a sound business practice to look for more cost effective solutions and avoid dependence on a single supplier. These concerns had been presented to STACTIC in 2005 and were then discussed in STACFAD upon recommendation of STACTIC. The General Council then authorized the Secretariat to start a re-tendering process for the VMS service provider with the understanding that the technical specifications given in the call for tender are adequate for the NAFO VMS database. For this purpose, the Executive Secretary circulated a draft call for tenders to STACTIC members. Coincidentally, upon notification of this impending process the existing service provider began to meet the service expectations of the Executive Secretariat. In the interest of cost effectiveness the Executive Secretary recommends pursuing the call for tender.

The Chair noted the importance of proper service and recommended that STACTIC members review the draft call for tender and provide comments to the Executive Secretary. The Chair revisited this agenda item and invited comments. The representative of Iceland applauded the inclusion of relevant NAFO Articles and templates in the draft call for tenders but questioned whether a call for proposals was necessary at this time. The representative of Iceland continued by indicating that, should a selection process be initiated, a Working Group of experts familiar with VMS should be established to review the proposals to verify whether NAFO’s technical requirements were met. The representative of Norway suggested that the proposals could be reviewed by the Advisory Group of Data Communication. This could be a task where the group could function according to its intentions, as a joint group between NAFO and NEAFC. However it was agreed that the final decision authority would rest with STACTIC. It was further suggested by the representative of Iceland, that any call for tenders should contain provisions that would allow for amendments to the existing message types. The Executive Secretary indicated that there were some provisions already built into the draft as lessons were learnt from the experience of the current contract. The representative of the EU commented that this initiative was a sound financial management practice and it seemed there was a general consensus on the draft call for tenders. The representative of the EU added that this process should be done on a regular basis to ensure cost effectiveness and encourage adequate levels of service from the

VMS service provider. The Executive Secretary suggested that the call for tender process could be revisited every five years.

7. Annual compliance review 2005 (*time permitting*)

The Chair introduced the agenda item and prefaced the discussion by indicating that this exercise was still a learning process and that further work was required to ensure productive annual reviews that provide an accurate compliance picture that could be understood by the Fisheries Commission and the general public. The Chair suggested that a graphical format that would allow comparisons between years on changes in activity and yearly infractions may be appropriate. The Chair encouraged representatives to provide comments to the Executive Secretary in this spirit, not unlike the direction of the Canadian paper.

The FC Coordinator reminded representatives that a Working Group had been established by STACTIC at the last NAFO annual meeting to review the compliance assessment process and provided recommendations. It was suggested by the FC Coordinator that this Working Group meet to provide direction in advance of this year's NAFO annual meeting. The Chair encouraged the representatives to focus the efforts of the participating Working Group members on this task. The representative of the EU supported the Chair's comments and indicated that a clear and transparent annual assessment that allowed comparisons over time was the proper way forward. The Chair recommended that the Executive Secretary prepare some options for the next meeting based on input from the Working Group and the STACTIC representatives.

The representative of the EU indicated that, in addition to fishing vessel information, they would appreciate if information could be captured on inspection vessel activity in the NRA. The Executive Secretary noted that, without guidance from the STACTIC representative / Working Group, the format of the 2006 Annual Compliance review would be as per previous years. The Executive Secretary noted that clear direction would need to be provided on recommendations, including further elaboration by Canada on some elements of its proposal. The representative of Canada indicated that the Working Group was provided with a copy of the Canadian proposal and that their work was on-going, however noted that it may not be possible to effect major changes in time for the 2006 Annual Compliance review.

The Chair agreed with Canada's assessment and encouraged both the Working Group and the Contracting Parties to provide the Executive Secretary with the necessary support and guidance. It was agreed that the Canadian proposal would be examined at the 2006 NAFO annual meeting. The representative of Canada indicated a willingness to collaborate with the Working Group to refine the proposal and provide the Executive Secretary with clear direction. The Chair indicated that this issue could be further reviewed at the 2006 NAFO annual meeting, when recommendations have been prepared.

It was decided that a compliance review would be postponed until the 2006 NAFO annual meeting.

8. Other Matters

STACTIC considered the issues referred by the Working Group on the Reform of NAFO during the meeting 25-28 April 2006 in Montreal, Canada.

(i) Issues referred to STACTIC:

- **What would be the position of STACTIC on the proposal that STACTIC assumes the responsibilities of STACFAC which would represent a merge of STACTIC and STACFAC?**

The Chair opened the discussion on the agenda item and indicated that there were certainly pros and cons to the proposed merger however, NEAFC currently operated a single sub-committee with a mandate encompassing both STACTIC and STACFAC responsibilities. The rationale for this format was that the measures from both were ultimately enforced by the same enforcement unit. The Executive Secretary observed that STACFAC was currently without a Chair.

The representative of the EU remarked that the Chair's statement was relevant and that there were no detrimental operational effects experienced in NEAFC because of the dual mandate. The representative of

the EU added that STACFAC was created to address specific international law issues but that those issues have been addressed. The representative of the United States questioned the possible impact on membership and workload / timelines with regards to reporting to the Fisheries Commission. The representative of the EU addressed the United States' remarks by indicating that the current membership should be capable of handling the enhanced mandate and that there should be little impact on workload or ability to meet Fisheries Commission demands. The representative of Canada agreed with the EU position and indicated that the merge of STACTIC and STACFAC was in-line with the impending merger of the General Council and the Fisheries Commission. The representatives of Iceland echoed the representatives of EU's sentiments.

The representatives of the Norway, Japan, Canada, the EU, Denmark (in respect of the Faroe Islands and Greenland) and Iceland, indicated that the proposed merger could be implemented within NAFO.

- **Reform WG Delegates expressed a wish to define the concept of transshipment but considered that this definition should appear in the NAFO Conservation and Enforcement Measures (NCEM) rather than in the Convention. Against this background, does STACTIC consider that the definition of transshipment contained in the initial version of the Working Paper of the Chairperson constitute a suitable definition of transshipment in the NCEM or should any other definition be considered in this regard?**

After deliberation on the issue STACTIC determined that the definition for the term transshipment should be incorporated into the NCEMS rather than the Convention and that, in the interest of harmonizing with NEAFC, the following definition found in the NEAFC Scheme should be considered:

“Transshipment” means the transfer, over the side, of any quantity of fisheries resources and/or products thereof retained on board, from one fishing vessel to another.

- **Reform WG Delegates expressed a wish that a definition of fishing activities be included in the amended NAFO Convention but some delegates expressed doubts if the definition of fishing activities in the CEM is still adequate. STACTIC was therefore requested to review and if necessary revise this definition.**

In order to adequately address this issue the Chair established a Working Group, consisting of representatives from Iceland, Canada and the United States, which developed the response to this query found in STACTIC Working Paper 06/13 (Annex 12).

(ii) Review the need for meetings in advance of the 2006 Annual Meeting.

The Chair remarked that, in addition to the items related to NAFO reform, there were additional work items that STACTIC must attend to at the 2006 NAFO annual meeting. The Chair asked whether, given the significant agenda, there was support for meetings prior to the annual meeting. The representative of Canada agreed that the agenda was significant and indicated that they were prepared to meet in advance of the annual meeting.

The representative of the United States proposed that each Contracting Party undertake a thorough review of the NAFO reform items and come prepared to discuss the items at the 2006 NAFO annual meeting. The EU representative hoped that Contracting Parties would be able to enter into full and open dialogue on how to move forward.

There was no consensus on the need for a meeting in advance of the annual meeting, however the Chair strongly urged Contracting Parties to come prepared to make significant progress.

(iii) Electronic Observer Reports

The Executive Secretary presented STACTIC Working Paper 06/11 (Annex 13) on Electronic Observer Reports and provided a brief summary of the proposal. Given that this proposal did not constitute changes to the existing system and was simply an attempt to replace a manual process, the Executive Secretary requested that STACTIC approve the use of the proposed electronic observer reports.

The representative of the EU had concerns with regards to the language of origin of these proposed reports. The Executive Secretary explained that based on STACFAD's recommendations, General Council adopted that "(a) CPs be urged to submit their reports in English; (b) that the electronic form be developed quickly; and (c) that the Secretariat receive the necessary funds to translate and digitize the current and past fishery reports submitted by CPs."

There was no objection to proceeding with this proposal. The proposal was conditionally adopted pending no objection by July 5, 2006.

9. Adoption of Report

The report was adopted.

10. Adjournment

The meeting adjourned at 12:00pm on Thursday, June 15, 2006.

Annex 1. List of Participants

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NAFO SECRETARIAT

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Annex 2. Agenda

1. Opening of the Meeting (Vice-Chair: Mads Nedergaard, DFG)
2. Election of Chair
3. Appointment of Rapporteur
4. Adoption of Agenda
5. NAFO Reform
 - i. Review effectiveness of existing NAFO monitoring, control and surveillance (MCS) scheme and consider changes that would improve effectiveness and efficiency in terms of operation, results and costs.
 - ii. Strengthen the monitoring, control and surveillance (MCS) regimes including:
 - Joint MCS systems
 - Dissemination of collected data
 - Regular compliance review mechanisms
 - Cost sharing of MCS systems in a fair and transparent manner
 - iii. Establishment of guidelines for sanctions
 - iv. Role of observers
 - v. Follow-up on infringements
6. VMS re-Tendering
7. Annual compliance review 2005 (*time permitting*)
8. Other Matters
9. Adoption of Report
10. Adjournment

Annex 3. Proposal by Canada to amend Chapter IV, NAFO Conservation and Enforcement Measures - Improved Coordination and Cooperation under Joint Inspection and Surveillance Scheme
(STACTIC W.P. 06/7)

Background

With increasing demands on the inspection resources of all Contracting Parties, it is important to operate efficiently and to consider new initiatives that improve efficiency and effectiveness of inspection and control.

Additionally, it is important to build confidence between inspectors from all Contracting Parties and to work toward common understanding and interpretation of the NAFO Conservation and Enforcement Measures.

While informal arrangements for joint inspections occur annually, Inspection Parties generally deliver their program through separate inspections from respective inspection vessels.

Article 25 (5) of the NCEM provides the mechanism under which improved coordination and cooperation could be considered:

“..... in the case of mutual agreement between the respective Contracting Parties, inspectors assigned by one Party may be placed on board inspection vessels or aircraft of another Party assigned to the Scheme.”

