Serial No. N5809 NAFO/FC Doc. 10/6

Northwest Atlantic Fisheries Organization

Report of the Standing Committee on International Control (STACTIC)

18-20 May 2010
Torshavn, Faroe Islands

NAFO
Dartmouth, N.S., Canada
2010

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1. Opening by the Chair, Mads Nedergaard (Denmark in respect of the Faroe Islands and Greenland)

The Chair opened the meeting at 1000 hrs on Tuesday, 18 May 2010 at the Hotel Hafnia, Torshavn, Faroe Islands. He expressed thanks to the Faroese hosts and welcomed representatives of Canada, Denmark (in respect of the Faroe Islands and Greenland), the European Union (EU), France (in respect of St. Pierre-et-Miquelon), Iceland, Russia, the United States and the NAFO Secretariat to the STACTIC intersessional meeting (Annex 1). He acknowledged the travel problems caused by volcano ash which had prevented the attendance of the Norwegian delegation, and delayed the Icelandic delegation's arrival to the second day of the meeting.

The Faroese delegation welcomed all participants. The delegations of Canada and EU expressed, on behalf of the participants, their thanks and appreciation to the Faroese hosts.

2. Appointment of Rapporteur

Richard Thomasson (EU) was appointed rapporteur.

3. Adoption of Agenda

The representative of the EU requested the inclusion of STACTIC WPs 10/6 to 10/12 for discussion. The working papers touch on the various topics of the NCEM. The representative of the EU also requested a general discussion on the observer scheme vis-à-vis Chapter VII of CEM.

The Chair agreed to include the EU WP's under agenda item 10. He suggested that agenda item 10 would be renamed ‘Possible revisions of the NCEM’ to accommodate the working papers introduced by EU and Canada. The discussion on observer scheme would be considered under agenda item 11. The correspondence from the Secretariat (GFS/10-121) on chartering quotas allocated to "Others quota" would be considered under agenda item 13, Other matters.

The agenda was adopted, as amended (Annex 2).

4. Compilation of fisheries reports for compliance review (2004-2009), including review of Apparent Infringements

The NAFO Secretariat made a presentation on the preliminary compilation of the fisheries reports 2009 which serves as the basis of the annual compliance review undertaken by STACTIC (Annex 3). In the presentation, the Secretariat explained the possible causes of “malformed” VMS reports and how they were determined and excluded in the analysis. It was also explained how “fishing trip” periods were determined from the VMS data. Fisheries vital statistics for 2009 were presented, as well as 6-year trend (2004-2009) on fishing effort and at-sea inspection activities. An overview of apparent infringements committed in 2009 was also presented.

Relevant extracts of the compilation tables were distributed to the respective CPs for verification on the submission of fishery reports. The compilation tables will be formally forwarded to STACTIC in June 2010 following the Rules of Procedure.

The following discussion points engendered from the presentation:

- As sought by the representative of EU, it was clarified that in the compilation the pelagic redfish in Subarea 2 and Div. 1F + 3K constitutes a separate fishery category or type. The other types are groundfish (which includes among others redfish in Division 3M) and shrimp fisheries.
- As pointed out by the representative of EU, the existence of the erroneous VMS reports could be attributed not only to technological issues but also to the lack of clarity in the requirements in transmitting hail reports. The COX and CAT (which can have three meanings) were cited as examples.
- The Chair indicated that the compliance report is a “work in progress” and there is a constant mandate to seek ways to improve this report. Further, the terms of reference concerning the Compliance Report in Rules of Procedure are broad, so there is room for flexibility in making improvement. He encouraged the representatives to continue the great cooperation they extend to the Secretariat in this review process.

- The representative from Canada suggested that in the compliance review, the analysis should be more operationally-based such as the consideration of fishing depths/species and unusual cross-boundary position changes.
- The representative of the USA noted the need to include analysis of compliance with VME provisions and Port State Measures. The Chair suggested the drafting group to brainstorm ways to include these into the compliance report, working with the Secretariat, based on the information they receive.
- The representatives of the USA and Denmark (in respect of the Faroe Islands and Greenland) commented that the compilation tables and report tables can be simplified without compromising the objectives of the compliance review.
- The representative of the EU supported the analysis of technical aspects but suggested that, for transparency, the annual Compliance report should be enlarged to include the coastal fisheries which have a direct impact on the resources inside the Regulatory area. The representative from Canada considered this was outside the scope of the Compliance report.

The Secretariat was directed to continue working with the compliance report drafting group in preparation for the 2010 NAFO annual meeting when the compliance review will be completed.

5. Review and evaluation of NAFO Compliance objectives

a) In-Port/Land based Monitoring

The representative of the EU presented STACTIC WP 09/17, a discussion paper describing the landing procedure through a checklist. This paper was first presented at the September 2009 Annual Meeting. The overall objective is to increase the efficiency and of inspections both at sea and port, noting that control at sea is costly compared to land based inspection.