To improve efficiency and effectiveness, it is proposed that STACTIC recommend approval of a protocol for Improved Coordination and Cooperation under the Joint Inspection and Surveillance Scheme which could be incorporated into the measures as an Annex.

Annex x

Protocol

Improved Coordination and Cooperation under Joint Inspection and Surveillance Scheme

1. Objective

- Improve efficiency and effectiveness of the joint inspection and surveillance Scheme
- Foster confidence and improved communication between inspection authorities of all Contracting Parties
- Develop common understanding and interpretation of the Conservation and Enforcement Measures
- Standardize inspection procedures;
- Build capacity for a coordination role for the Executive Secretary.

2. Scope

To the extent possible, all Contracting Parties/Flag states will endeavour to participate in the delivery of the at- sea inspection component of Chapter IV - *Joint Inspection and Surveillance Scheme*. This participation may occur through the assignment of inspection vessels and/or inspectors to planned and coordinated joint patrols.

3. Role of Executive Secretary (ES)

The Executive Secretary shall have a coordination and facilitation role with respect to joint patrols and inspections by:

- Prior to November 30, seeking information from all Contracting Parties/Flag states on the level of their participation in joint patrols/inspections for the succeeding year;
- Prior to December 31, producing a draft deployment plan/schedule of all participation and providing this plan to all Contracting Parties for approval;
- Maintaining the approved deployment plan by advising all Contracting Parties in advance of specific participation and by completing monthly reports on the level of participation;

4. Roles of Contracting Parties

All participating Contracting Parties/Flag-states shall:

Prior to November 30, notify the Executive Secretary of its level of participation in a joint patrol program for the succeeding year and, as required, notify the Executive Secretariat of any modifications to its level of participation. This notification will include tentative dates and participating vessels and inspectors;

Designate a representative to work directly with the Executive Secretary and other Contracting Parties

Work cooperatively with all participating Contracting Parties/Flag states;

Wherever possible, attempt to resolve any disputes related to inspections;

Ensure the completion of reports on all joint patrols/inspections and submit these reports to the Executive Secretary who may make these reports available to all other Contracting Parties. These reports may include recommendations. The reports will be reviewed by STACTIC and discussed with a view to improving future collaboration and facilitating long term improvements.

The Host Inspection Party shall take all measures practicable to ensure the safety and security of all inspectors;

5. Lead Inspector

All inspection will be conducted in a cooperative manner.

The Inspector from the Contracting Party/Flag state will be the lead inspector for any inspections on vessels from their Contracting Party/Flag state.

For all other inspections, the host Inspection Party will generally act as lead Inspector.

6. Inspection Guidelines

Contracting Parties/Flag states will develop a common understanding and interpretation of the Conservation and Enforcement Measures. In cases where common understanding and interpretation cannot be reached, Contracting Parties/Flag states will seek clarification and guidance from STACTIC.

7. Inspection Vessels

Some Contracting Parties/Flag-states utilize civilian and military vessels for inspections. This protocol will generally apply to the use of civilian vessels only.

Fishery inspections in the Regulatory Area pursuant to this protocol may be terminated for other inspection vessel duties such as those related to Search and Rescue (SAR) and environmental disasters.

8. Other

Notwithstanding this protocol, Contracting Parties/Flag-states may, at any time, decline to participate or terminate ongoing operations when there are conflicting priorities.

**Annex 4. Proposal by Canada - Data sharing between Regional Fisheries
Organizations, NAFO and NEAFC**
(STACTIC W.P. 06/5)

Background

For a number of years, Scientific Council has advised that there are significant discrepancies between reported and actual catch of all species found in the Regulatory Area. In some cases, these discrepancies are caused by the practice of misreporting quota species as non-regulated species or as species from other jurisdictions.

Although the NAFO Conservation and Enforcement Measures require vessels to hail the quantity of catch on board from other jurisdictions prior to entry into the Regulatory Area, it is believed that some vessels over-report quantities (often 10-40% of hold capacity) of catch upon entry into the NAFO Regulatory Area to facilitate under-reporting of catch in the NAFO Regulatory Area. The range of this misreporting varies but can reach 300t of product per voyage. Several citations have been issued related to this practice.

These and other practices by masters undermine the objectives of the organization, the efforts of all Contracting Parties to ensure compliance, and ultimately the sustainability of fisheries in the Regulatory Area.

The Fisheries Commissions has directed STACTIC to review all current conservation and enforcement measures and to consider improvements. One such improvement could be a data sharing protocol between NEAFC and NAFO when vessels fish in both areas during a single voyage.

In 2004, NAFO and NEAFC harmonized reporting and message formats in the vessel monitoring systems to facilitate fishing operations in both areas. This harmonization also facilitates the transfer of data between RFMOs.

Therefore, a data sharing protocol would ensure that Executive Secretary and Inspecting Parties obtain a complete understanding of a vessel's activities when operating in both NEAFC and NAFO by making available information related to catch on board a given vessel for review.

It is proposed that NAFO and NEAFC establish a data exchange protocol for any vessel that has fish on board from either RFMO jurisdiction.

Proposal

Data sharing protocols between NEAFC and NAFO when vessels fish in both areas during a single voyage

The data protocol would include exchanges of all:

1. Positional records:
2. Catch records including catch on entry and catch on exit.

When a vessel enters an RFMO's jurisdiction and generates the appropriate "Catch on Entry" Report, the RFMO's monitoring system would send a "data request" to the other RFMO. This automated message would signal the other monitoring system to send any relevant information on the fishing vessel to the requesting RFMO.

This information shall be forwarded to Contracting parties with an Inspection presence in the Regulatory Area.

In order to automate this data exchange additional message formats would be required.

1. A data request from the requesting RFMO would include the following:

Data Element	Code	Mandatory/ Optional	Remarks
Start Record	SR	M	System Detail; indicates start of record
From	FR		
Sequence Number	SQ		
Type Message	TM		
Vessel Name	NA		Name of vessel information requested on
Radio Call Sign	RC		Radio Call Sign of vessel information requested on
Date	DA		Date of request
Time	TI		Time of request
End Record	ER		System Detail; Indicates end of record

2. The requested RFMO would either provide the relevant data on the vessel or a nil report if the vessel did not fish in their jurisdiction.
3. In the case where there is data available on the requested vessel, the data would be provided to the requesting RFMO.
4. In the case where the vessel did not have any relevant records from the other RFMO a return message indicating "nil" would be sent.

Annex 5. Proposal by Canada to adopt Roles and Responsibilities on Data Analysis
STACTIC Compliance Assessment
(STACTIC W.P. 06/6)

Background

At the April 2005 intercessional meeting of STACTIC in Reykjavik, the Secretariat was asked to provide a more concise compilation of compliance data to ease the workload of STACTIC related to the annual compliance report. In response, the Secretariat produced a preliminary compliance report for review by STACTIC at its Annual Meeting in 2005. This work highlighted the need for a measurable and objective way to assess compliance. Some recommendations from the meeting follow:

1. STACTIC should adopt a standardized compliance report format of two parts: Part I - a report on Contracting Party administrative requirements, and, Part II - a report on vessel (master) compliance with the NCEM.
2. Contracting Parties should ensure all reports are provided in a timely manner to enable the Secretariat to provide meaningful preliminary data analysis for STACTIC to review. Missing reports weaken the validity of any analysis.
3. STACTIC should provide direction to the Secretariat on data analysis and presentation to ensure meaningful analysis for STACTIC.
4. STACTIC should determine measurable criteria for vessel compliance that can be utilized in a consistent manner and permit comparative analysis from year to year.
5. STACTIC should identify a peer group to assist the Secretariat with a preliminary review of the data analysis in advance of the distribution of the final product.

With respect to the Recommendation 1 and 2, it is proposed that the following protocol be adopted by STACTIC.

Protocol

STACTIC Compliance Assessment

Phase I

- Executive Secretary conducts administrative compliance review related to all documents/records that must be submitted by Contracting Parties including but not limited to:
 - Due justification when a vessel is not called to port under NCEM Article 33.7.
 - Inspection Vessels and Inspectors
 - Notification
 - Fishing Vessels and Fishing Plans
 - Notification
 - Observer Trip reports
 - VMS reports
 - COE/COX
 - Port inspection reports
- This review will present information on the specific obligations of Contracting Parties and level of compliance with these obligations, calculated on the basis of the number of required reports and the % of actual reports received as well as an indication of whether the reports were received within the required time frames.

Phase II

- Contracting Parties conduct assessment of compliance by fishing vessels with Conservation and Enforcement Measures including but not limited to:
 - Level of fishing effort and catch in relation to fishing opportunities
 - Infringements and disposition of infringements
- This assessment will present information on compliance on the basis of overall Contracting Party performance and, where possible, overall, by fishery.
- This assessment as well as the annual return/disposition of infringements shall be posted on the NAFO web-site.

Additional Background on Recommendation 1, 2, and 3

Current Data Complication

The Secretariat compiles 13 tables for STATIC in preparation of the annual compliance review. A synopsis of these tables and recommendations for improvements and consolidation follow:

Table 1 - Catches from vessels in the NAFO Regulatory Area

This table is comprised of reported catch by vessel for directed/main species obtained from VMS (COE/COX), Observer reports, Port and at sea inspections. The % difference in the landed versus the logbook catches is good indicator of reporting accuracy of catch onboard, if the port inspection is thorough.

Comments/Suggestions - The data could be presented in two tables, one for shrimp and one for groundfish. This will help separate COE/COX reports from 3L/3M and the NRA.

A review of this table should be conducted to identify unnecessary columns for removal, i.e. gear type (this is fishery specific) and remarks section from at sea inspections as these are included in table 13.

The different data sources do not cover the entire voyage (i.e. at sea inspections versus port inspections). This makes it difficult for meaningful comparison.

Table 2 – Submission of catch and fishing effort data

This table indicates whether the Contracting Party sent required information to the Secretariat and records the number of Observer and Port inspections received from each Contracting Party.

Comments/Suggestions – The relevance of this table should be reviewed as the information from Observer and Port inspection reports is already in table 1 and the 3M fishing days are contained in table 7.

Table 3 - Notification of inspection plans

This table records whether notification of inspection vessels and “commencement/termination” of inspection duties reports were received by the secretariat.

Comments/Suggestion – This table provides administrative compliance data and has no value with respect to fishing vessel compliance.

Table 4 – Reports of infringement follow-up

This table gives the number of infringements by Contracting Party and if follow-up reports have been received.

Comments/Suggestion – The relevance of this table should be reviewed as information on the disposition of infringements is provided in Table 13 and total number of infringements can be included in either Table 13 or Table 5.

Table 5 – Annual report of Inspection and Surveillance activities

This table provides the number of inspections by Contracting Party conducted by patrol vessels from Contracting Parties with inspection vessels in the Regulatory Area.

Comments/Suggestions- This table provides statistical data. The need for additional statistics of a similar nature could be reviewed with a view to streamlining the overall table (e.g. number of infringements (Table 4), number of vessels with infringements (Table 12), number of port inspections/observer reports (Table 2). If agreed, the table could then be renamed to better reflect the expanded data sets.

Table 6a – Comparison of catches of regulated and other major species in the NRA from various sources

This table provides a summary of catches for each Contracting Party by species/division as well as remarks on infringements, charter arrangements, etc.

Comments/Suggestions – Rename table to Summary of catch. The catch information in this table needs to be separate for each division (most Contracting Parties submit total species catch). In its current format the purpose of this table is not being achieved. The remarks column on infringements is duplication and is included in Table 13. The comments on chartering arrangements could be put in a new table specific to chartering.

Table 6b – Catch records and AIs from at sea inspections

This table provides catch information that is already in Table 1 and the remarks section is in Table 13.

Comment/Suggestion – The relevance of this table should be reviewed given apparent duplication.

Table 7 – Estimated fishing days at NRA

This table provides the number of vessels, number of vessels with VMS, number of fishing days for each Contracting Parties from different sources and 3M shrimp days.

Comments/Suggestions – This table contains important statistical information that could be incorporated into Table 5. Also, inconsistencies between the numbers of days from different sources should be determined and underlying reason for discrepancy identified.

Table 8 – Catch reporting through VMS hail reports

This table provides the number of COE/COX/TRA reports received for each Contracting Party; no catch information in this table.

Comments/Suggestion – Review the practicality of merging a number of reports from Table 8 into Table 5.

Table 9 – Gear and mesh size information from observer, inspection and port reports on vessels issued with AI involving gear/vessel modification

This table provides data, from different sources, on vessels with infringements related to gear and mesh size.

Comments/ Suggestions – As the data in this table appears to be included in Table 13, the relevance of this table should be reviewed.

Table 10 – CP Summary on Satellite Tracking System position reports and AIs concerning VMS

Table provides the number of vessels, number with VMS reports, number of days in NRA based on VMS and remarks on infringements related to VMS.

Comments/Suggestions - Include the statistical data from VMS in Table 5. Infringement information is already in Table 13, if these actions are taken the need for table 10 should be reviewed.

Table 11 – AI concerning prevention of inspectors from carrying out their duties

Table provides details of infringements with prevention of inspectors from carrying out their duties.

Comments/Suggestions - This information is already included in Table 13, the need for this table should be discussed.

Table 12 - Number of vessels cited with AI and number of citations by CP

Table provides number of vessels cited with infringement and number of citations.

Comments/Suggestions - The information in this table should be included in Table 5 and with more details already in Table 13.

Table 13 – Details of infringements issued for 2004

Table provides detailed information on infringements for previous year.

Comments/Suggestions – This table should be expanded to include outstanding infringements that were not reported on previously, including the dates issued. This report should carry outstanding infringements forward from year to year until the Contracting Party provides official documentation on the conclusion of the infringement (e.g. penalties/actions).

PHASE TWO

To aid STACTIC in the assessment of vessel compliance more relevant data/analysis must be used as indicators that relate to fishing patterns and practices. The following is a short list of possible ideas that may help achieve this objective and permit a comparative analysis from year to year.

- A more meaningful comparison of catch data from logbooks, observer and port inspection reports could be undertaken. If the catches are not within a certain % of each other this should be further investigated as to the cause of the discrepancy.
- Catch composition should be analysed to determine if exorbitant quantities of certain species (usually low value such as grenadiers) are reported so that further detailed analysis can be completed. This could include comparison to recorded catch of other vessels fishing the same area/depths and /or very rigorous inspection and sampling at port for catch verification.
- Electronic mapping tools can be used to cross reference fishing logbook, sighting and VMS positions for certain timeframes. If this information does not correlate it can be further investigated.
- VMS positional data/sighting positions can be plotted on charts by depth parameters to help determine directed fishery. For example, depths over 500m would be considered G. halibut. In highly sensitive shallow water areas (moratoria species) positional data could be used with an exception based rule that would indicate when vessels have fished in depths < 50m. Then a cross reference of reported catch can be conducted.
- When fishing patterns are not consistent with economics of the fishery (e.g. a tendency to frequently steam long distances for reported low catch, daily catch rates high for low valued species compared to other vessels) it could be further investigated.
- The Inspector observed tows can be compared to reported catch for the day of inspection. Under normal circumstances, if the vessel continues fishing in the same area catch would be similar to those observed. An extrapolation of the observed tow could provide a good indication of the daily catch rate.
- An analysis of the number of days on the fishing grounds in relation to the available quotas could be undertaken.

**Annex 6. Proposal by Canada to adopt Regional Sanctions Framework
Northwest Atlantic Fisheries Organization
(STACTIC W.P. 06/4)**

Background and Rationale

STACTIC deliberations on sanctions are generally guided by the St. John's Ministerial Declaration with additional specific direction from Fisheries Commission:

MD - 4D

We will work within RFMO/As of which the State or REIO we respectively represent is a member, to review and strengthen them, where necessary, in a manner that does not overlap or duplicate the mandate of other existing RFMO/As, to:

Establish **regional guidelines** for States to use in establishing sanctions for non-compliance by their flag vessels and nationals that are adequate in severity to effectively secure compliance, deter further violations and deprive offenders of the benefits accruing from their illegal activities.

GC WP 05/8 (2)

The Fisheries Commission directs STACTIC to devote its Intersessional Meeting in mid 2006 to review, in accordance with paragraphs 4 C and D of the St. John's Declaration, on the effectiveness of the existing NAFO monitoring, control and surveillance (MCS) regime to determine the changes needed to be introduced to strengthen such instruments and make them more effective and efficient, in terms of operation, results and costs. Most notably, but not limited to, STACTIC will review and provide recommendations on establishment of **guidelines for sanctions**, role of observers and follow-up on infringements.....

Additional guidance can be found from other international fora such as UNGA:

UNGA

62. *Encourages* the establishment of **regional guidelines** for States to use in establishing sanctions, for non-compliance by vessels flying their flag and by their nationals, that are adequate in severity to effectively secure compliance, deter further violations and deprive offenders of the benefits deriving from their illegal activities;

and, from recent Fisheries Commission discussions on Convention Reform.

Annex __ (Article 3_

Proposed Sanctions Framework

Introduction

The Northwest Atlantic Fisheries Organization (NAFO) is an intergovernmental fisheries science and management body founded in 1979 as a successor to International Commission of the Northwest Atlantic Fisheries (ICNAF).

The stated objective of Convention on Future Multilateral on Cooperation in the Northwest Atlantic Fisheries is to ensure the long term conservation and sustainable use of the fishery resources in the Convention Area, providing sustainable, economic environmental and social benefits, as well as to conserve the marine ecosystems in which these resources occur.

The Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries applies to fishery resources as defined in the Convention.

Proposed amendments to the Convention outline specific obligations related to the imposition of sanctions for any infringements. At some later point when Convention is modified, we can incorporate actual text.

Article X – Contracting Party Duties

2. Each Contracting Party shall make available to the Commission a statement of implementing and compliance measures, including the outcome of the proceedings referred to in Article XI paragraph 4, it has taken in accordance with this article and, in the case of coastal States that are Contracting Parties to this Convention, as regards the conservation, management and enforcement measures they have taken for straddling stocks occurring in waters under their jurisdiction in the Convention Area.

Article XI – Flag State Duties

5. Each Contracting Party shall ensure that appropriate measures are taken, including administrative action or criminal proceeding in conformity with their national legislation against the nationals responsible for the vessel flying its flag where the measures adopted by the Commission have not been respected.

General

For the purposes of this framework and associated guidelines, sanctions include quota adjustments, landing limitations, restrictions on authorizations to fish, use of targeted MCS elements, or other measures designed to improve compliance with the objectives of the Convention and with the conservation and management measures of the Northwest Atlantic Fisheries Organization (NAFO).

Additionally, measures applicable in respect of masters and other officers of fishing vessels shall include provisions which may permit, inter alia, refusal, withdrawal or suspension of authorizations to serve as masters or officers on such vessels.

Sanctions may be administrative or judicial but shall be governed by general principles.

Scope

In order to meet the objectives of the Convention as well as to ensure compliance with conservation and management measures, these guidelines relate to:

- Sanctions imposed by the Commission against Contracting Parties and Non-Contracting Parties; and
- Sanctions imposed against operators and vessels by Contracting Party/flag state which authorize those operators/vessels to fly its flag or by other Contracting Parties.

Principles

Effectiveness

Sanctions should be adequate in severity to effectively secure compliance, deter further violations and deprive offenders of the benefits accruing from their illegal activities.

At a minimum, sanctions should ensure that all fish taken (or the value of all fish taken) in relation to illegal activity is confiscated and additional sanctions are applied at a level sufficient to deter future violations.

Transparency

Sanctions shall be applied in an open and transparent manner, discussed annually by Commission and its subsidiary bodies, and published annually and posted by the Executive Secretary on the public NAFO web-site.

The Commission, Contracting Parties, and flag states shall ensure that their judiciaries and administrators are aware of this source of information to heighten awareness and need for greater consistency in sanctions.

Participation and coordination

To ensure effectiveness, this framework should be implemented by all Contracting Party/flag states and involve coordination, consultation, and the sharing of information among Contracting Party/flag states through the Executive Secretary.

Efficiency

Investigations, proceedings, and sanctions shall be carried out expeditiously and, wherever possible, completed prior to the next fishing voyage or fishing season and always within 18 months from the date of detection of the violation.

Consistency

The Commission, Contracting Parties, and flag states shall seek to apply sanctions for serious violations in a consistent manner and, where possible, ensure a consistent level of sanction is applied for violations of conservation and enforcement measures.

Fairness

The Commission, Contracting Parties, and flag states shall ensure the consistent application of fair, equitable and non-discriminatory sanctions. This application should include the right to a formal appeal process.

Progressive sanctions for Repeat Violators

Sanctions shall be imposed in a manner that ensures repeat violators are sanctioned more severely for successive incidents of non-compliance. Aggregation of violations may be appropriate in certain circumstances.

Guidelines for Sanctions

To ensure that the principles of this framework are achieved, the Commission, Contracting Parties and flag states, as applicable, shall seek direction from the guidelines outlined in Annex I.

These Guidelines are not intended to prescribe fixed sanctions for particular violations of the NAFO Conservation and Enforcement Measures. Rather, they provide guidance to the Fisheries Commission, Contracting Parties and flag states to assist in the imposition of sanctions effectively, consistently and fairly.

These Guidelines recommend types of sanctions to be considered. These Guidelines are not absolute. Based on the facts and circumstances for each case, sanctions may fall outside the guidelines and may consider aggravating and mitigating factors not identified in these Guidelines.

Table Definitions

Sanctions – The detriment, loss of reward, or coercive intervention annexed to a violation of a law as means of enforcing the law

Authority to Fish – Revoking, restricting or denying access to licenses, quota or other permission to fish.

Forfeiture of Equipment/Catch/ Vessel– Flag-State seizure of items related to the illicit fishing activity based on the severity of the infraction.

Landing limitations – Restrictions or conditions placed on the landing of catch.

Level of Seriousness (H, M, L) - Rank infringements as H, M, or L or to rank within each infringement what constituted H, M, or L

Quota adjustment – Quota adjustment, as per article (8) of the NAFO Conservation and Enforcement Measures.

Annex 7. Proposal by the European Community - Guidelines for Sanctions
(STACTIC W.P. 06/12)

Contracting Parties shall ensure that appropriate measures are taken, including administrative action or criminal proceedings in conformity with their national law, against the natural or legal persons responsible for infringements of the NAFO Conservation and Enforcement Measures.

Such proceedings shall be capable, in accordance with the relevant provisions of the laws of the flag state, of effectively depriving those responsible of the economic benefit of the infringements and of producing results proportionate to the seriousness of such infringements, effectively discouraging further offences of the same kind.

Depending on the gravity of the infringement the sanctions applied may include in particular:

- a) fines;
- b) seizure of prohibited fishing gear;
- c) seizure of catches;
- d) sequestration of the vessel;
- e) temporary immobilisation of the vessel;
- f) suspension of the licence;
- g) withdrawal of the licence;
- h) deductions from future fishing possibilities.

Flag States shall take immediate measures to prevent vessels, natural or legal persons found *in flagrante delicto* while committing a serious infringement from continuing to do so.

Annex 8. Discussion Paper (prepared by Canada)
(STACTIC W.P. 06/8)

Chapter III
MONITORING OF FISHERIES

Article 20 - Recording of Catch and Stowage

1. Fishing vessels shall, on entering the Regulatory Area, have a record in its fishing logbook of the amount of each species of fish retained on board.
2. Fishing vessels shall record their catches on a daily basis. All logbook entries listed in Annex VIII shall be completed in accordance with its instructions using the codes specified therein.
3. The records referred to in paragraphs 1 and 2 shall correspond to the smallest geographical area for which a quota has been allocated, show the disposition of the catch and include any fish off-loaded while the vessel is operating in the Regulatory Area. The records shall be retained aboard the vessel for a period of at least twelve months.
4. Fishing vessels shall record their cumulative production by species in a production logbook. It shall be updated every day for the preceding day reckoned from 0000 hrs (UTC) until 2400 hrs (UTC). The production logbook shall be kept on board until the vessel has been unloaded completely.
5. Taking into consideration the legitimate safety and navigational responsibilities of the master of the vessel, the following shall apply: Catches of the same species may be stowed in more than one part of the hold, but in each part of the hold where it is stowed it shall be kept clearly separate (for example by plastic, plywood, netting etc.) from catches of other species. Similarly all catches taken inside the NAFO Convention Area shall be stowed separately from all catches taken outside the area.
6. Fishing vessels shall keep a stowage plan that shows the location of the different species in the holds as well as the quantities of such species on board in product weight stated in kilograms. It shall be updated every day for the preceding day reckoned from 0000 hrs (UTC) until 2400 hrs (UTC). The stowage plan shall be kept on board until the vessel has been unloaded completely.

Article 21 - Reporting of Catch and Fishing Effort

1. Each Contracting Party shall report its provisional monthly catches by species and stock area, as well as provisional monthly fishing days in the shrimp fishery, whether or not that Party has quota allocations for the stocks from which catches were obtained. These reports shall be sent to the Executive Secretary within 30 days of the end of the calendar month in which the catches were made.
2. The Executive Secretary shall, within 10 days following the monthly deadlines for receipt of the provisional catch statistics, collate the information received and circulate it together with aggregate catch statistics by stock area to Contracting Parties.
3. Contracting Parties whose vessels are fishing on an "Others" quota in accordance with Article 3 paragraph 3 shall report to the Executive Secretary, at 48-hour intervals, the catches taken by their vessels on such quotas.
4. Contracting Parties shall daily notify the Executive Secretary of shrimp catches taken by its vessels in Division 3L. The Executive Secretary shall forward this information to Contracting Parties with an inspection presence.
5. As of January 2006, all Contracting Party vessels fishing in those portions of the NAFO Regulatory Area identified in the table below are invited, where possible, to collect the data in accordance with paragraph 6.
 - Orphan Knoll
 - Corner Seamounts
 - Newfoundland Seamounts
 - New England Seamounts

6. For the purposes of paragraph 5, the following is a list of suggested data to be collected in accordance with commonly used data collection protocols:

- Species composition in numbers and weight;
- Length frequencies;
- Otoliths;
- Set location, latitudes and longitudes;
- Fishing gear;
- Depth fished;
- Time of day;
- Duration of set;
- Tow opened (for mobile gear);
- Other biological sampling such as maturity where possible;

The data should be collected on a set-by-set basis and reported to the Executive Secretary, for onward transmission to the Scientific Council, as soon as possible after the end of the fishing trip.

Article 22 - Vessel Monitoring System (VMS)

1. ~~In order to improve and maintain compliance with the Conservation and Enforcement Measures for their vessels fishing in the Regulatory Area,~~ Fishing vessels operating in the Regulatory Area shall be equipped with a satellite monitoring device allowing the continuous reporting of their position by the Contracting Party. The satellite monitoring device shall ensure the automatic communication at least once every ~~two~~ **hours** to a land-based fisheries monitoring centre of the flag state (hereafter referred to as FMC) of data relating to:

- a) the vessel identification;
- b) the most recent geographical position of the vessel (longitude, latitude) with a position error which shall be less than 500 metres, with a confidence interval of 99%; and
- c) the date and time of the fixing of the said position of the vessel.

The first transmitted position report in the Regulatory Area detected by the FMC of the Contracting Party shall be identified as "ENT". All subsequent position reports shall be identified as "POS" except the first position report detected outside the Regulatory Area which shall be identified as "EXI".

If a Contracting Party so requests, the Secretariat shall confirm receipt of all electronic reports using a return message identified as "RET".

2. Each Contracting Party shall take the necessary measures to ensure that its FMC receives these data. The FMC of each Contracting Party shall be equipped with computer hardware and software enabling automatic data processing and electronic data transmission. Each Contracting Party shall provide for back-up and recovery procedures in case of system failures and shall take the necessary measures to ensure that the data received from its fishing vessels are recorded in computer readable form for a period of three years.

3. The masters of fishing vessels shall ensure that the satellite monitoring devices are at all times fully operational and that the information in paragraph 1 is transmitted to the FMC. In the event of a technical failure or non-operation of the satellite monitoring device fitted on board a fishing vessel, the device shall be repaired or replaced within one month. After this period, the master of a fishing vessel shall not be authorised to commence a fishing trip with a defective satellite monitoring device. Where a device stops functioning and a fishing trip lasts more than one month, the repair or the replacement has to take place as soon as the vessel enters a port and the fishing vessel shall not be authorised to continue or commence a fishing trip without the satellite monitoring device having been repaired or replaced.

4. Contracting Parties shall take the necessary measures to ensure that the master or the owner of the vessel or their representative is informed when the satellite tracking device fitted on board a vessel flying their flag appears to be defective or non-functioning.

5. Fishing vessels with a defective satellite monitoring device shall communicate, at least every 6 hours, reports containing the information in paragraph 1 to the FMC, by other means of communication (email, radio, facsimile or telex).
6. Contracting Parties shall communicate reports and messages pursuant to paragraphs 1 and 5 to the Executive Secretary as soon as possible, but not later than 24 hours after receipt of those reports and messages. If the Contracting Party so desires, its fishing vessels shall communicate reports (by satellite, email, radio, facsimile or telex) to the Executive Secretary. When the Executive Secretary has not received two consecutive position reports in accordance with paragraphs 1 and 5 and the vessel concerned has not reported that it has left the Regulatory Area the Executive Secretary shall automatically notify the FMC of the flag Contracting Party.
7. Contracting Parties shall ensure that the reports and messages transmitted between the Contracting Party and the Executive Secretary or between its fishing vessels and the Executive Secretary, shall be in accordance with the data exchange format set out in Annex IX.
8. The Executive Secretary shall make available as soon as possible the information received under paragraph 6 to other Contracting Parties with an inspection presence in the Regulatory Area. All reports and messages shall be treated in a confidential manner.
9. When an inspector observes a fishing vessel in the Regulatory Area and has not received data in accordance with paragraphs 1 or 5 he/she shall inform the master of the vessel and the Executive Secretary, who shall immediately inform the flag Contracting Party of the vessel.
10. Contracting Parties shall notify any changes of the name, address, telephone, telex, email and facsimile numbers of their competent authorities to the Executive Secretary without delay.
11. Subject to any other arrangements between Contracting Parties, each Contracting Party shall pay all costs associated with this system.
12. The elements of the VMS program are subject to review and revision, as appropriate, for application in 2004 and subsequent years.

Article 23 - Communication of Catches

1. Fishing vessels shall communicate electronically via the FMC to the Secretariat the following reports:
 - a) catch on entry into the Regulatory Area. This report shall be made at least six (6) hours in advance of the vessel's entry and shall include the date, time, geographical position of the vessel, total round weight by species (3 alpha codes) on board in kilograms (rounded to the nearest 100 kilograms) and directed species. This report shall be identified as COE;
 - b) catch on exit from the Regulatory Area. This report shall be at least six (6) hours in advance of the vessel's exit and shall include the date, time, geographical position of the vessel and catch in round weight taken and retained in the Regulatory Area by species (3 alpha codes) in kg (rounded to nearest 100 kilograms). This report shall be identified as COX;
 - c) each transshipment in the Regulatory Area. Concerning donor vessels this report shall be made at least twenty-four (24) hours in advance and concerning receiving vessels this report shall be made not later than one (1) hour after and shall include the date, time, geographical position of the transshipment and total round weight by species (3 alpha codes) to be off-loaded or which have been on-loaded in kilograms (rounded to the nearest 100 kilograms) and the call sign of vessels transhipped to or from respectively. This report shall be identified as TRA;
The receiving vessel shall report the total catch onboard and the total weight to be landed, the name of port and the time of landing at least twenty-four (24) hours in advance of any landing. This report shall be identified as POR;
 - d) The total quantity of species reported under a), b) and c) for which the total round weight by species is less than one ton may be reported under the 3 alpha code "MZZ" (marine fish not specified).

New Paragraph 2:

- 2.a) **As of 1 January 2007, the master shall complete, every week, 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 preceding week 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.**

Renumber following Articles

3. Competent authorities of each Contracting Party shall automatically transmit the information referred to in paragraph 1 **and 2** to the Executive Secretary. The Executive Secretary shall transmit the information to other Contracting Parties with an inspection presence in the Regulatory Area as soon as possible and shall ensure that all such transmissions are numbered sequentially for each Contracting Party. The port of landing report shall in addition be made available without delay to the Flag state of the vessel sending the report and to all Contracting Parties. These reports are to be treated in accordance with Annex XIX.

If a Contracting Party so requests, the Secretariat shall confirm receipt of all electronic reports using a return message identified as "RET" according to the data exchange format in Annex IX.

4. For vessels that fish shrimp in Division 3L, each entry and exit from Division 3L shall require 24-hour prior notification to the Executive Secretary. All shrimp on board shall be reported to the Executive Secretary on entry and exit.

5. Contracting Parties shall ensure that the reports and messages transmitted between the Contracting Party and the Executive Secretary or between its fishing vessels and the Executive Secretary, shall be in accordance with the data exchange format set out in Annex X.

The sequence of messages under Article 22 and this article shall be as follows:

Report:	Code:	Remarks:
Catch on Entry	COE	6 hours in advance of the vessels entry into the Regulatory Area.
Entry	ENT	The first position report from a vessel detected to be inside the Regulatory Area.
Position	POS	Position report every 2 hours
Transshipment	TRA	As relevant
Port of Landing	POR	Report on catch onboard and weight to be landed
Catch on Exit	COX	6 hours in advance of the vessels departure from the Regulatory Area
Exit	EXI	The first position report from a vessel detected to be outside the Regulatory Area

Article 24 - Observer Program

New Paragraph 1:

1. Subject to the pilot project on Pilot Project on Observers, Satellite Tracking And Electronic Reporting, each Contracting Party shall during 2007 require that ___% of its vessels fishing in the Regulatory Area at any one time, carry at least one observer on board the vessel.
2. 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 1 shall ensure the presence of an observer on board these vessels with the same level of coverage, as specified in paragraph 1 of the total time that the vessels are present in the Regulatory Area.
3. 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 number of apparent infringements identified by observers.
4. 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. 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.
5. 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 33, unless the vessel is re-routed in accordance with Article 33. 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.
6. ~~In order to improve and maintain compliance with the Conservation and Enforcement Measures for their vessels fishing in the Regulatory Area, all fishing vessels shall carry at least one observer at all times while fishing in the Regulatory Area.~~ Contracting Parties shall have the primary responsibility to obtain independent and impartial observers and shall take all necessary measures to ensure that the observers they recruit have the qualifications, training and certification required to complete the duties in Paragraph 10. Observers are not to perform duties, other than those described in paragraph 10, 5 and 6 below. Subject to any other arrangements between the relevant Contracting Parties, ~~the salary of an observer shall be covered by the sending Contracting Party,~~ all costs arising from the assignment of observers under this Article 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.
7. 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
8. 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.
9. Contracting Parties shall provide to the Executive Secretary a list of the observers they will be placing on their vessels.
10. **Observers shall have no enforcement authority. Their duties shall include:**
 - a) collect catch and effort data for each haul **including** location (latitude/longitude), depth, time of net on the bottom, **and** catch composition, **undersized fish** and discards as outlined in the protocol developed by the Scientific Council;
 - b) carry out such scientific work (for example, collecting samples) as requested by the Fisheries Commission based on the advice of the Scientific Council;

c) monitor the functioning of and reporting upon any interference with the satellite tracking system. In order to better distinguish fishing operations from steaming and to contribute to an a posteriori calibration of the signals registered by the receiving station, the observer shall maintain detailed reports on the daily activity of the vessel.

d) monitor the vessel's compliance with the relevant Conservation and Enforcement Measures by:

- (i) recording and reporting upon the fishing activities of the vessel and verifying the position of the vessel when engaged in fishing;
- (ii) observing and estimating catches with a view to identifying catch composition and monitoring discards, by-catches and the taking of undersized fish;
- (iii) recording gear type, mesh size and attachments employed by the master; and
- (iv) verifying entries made in the logbooks (species composition and quantities, live and processed weight, hail and VMS reports).

11. 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.

~~12. The observer shall within 30 days following completion of an assignment provide a report to the Contracting Party of the vessel and to the~~ The Executive Secretary shall make the reports available to any Contracting Party that so requests. Copies of reports made available to other Contracting Parties shall not include location of catch in latitude and longitude as required under paragraph 10a, but shall include daily totals of catch by species and division.

13. Contracting Parties shall provide the observer with access to electronic equipment and other means necessary to fulfill their duties 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.

~~14. When a possible infringement of the Conservation and Enforcement Measures is identified by an observer, the observer shall, as soon as possible, communicate the details of the infringement to an inspector within 24 hours, report it to an inspection vessel using an established code, which shall report it to the Executive Secretary.~~

~~14. The vessel on which an observer is placed shall provide suitable food and lodging during the observer's deployment. Vessel masters shall ensure that all necessary co-operation is extended to observers in order for them to carry out their duties including providing access, as required, to the retained catch, and catch which is intended to be discarded.~~

New Paragraph to replace old 14

15. Master 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 vessel's 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.**

~~9. The elements of the Observer Program are subject to review and revision, as appropriate, for application in 2005 and subsequent years.~~

Annex A-1
Revisions to Annex X - NCEM
Format for the communication of catches and reports by fishing vessels
6) Catch Report every week

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
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
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
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 9. Proposals by Russia Concerning the NCEM Improvements
(STACTIC W.P. 06/9)

1. The real joint inspection and surveillance

Due to financial difficulties some Contracting Parties are not able to provide the inspections and surveillance in the Regulatory Area using their own inspection vessels and unable to increase their own contribution for treating of Contracting Parties having inspection platforms in Regulatory Area. To achieve a real Joint inspection and surveillance it is very essential to use the experience of skilful inspectors from all Contracting Parties. It is necessary to place such inspectors on board inspection vessels of Contracting Parties having their inspection platforms in the Regulatory Area. This shall promote the objectivity of inspections and surveillance results and, in turn, this collaboration will lead to high performance and increase the responsibility of Contracting Parties.

So it is necessary to develop the mechanism of real joint inspection and surveillance mentioned in Article 25(5) of the NCEM and to work out the proper improved scheme of the cooperative inspection and surveillance.

2. The neutral designated ports for inspections (alteration to paragraph 7 Article 33)

To provide more objectivity of port inspections in the case of serious infringements it is necessary to effect a careful inspection in the neutral port, by other words, in the port of the third Contracting Party which is disinterested in the inspections results.

So each Contracting Party shall designate its own ports for inspection and shall forward the list of such ports to Executive Secretary. Each Contracting Party shall forward to Executive Secretary any subsequent changes to this list of designated inspection ports at least 15 day before they come into force. Based on this information the Executive Secretary shall establish the list of designated inspection ports and shall forward it and all subsequent changes to all Contracting Parties.

So the Article 33(7) of the NCEM must be replaced by new one:

“7. Where justified, the authorities of the Flag State Contracting Party of the vessel concerned shall, where authorised to do so, require the vessel to proceed immediately to a neutral designated inspection port for a thorough inspection under the authority of the Flag State and in the presence of an inspector from any other Contracting Party which wishes to participate. If the vessel is not called to port, the Contracting Party must provide due justification in a timely manner to the Executive Secretary who shall make it available on request to any Contracting Party.”

3. The administration of sanctions to master and officers of the fishing vessel and to shipowner in the case of serious infringements when fishing in Regulatory Area (the addition to Article 34 of the NCEM)

It is essential to work out the recommendations to Contracting Party regarding sanctions to master and officers of the fishing vessel and to shipowner in the case of serious infringements when fishing in the Regulatory Area. These recommendations must be incorporated into the Measures as an additional article or as an addition to Article 34 and may be as following:

- If the Flag State Contracting Party vessel fishing in the Regulatory Area committed a serious infringement confirmed by the port inspection the master or officers of such vessel may be disqualified by competent authorities of Contracting Party to fish in Regulatory Area for 1 year.

- If the Flag State Contracting Party vessel fishing in Regulatory Area was twice a year committed a serious infringement confirmed by port inspection the notification for such vessel may be recalled from NAFO Secretariat by competent authorities of Contracting Party.
- If two vessels of the same shipowner fishing in Regulatory Area committed a serious infringement confirmed by port inspection the notifications for all vessels of such shipowner may be recalled from NAFO Secretariat by competent authorities of Contracting Party disqualifying them to fish in the Regulatory Area for 1 year or more.

4. The addition of field OB (On Board) to “Catch on EXIT”(COX) report (the amendment to Annex X)

The existing structure of COX report not allows to obtain the real total round weight of fish by species when the vessels departure the Regulatory Area. There is only round catch retained on board by species, either since commencement of fishing in the Regulatory Area or last “Catch” report (if such “Catch” report be set up in future). In the case of loss of any oncoming catch report sent by vessel neither NAFO Secretary nor inspectors and Contracting Parties cannot know the real total weight of fish on board of the vessel leaving the Regulatory Area. Would inaccuracy happen in any oncoming catch report sent by vessels the same problem will stay also. Moreover, it is very important for inspectors to know the “On Board” information concerning transshipment vessels intended to departure the Regulatory Area. So it is necessary to add the mandatory field OB (On Board) to “Catch on EXIT” (COX) report.

For implementation of this proposal it is necessary to add the next line to table Annex X point 3 (“Catch on EXIT” report):

On Board	OB	M	Total round weight of fish by species (3-alfa code) on board upon exit the Regulatory Area in kilograms rounded to the nearest 100 kilograms. Allow several pairs of fields? Consisting of species+weight, with each field separated by a space.
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5. The implementation of the new “CANCEL”(CAN) report the amendment to AnnexX)

The reasons for implementation of the Cancel report are the following:

a). All types of reports established by Conservation and Enforcement Measures are manually composed either by captain of the vessel (MAN, COE, TRA, COX, POR, CAX reports) or by Contracting Party (NOT report) or by observer (OBR report). Because of human factor the mistakes and inaccuracies are possible in these reports. If the incorrect report was sent to NAFO Secretariat the tool to correct or cancel such report is absent now. The implementation of the “Cancel” report will give the opportunity to captain of the vessel, to Contracting Party or observer to withdrawal the incorrect report so that to send the right report after.

b). The next possible vital situations are following:

- The captain have sent the COE report in advance intending to fish in Regulatory Area. However the conditions were changed (the bad weather, another planes, etc.) and captain intends not to enter to the Regulatory Area. What to do to cancel the COE report?
- The captain have sent the COX report in advance intending to exit the Regulatory Area. However the conditions were changed (the bad weather, another planes, etc.) and captain wants not to exit the Regulatory Area and continue the fishing. What to do to cancel the COX report?
- The captain of the vessel have sent the TRA report in advance planning to off-load some species. However the conditions were changed (the bad weather, another planes, etc.) and captain decides not to off-load the species. What to do to cancel the TRA report?

- The captain of the transshipment vessel have sent the POR report in advance planning to unload some species. However the conditions were changed (the bad weather, another planes, etc.) and captain decides not to unload the species. What to do to cancel the TRA report?

The new “Cancel” report gives the opportunity to withdraw the above mentioned reports.

c). If any mandatory element of the authorized vessel have changed and Contracting Party wishes to inform the NAFO Secretary about new one there is no opportunity to make it now. It is possible to send the “Cancel” report to cancel the old notification of the vessel and then to send the new “Notification” report consisting of the new right elements.

The “Cancel” report may be necessary if Contracting Party intends to deprive the vessel to fish due to serious infringements.

The format for “Cancel” report by Fishing Vessels may be the following:

Data Element	Field Code	Mandatory/Optional	Remarks
Start record	SR	M	System detail; indicates start record
From	FR	M	Name of transmitting Party
Address	AD	M	Message detail; destination, “XNW” for NAFO
Sequence Number	SQ	M	Message detail; serial number in current year
Type of Message	TM	M	Message detail; message type, “CAN” as Cancel 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
Master name	MA	M	Name of the master of vessel
External Registration Number	XR	O	Vessel registration detail; the side number of the vessel
Cancelled report	CR	M	Message detail; the number of report to be cancelled
Latitude	LA	M ¹	Activity detail; position at time of transmission
Longitude	LO	M ¹	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

¹Optional if a vessel is subject to satellite tracking

The format for “Cancel” report by Contracting Party to withdrawal the authorized vessel may be either the same as established in NEAFC or the following:

Data Element	Field Code	Mandatory/Optional	Remarks
Start record	SR	M	System detail; indicates start record
From	FR	M	Name of transmitting Party
Address	AD	M	Message detail; destination, “XNW” for NAFO
Type of Message	TM	M	Message detail; message type, “CAN” as Cancel report
Record Number	RN	M	Message detail; message serial number in current year
Cancelled report	CR	M	Message detail; the number of message to be cancelled
Record date	RD	M	Message detail; date of transmission
Record time	RT	M	Message detail; time of transmission
End of record	ER	M	System detail; indicates end of the record

Annex 10. Proposed Amendment of CEM, Article 24 (submitted by Ukraine)
(STACTIC W.P. 06/3)

We continue our work towards the transition to the system of scientific observation, since according to our opinion, the transition to the system of Scientific Observation will result in changes of the institute of observers as it is. Therefore, we propose to amend the name of **Article 24** to **Observer (Scientific Observer) Program** and the text as follow:

~~“1. In order to improve and maintain compliance with the Conservation and Enforcement Measures for their vessels fishing in the Regulatory Area~~ All fishing vessels shall carry at least one observer or scientific observer at all times while fishing in the Regulatory Area. Contracting Parties shall have the primary responsibility to obtain independent and impartial observers and shall take all necessary measures to ensure that observers are able to carry out their duties. Observers are not to perform duties, other than those described in paragraphs 4, 5 and 6 below. Subject to any other arrangements between the relevant Contracting Parties, the salary of an observer shall be covered by the sending Contracting Party.

2. The main objective of Scientific Observation Program is collecting of statistical and biological data necessary for effective monitoring of the state of commercial species stocks, assessment of by-catch quality and quantity, collecting information on effectiveness of catch effort, waste control and collecting relevant information on the environmental state in the Regulatory Area.

3. The Register of scientific observers is established in the Scientific Council. The status of scientific observers shall be corroborated each 3 years. The candidates of scientific observers are put up by each Contracting Party.

4. ~~2~~

5. ~~3~~

6. ~~4~~

7. Scientific Observers shall:

a) monitor a vessel's compliance with the relevant Conservation and Enforcement Measures. In particular they shall:

(i) observe and estimate catches with a view to identifying catch composition and monitoring discards, by-catches and the taking of undersized fish;

(ii) record the gear type, mesh size and attachments employed by the master; and

(iii) verify entries made to the logbooks (species composition and quantities, live and processed weight, haul and VMS reports).

b) collect catch and effort data for each haul. This data shall include location (latitude/longitude), depth, time of net on the bottom, catch composition and discards; in particular the observer shall collect the data on discards and retained undersized fish as outlined in the protocol developed by the Scientific Council;

c) collect statistical and biological data (length distribution of fish in catch, data for defining the age of fish, data on sex correlation, etc.) necessary for monitoring of the state of commercial objects as requested by the Fisheries Commission based on the advice of the Scientific Council; and

d) monitor the functioning of and report upon any interference with the satellite tracking system. In order to better distinguish fishing operations from steaming and to contribute to an a posteriori calibration of the signals registered by the receiving station, the observer shall maintain detailed reports on the daily activity of the vessel.

8. ~~5~~

9. ~~6~~

10. ~~7~~

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Besides, we would like to note that the activity of observers should be standardized using well-known methods to avoid lack of consensus of data obtained from different observers. So in our opinion, it would be very useful for the Scientific Council to develop detailed instructions for data collection aboard fishing vessel, for example, as it was done in CCAMLR.

As an addition to “Observers’ Manual”, the regional finder of animal species of the Regulatory Area developed by the Scientific Council would be of great help. It would facilitate the work of scientific observers considerably.

**Annex 11. Proposal by Canada to amend Chapter IV, NCEM
Improved Follow-up to Infringements under Joint Inspection
and Surveillance Scheme (STACTIC W.P. 06/10)**

Background

Immediate and appropriate follow up to serious infringements is essential to secure evidence for further investigation and for effective control.

This proposal identifies several serious infringements under Article 33 that may require more effective follow-up to ensure that evidence related to certain serious infringements is not compromised. In particular, infringements related to the catching of moratoria species and misreporting require additional measures to ensure that masters cannot alter records/catch history or composition of product in the hold during (or after the completion of) inspections.

Once a vessel has been cited for a serious infringement, the Contracting Party flag state as well as the initial inspectors, if from another Contracting Party will review the evidence, seal the holds or otherwise secure evidence and remain with the vessel until a more detailed inspection could occur in a neutral port. This detailed inspection would verify product onboard a vessel and provide the Contracting Party flag state with evidence for follow-up, as appropriate.

Other Contracting Party Inspectors wishing to participate may attend the detailed port inspection as observing inspectors.

The following sub-articles under Article 33 – Serious Infringements, Article 34 – follow up to infringements, and Article 36 would be modified by this proposal:

- Article 33 (1) – Redefining serious infringements
- Article 33 (4) – Taking measures to ensure security and continuity of evidence
- Article 33 (5) – Inspector remaining aboard inspected vessel
- Article 33(6) – No fishing unless inspector satisfied that infringement has ceased
- Article 33(7) – Proceed to port for thorough inspection
- Article 34(1) – CP required to take prompt action once notified of serious infringement.
- Article 36(1) – Report on infringements

Serious Infringements under Article 33 which require enhanced follow-up to ensure security of evidence related to validation of catch:

- a) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited (Article 9);
- b) fishing in a closed area or with gear prohibited in a specific area (Article 12);
- c) mesh size violations (Article 10);
- d) failing to record or mis-recording of catches (Article 20);
- e) fishing without a valid authorisation issued by the flag Contracting Party (Article 14);

Other infringements listed under Article 33 would follow current infringement process - inspection, contact with the Contracting Party flag state, marking/sealing of illegal gear (where appropriate), departure from vessel, and follow-up by flag state upon vessel's return to port. However, enhancements to the collection of evidence through the use of video or affidavits could be considered.

Expeditious Port Inspection Process:

Once a vessel has arrived in port as part of the serious infringement process, all efforts should be taken to conduct the inspection as expeditiously as possible in a manner that ensures Inspectors can verify catch on board.

Timely follow up by flag state and updated reports.

Follow up reports should be detailed, prescriptive, and made available publicly. Contracting Parties must ensure that status reports are provided to the Executive Secretariat every 4 months indicating whether the investigation is active, completed or no action required and reasons therefore, appeal process, or penalty imposed and forfeitures if applicable.

Follow up accountability in situation of vessel not ordered to port.

When a vessel has been cited for a serious infringement but does not proceed to a neutral port, the Contracting Party must provide written justification for this decision.

Use of photography/video evidence for other serious infringements

Photography and video evidence from the Inspecting Party should be included as part of the evidence/ investigation by the Contracting Party flag state for other serious infringements. As well, affidavits from Inspectors involved in at sea infringements should also be considered.

<i>Actual NCEM Text</i>	<i>Proposed NCEM Text</i>
<p><u>Article 33 - Serious Infringements</u></p> <p>1. The following infringements shall be considered serious:</p> <p>a) fishing on an "Others" quota without prior notification to the Executive Secretary, or more than seven working days after the notification by the Executive Secretary that fishing under an "Others" quota for that stock or species was closed (Article 3).</p> <p>b) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited (Article 9);</p> <p>c) directed fishing for stocks or species after the date on which the Contracting Party for the inspected vessel has notified the Executive Secretary that vessels of that party will cease a directed fishery for those stocks or species (Article 3);</p> <p>d) fishing in a closed area or with gear prohibited in a specific area (Article 12);</p> <p>e) mesh size violations (Article 10);</p> <p>f) fishing without a valid authorisation issued by the flag Contracting Party (Article 14);</p> <p>g) mis-recording of catches (Article 20);</p> <p>h) interference with the satellite monitoring system (Article 22);</p>	<p><u>Article 33 - Serious Infringements</u></p> <p>1. The following infringements shall be considered serious:</p> <p>a) fishing on an "Others" quota without prior notification to the Executive Secretary, or more than seven working days after the notification by the Executive Secretary that fishing under an "Others" quota for that stock or species was closed (Article 3).</p> <p>b) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited (Article 9);</p> <p>c) directed fishing for stocks or species after the date on which the Contracting Party for the inspected vessel has notified the Executive Secretary that vessels of that party will cease a directed fishery for those stocks or species (Article 3);</p> <p>d) fishing in a closed area or with gear prohibited in a specific area (Article 12);</p> <p>e) mesh size violations (Article 10);</p> <p>f) fishing without a valid authorisation issued by the flag Contracting Party (Article 14);</p> <p>g) failing to record or mis-recording of catches (Article 20) including mislabelling of product (Article 19);</p> <p>h) interference with the satellite monitoring system (Article 22);</p>

<p>i) catch communication violations (Article 23);</p> <p>j) preventing inspectors or observers from carrying out their duties (Articles 24 and 30);</p> <p>2. If an inspector cites a vessel for having committed a serious infringement as listed in paragraph 1, he shall attempt to notify an inspector of the Contracting Party for the inspected vessel or the authority designated in accordance with Article 25, paragraph 7. The master of the inspected vessel shall if needed provide the use of the vessel's communication equipment and operator for messages to be sent out and received for this purpose.</p> <p>3. The Contracting Party of the vessel shall respond without delay and shall ensure that the vessel concerned is inspected within 72 hours by an inspector authorised by that Contracting Party.</p>	<p>i) catch communication violations (Article 23);</p> <p>j) preventing inspectors or observers from carrying out their duties (Articles 24 and 30);</p> <p><i>k) falsifying or concealing the markings, identity or registration of the fishing vessel (Article 17)</i></p> <p><i>l) concealing, tampering with or destroying anything that may afford evidence of an infringement of any measure including a measure not listed in this paragraph;</i></p> <p><i>m) committing multiple infringements, including infringements of measures not listed in this paragraph, that taken together constitute a serious infringement.</i></p> <p><i>n) tampering with or interfering with evidence secured pursuant to paragraph 32.2.</i></p> <p><i>1.1 The following serious infringements may require additional action as outlined in paragraph 3 to ensure validation of catch composition on board a vessel:</i></p> <p><i>a) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited (Article 9);</i></p> <p><i>b) fishing in a closed area or with gear prohibited in a specific area (Article 12);</i></p> <p><i>c) mesh size violations (Article 10);</i></p> <p><i>d) failing to record or mis-recording of catches (Article 20) and mislabelling of product (Article 19);</i></p> <p><i>e) fishing without a valid authorisation issued by the flag Contracting Party (Article 14);</i></p> <p>2. If an inspector cites a vessel for having committed a serious infringement as listed in paragraph 1, he shall attempt to notify an inspector of the flag State Contracting Party or the authority designated in accordance with Article 25, paragraph 7 as soon as possible. The master of the inspected vessel shall, upon request, provide the use of the vessel's communication equipment and operator for messages to be sent out and received for this purpose.</p> <p>3. The flag State Contracting Party shall respond without delay and shall ensure that the infringement is fully investigated within 72 hours by an inspector authorised by that Contracting Party. The Contracting Party may authorise an inspector identified by any Contracting Party pursuant to Paragraph 26.1, to investigate fully on its behalf.</p>
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<p>4. The inspector shall take all necessary measures to ensure security and continuity of the evidence, including, as appropriate, sealing the vessel's hold for eventual port inspection. At the request of the inspector, a master shall cease all fishing which appears to the inspector to contravene the measures referred to in paragraph 1.</p> <p>5. The inspector is entitled to remain on board the vessel for the period necessary to provide information to the authorised inspector concerning the infringement. During this time, the inspector shall complete the inspection and, within a reasonable period of time, communicate with an inspector or competent authority of the Contracting Party of the inspected vessel. Following the arrival of the Contracting Party inspector, the inspector may remain aboard the inspected vessel while the Contracting Party inspector conducts an inspection, provided that the competent authority of the Contracting Party of the inspected vessel does not require the inspector to leave the vessel.</p> <p>6. As long as the inspector remains aboard, the master may not resume fishing until the inspector is reasonably satisfied, as a result of either the action taken by the vessel's master or the inspector's communication with an inspector or competent authority of the Contracting Party of the inspected vessel, that the infringement will not be</p>	<p><i>Where the flag State Contracting Party fails to respond or no such inspector is available within 72 hours the inspecting State inspectors shall investigate fully and in the case of infringements listed in paragraph 1.1, and if the evidence warrants, the inspecting state, when authorized by the flag state, may seal the holds and direct the vessel to a neutral port designated by the flag state.</i></p> <p><i>3.1. Where the flag State does not authorise the inspector to fully investigate on its behalf and is unable to fully investigate the infringement itself at-sea, the master shall promptly bring the vessel to a port designated by the flag state for a full investigation.</i></p> <p><i>3.2. Where the flag State Contracting Party does not re-direct the vessel to a port for a full investigation, the flag state shall immediately provide to the Executive Secretary and all other Contracting Parties with an explanation for not taking this action. This explanation shall specify, in exact terms, why the vessel was not re-directed to port.</i></p> <p>4. The inspector shall take all necessary measures to ensure security and continuity of the evidence, including, as appropriate, sealing the vessel's hold for eventual port inspection. <i>Security and full and complete documentation of the evidence may require the use of video-photography or making copies of fishing documents.</i> At the request of the inspector, a master shall cease all fishing which appears to the inspector to contravene the measures listed in paragraph 1.</p> <p>5. <i>For infringements not listed in paragraph 1.1,</i> the inspector is entitled to remain on board the vessel for the period necessary to provide information to the authorised inspector concerning the infringement. During this time, the inspector shall complete the inspection and, within a reasonable period of time, communicate with an inspector or competent authority of the <i>flag State</i> Contracting Party. Following the arrival of the <i>flag State</i> Contracting Party inspector, the inspector may remain on board the inspected vessel while the <i>flag State</i> Contracting Party inspector <i>investigates</i>, provided that the <i>flag State</i> Contracting Party does not require the inspector to leave the vessel</p> <p>6. As long as the inspector remains on board, the master may not resume fishing until the inspector is reasonably satisfied, as a result of either the action taken by the vessel's master or the inspector's communication with an inspector or competent authority of the <i>flag State</i> Contracting Party, that the</p>
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<p>repeated. However, in cases where the inspector is unable to communicate with the authority of the Contracting Party of the inspected vessel, the master may resume fishing as soon as the inspector has completed the inspection and secured evidence according to paragraph 4.</p> <p>7. Where justified, the authorities of the Flag State Contracting Party of the vessel concerned shall, where authorised to do so, require the vessel to proceed immediately to a port for a thorough inspection under the authority of the Flag State and in the presence of an inspector from any other Contracting Party which wishes to participate. The master should direct the vessel either to St. John's or Halifax, Canada, Saint-Pierre, France, or its home port, unless another port is designated by the Flag State. If the vessel is not called to port, the Contracting Party must provide due justification in a timely manner to the Executive Secretary who shall make it available on request to any Contracting Party.</p> <p>8. When a vessel is required to proceed to port pursuant to paragraph 7, an inspector from another Contracting Party may board and/or remain on board the vessel as it is proceeding to port, provided that the competent authority of the Contracting Party for the inspected vessel does not require the inspector to leave the vessel.</p> <p>9. When an inspector cites a vessel for having committed a serious infringement as listed in paragraph 1, the inspector shall immediately report this to the Executive Secretary, who shall in turn immediately inform other Contracting Parties with an inspection vessel in the Convention Area.</p> <p><u>Article 34 - Follow up to Infringements</u></p> <p>1. The competent authorities of a Contracting Party notified of an infringement committed by one of its vessels shall take prompt action to conduct the investigations necessary to obtain the evidence required and, whenever possible, inspect the vessel involved. The authorities shall take immediate judicial or administrative action in the same manner as would have been the case when dealing with infringements of fisheries regulations in national waters.</p> <p>2. The competent authorities of the Contracting Party for the vessel concerned shall co-operate fully with those of the Contracting Party which carried out an inspection to ensure that all evidence of the infringement is prepared and</p>	<p>infringement will not be repeated. However, in cases where the inspector is unable to communicate with the authority of the <i>flag State</i> Contracting Party, the master may resume fishing as soon as the inspector has completed the inspection and secured evidence as provided for in paragraph 4.</p> <p><i>7. Where a Flag State Contracting Party inspector considers that a full investigation of any infringement listed in paragraph 1 cannot be completed at sea, the master shall immediately bring the vessel to a port for a thorough investigation and in the presence of inspectors from any other Contracting Party which wishes to participate. The master shall bring the vessel either to St. John's or Halifax, Canada, Saint Pierre, France, or its home port, unless another port is designated by the Flag State.</i></p> <p>8. Where a vessel is required to proceed to port pursuant to paragraph 7, the inspector may remain on board or another inspector may board and/or remain on board the vessel as it is proceeding to port, provided that the competent authority of the Contracting Party for the inspected vessel does not require the inspector to leave the vessel.</p> <p>9. When an inspector cites a vessel for having committed a serious infringement listed in paragraph 1, the inspector shall immediately report this to the Executive Secretary, who shall in turn immediately inform other Contracting Parties with an inspection vessel in the Convention Area.</p> <p><u>Article 34 - Follow up to Infringements</u></p> <p>1. The competent authorities of a Contracting Party notified of an infringement committed by one of its vessels shall take prompt action to conduct the investigations necessary to obtain the evidence required and, whenever possible, inspect the vessel involved. <i>The flag state authorities shall review the evidence collected and secured by all inspectors.</i> The authorities shall take immediate judicial or administrative action in the same manner as would have been the case when dealing with infringements of fisheries regulations in national waters.</p> <p>2. The competent authorities of the Flag State Contracting Party shall co-operate fully with those of the Contracting Party which carried out an inspection to ensure that all evidence of the infringement is</p>
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<p>preserved in a form which facilitates judicial action.</p> <p>3. The provisions in this Chapter shall not impose any obligation on the competent authorities of a Contracting Party to give the report from a foreign inspector a higher evidentiary value than it would possess in the inspector's own country.</p> <p>4. Resistance to an inspector or failure to comply with his directions shall be treated by the Flag State of the vessel as if the inspector were an inspector of that State.</p> <p>5. In initiating the action referred to in paragraph 1, second sentence, in respect of vessels notified of an infringement, the competent authorities of the Contracting Party concerned shall seek, in accordance with relevant provisions of national law, measures that effectively deprive those responsible of the economic benefit of the infringement, or sanctions proportionate to the seriousness of such infringements, thus effectively discouraging future infringements.</p>	<p>prepared and preserved in a form which facilitates judicial action.</p> <p>3. The provisions in this Chapter shall not impose any obligation on the competent authorities of a Contracting Party to give the report from a foreign inspector a higher evidentiary value than it would possess in the inspector's own country.</p> <p>4. Resistance to an inspector or failure to comply with his directions shall be treated by the Flag State of the vessel as if the inspector were an inspector of that State.</p> <p>5. All investigations and judicial proceedings shall be carried out expeditiously however the decision to prosecute rests with the flag state. In proceedings related to an infringement, the competent authorities of the flag State Contracting Party concerned shall seek, in accordance with relevant provisions of national law, punishment adequate in severity that effectively secures compliance and deprives those responsible of the economic benefit of the infringement. Penalties should be proportionate to the seriousness of infringements so as to effectively deter future infringements.</p> <p><i>Guidelines for this purpose are included as Annex.....</i></p>
<p><u>Article 35 - Treatment of Reports from Inspectors</u></p> <p>1. Contracting Parties shall consider and act on reports from inspectors of other Contracting Parties under this Scheme on the same basis as reports from its own inspectors. Contracting Parties shall collaborate in order to facilitate judicial or other proceedings arising from a report submitted by the inspector under the scheme, subject to the rules governing the admissibility of evidence in domestic courts.</p>	<p><u>Article 35 - Treatment of Reports from Inspectors</u></p> <p>1. Contracting Parties shall consider and act on reports from inspectors of other Contracting Parties made under this Scheme on the same basis as reports from their own inspectors. Contracting Parties shall cooperate in order to facilitate judicial or other proceedings arising from a report submitted by an inspector under this scheme, subject to the rules governing the admissibility of evidence in domestic proceedings.</p>
<p><u>Article 36 - Report on Infringements</u></p> <p>1. Contracting Parties shall report to the Executive Secretary by 1 February (for the period 1 July – 31 December of the previous year) and 1 September (for the period 1 January – 30 June of the current year) each year:</p> <p>a) action taken concerning infringements notified to it by a Contracting Party. The infringements shall continue to be listed on each subsequent report until the action is concluded under the laws of the Flag State; and</p>	<p><u>Article 36 - Report on Infringements</u></p> <p>1. Contracting Parties shall report to the Executive Secretary by 1 February (for the period 1 July – 31 December of the previous year) and 1 September (for the period 1 January – 30 June of the current year) each year:</p> <p>a) action taken concerning infringements notified to it by other Contracting Parties. The infringements shall continue to be listed on each subsequent report until the action is concluded under the laws of the Flag State; and</p>

<p>b) differences that they consider significant between records of catches in the logbooks of vessels of the Contracting Party and inspectors' estimates of catches on board the vessels.</p> <p>2. The report referred to in paragraph 1 shall indicate the current status of the case (e.g. case pending, under appeal, still under investigation) and describe in specific terms any penalties imposed (e.g. level of fines, value of forfeited fish and/or gear, written warning given). The report shall include an explanation if no action has been taken.</p>	<p>b) differences that they consider significant between records of catches in the logbooks of vessels of the Contracting Party and inspectors' estimates of catches on board the vessels.</p> <p><i>c) action taken concerning infringements referred to in Article 33(1)(m);</i></p> <p><i>d) for the infringements listed in Article 33 (1.1), Contracting Parties shall report every 4 months to the Executive Secretary the status of the action taken on these infringements including, the date, results or status of the investigation and associated penalties.</i></p> <p>2. The reports referred to in paragraph 1 shall indicate the current status of the case (e.g. case pending, under appeal, still under investigation) and describe in specific terms any penalties imposed (e.g. amount of fines, value of forfeited fish and/or gear, written warning given).</p>
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Annex 12. Discussion Paper from Iceland, USA, and Canada - STACTIC
Discussion Paper on Suggested Definition on fishing activity and/or fishing
 (STACTIC W.P. 06/13)

The meeting of STACTIC on 12 – 15 June 2006 agreed that the current definition of ‘fishing activity’ in the NCEM may not be adequate for its purposes. It was suggested that the definition of the term ‘fishing’ and an amendment to the term ‘fishing activities’ could alleviate potential misinterpretations elsewhere in the NAFO Convention or CEM.

The meeting suggested that the following amended definitions (as described below) be considered. However there is not a preference to one solution over the other or indeed whether both definitions should be taken up. While STACTIC is putting these suggestions forward for its own purposes, they may be helpful in the context of the terms used in the future work on reforming the NAFO Convention.

‘Fishing’ means:

- (i) the actual or attempted searching for, catching, taking, or harvesting of fishery resources;
- (ii) engaging in any activity which can reasonably be expected to result in the locating, catching, taking, or harvesting of fishery resources for any purpose including scientific research;
- (iii) any operation at sea in support of, or in preparation for, any activity described in this definition, except for any operation in emergencies involving the health and safety of crew members or the safety of the vessel.

(modeled after SEAFO, 2001 and SIOFA, 2006)

‘Fishing activities’ means harvesting fishery resources, processing operations of fishery resources, the transshipment of fishery resources or fishery resource products, and any other activity in preparation for or related to the harvesting of fishery resources in the Regulatory Area, including:

- (i) the actual or attempted searching for, catching, taking, or harvesting of fishery resources;
- (ii) engaging in any activity which can reasonably be expected to result in the locating, catching, taking, or harvesting of fishery resources for any purpose including scientific research;
- (iii) any operation at sea in support of, or in preparation for, any activity described in this definition, except for any operation in emergencies involving the health and safety of crew members or the safety of the vessel.

(adapted CEM definition of ‘fishing activities’ by use of ‘fishery resources’ rather than ‘fish’ and use of ‘harvesting fishery resources’ rather than ‘fishing’)

Annex 13. Electronic Observer Reports (presented by NAFO Secretariat)
(STACTIC W.P. 06/11)

At the NAFO Annual Meeting in 2004, the Fisheries Commission adopted the STACTIC recommendation that Contracting Parties make available detailed observer data (catch and effort for each haul, location (longitude and latitude), depth, time of net on bottom, catch composition and discards) to the Scientific Council by submitting them in an electronic format to the NAFO Secretariat (FC Doc. 04/17, item 11, point 8).

At the STACTIC meeting in April 2005, the Secretariat proposed a multilingual electronic form for observer reports based on the above instructions (STACTIC WP 05/5). It was agreed that a standardized bilingual format would enhance transparency and help the work of inspectors. It was concluded that further review of the format was required with possible input from Scientific Council on the required data elements. In June 2005 the Scientific Council was asked to review the forms. The Scientific Council noted that NAFO FC Doc. 03/18 contained detailed instructions of the Scientific Council regarding the scientific information to be collected by observers and that the Scientific Council had nothing to add to that. Furthermore, the Scientific Council recommended in September 2005 that the Secretariat should receive a budget to digitize the detailed information of current and past NAFO observer reports.

At the STACTIC Annual Meeting the Secretariat introduced Working Paper 05/23 (Electronic Observer Reports) that included the CCAMLR “Scientific Observer Logbook” and Scientific Observer Cruise Report” as had been requested by STACTIC at the April Meeting. To allow the secure transmission of electronic reports via email the Secretariat proposed PGP as a voluntary encryption protocol. STACTIC decided to postpone the item while awaiting information on the future of the Observer Program scheme.

At the STACFAD meeting in 2005 the requirement for electronic observer reports was discussed in conjunction with the high costs for digitization of reports in a non-tabular or paper format. STACFAD recommended that (a) Contracting Parties be urged to submit their reports in English; (b) that the electronic form be developed quickly; and (c) that the Secretariat receive the necessary funds to translate and digitize the current and past fishery reports submitted by Contracting Parties.

In view of these recommendations and adopted decisions, the Secretariat asks STACTIC to reconsider the matter. To help with the discussion, the Secretariat has revised the forms it presented to STACTIC in 2005 (see Annex 1). They now fully incorporate the stipulations by the Scientific Council adopted by Fisheries Commission in 2003 as well as the duties of observers detailed in the NAFO Conservation and Enforcement Measures (Article 24). Also, the Secretariat maintains its offer to make available a PGP encryption protocol to those Contracting Parties or flag states that require a secure transmission of electronic observer reports.

Part 3. Length Frequency Data

Length Frequency		Trip Number:	
Species Code:		Set Number:	
Sample Type:		Measure Type:	
Meas. Convention		Total Measured:	
Sample Wt.:		Catch Weight:	
Gear Type:		Gear Number:	

sex:

sex:

Tally		#	Tally		#
0			0		
1			1		
2			2		
3			3		
4			4		
5			5		
6			6		
7			7		
8			8		
9			9		
0			0		
1			1		
2			2		
3			3		
4			4		
5			5		
6			6		
7			7		
8			8		
9			9		
0			0		
1			1		
2			2		
3			3		
4			4		
5			5		
6			6		
7			7		
8			8		
9			9		
0			0		
1			1		
2			2		
3			3		
4			4		

Part 4. Compliance Information

Enter observations on:

- 1) Discrepancies between logbook entries and observer's estimates.
- 2) Functioning of satellite tracking device.
- 3) Any other observation.