A complimentary system of controls at sea and on land should be considered. At-sea inspections should focus on issues verifiable at sea while port inspection should be a complementary tool, and not a parallel inspection with the repetition of the same issues already verified at sea. At-sea inspections should not assess issues that port inspections can verify more efficiently and at lower costs. Also, at-sea inspections should not be independent of port inspections and should provide relevant information for a risk based inspection program in port.

On the other hand, mandatory port inspections, even limited to species under a recovery plan can be counter productive, by increasing the demand on local fisheries authorities for any relevant vessel, whatever is the quantity of fish to be landed. The efficiency of port inspections would increase if a standardised methodology would be adopted, i.e. by following a checklist.

In port, a higher reliability of inspection can be achieved by using the check list like the one presented in STACTIC WP 09/17. This should not be considered mandatory, but as guidance to good practice. Some Contracting Parties may not have the facilities to follow all the elements on the check list.

The practice of joint inspections comprising of different Contracting Parties could also be considered as a point to increase reliability. The USA suggested developing minimum standards for at-sea and in-port inspections that could be attached as an annex to the NCEM. The FAO Technical Guidelines for in-port inspection procedures could be referred to in developing in-port inspection minimum standards.

The representative of Denmark (in respect of the Faroe Islands and Greenland) remarked that in light with the issue of high frequency of at-sea inspections which appears to single out particular vessel the utility of such checklist applied at sea might be questionable. The representative of the EU suggested a separate check list could be developed for at-sea inspections.

The representative of Canada supported the EU initiative as long as the proposal does not intend to limit the role and duties of inspectors at sea. This proposal would require further reflection if it entails a reduction from the 100% coverage of port inspection involving vessels landing Greenland halibut.

The representative of the EU requested that this agenda item be carried over to the next STACTIC meeting with the view to define the issues that should be better developed during at sea inspections, to standardize and develop port inspections, and to abolish mandatory port inspections by developing a risk based method for port inspections. Furthermore it was desirable to align the NAFO port inspection measures with the FAO port state control scheme and the EU regulation on IUU fisheries. The Chair mentioned that NEAFC has started on bringing the Port State Control in line with the FAO agreement.

This item will be considered at the next meeting. EU will re-draft the working paper on this topic to be presented the next meeting.

b) At sea monitoring

Discussions on this item centered on the STACTIC WP 09/15 which was first presented at the 2009 Annual Meeting by Canada. The proposal suggests revisions to Chapter IV of the NCEM -- Joint Inspection and Surveillance Scheme by incorporating a protocol to facilitate the placement of inspectors from one Contracting Party onboard vessels or aircraft of another Contracting Party assigned to the Scheme.

It was noted that recently there were joint patrols carried out with the inspectors from EU and USA embarking on Canadian patrol vessels. The experience looked positive. The Contracting Parties which were involved were thanked for their cooperation on this joint endeavour.

It was encouraged that such collaboration be continued. Pending the results of the future exercise, this proposal would be further considered.

This item will be considered at the next meeting.

c) Aerial surveillance

No work had been carried out on this item so it was deferred to a later meeting.

This item will be considered at the next meeting.

6. Review of current IUU list pursuant to NAFO CEM Article 57.3

The NAFO Secretariat presented STACTIC WP 10/2 which presents the current NAFO IUU list. It was confirmed that all eleven (11) vessels on the list were drawn from the NEAFC list. The IUU list is accessible to the public at the NAFO website.

Discussions on the IUU focused on the need to harmonise the de-listing procedure. It was determined that Article 57 of the NCEM should be further reviewed. Under this article, de-listing of a vessel from the NAFO IUU list could be delayed if this vessel was originally listed and de-listed by NEAFC.

The representative of the EU agreed to work on a proposal on the harmonization of the delisting process.

This *item will be considered at the next meeting.*

7. Half-year review of the implementation of new NCEM measures

The NAFO Secretariat reported on its experience in the implementation of new measures or modification of existing measures introduced in the NCEM in 2010 (STACTIC WP 10/13).

Concerning Article 26 (VMS), there was no major problem in the communication of POS reports with vessel speed and course information in one-hour interval.

Concerning Article 27 (Communication of Catches), the daily and weekly catch reports (CAT) are being received largely from the FMCs. There are, however, some flag state FMCs that are not able to transmit automatically through their VMS application. CAT reports from these FMCs are sent by email by the FMCs and entered by the Secretariat in the VMS database manually.

Discussions on Article 27 centered on the confusion on the CAT which can have three meanings. The representative from the EU pointed out that the confusion is compounded by the lack of clarity in the definition of COX as well as by the daily catch reporting requirements under Chapter VII (Electronic Reporting, Satellite Tracking and Observers). The representative from Iceland indicated that these problems and issues identified by EU can be addressed by an introduction of an electronic logbook requirement (see item 10j).

Concerning Article 7.6.d (Greenland halibut in Subarea 2 and Division 3KLMNO), the Secretariat reported no major problem. The Secretariat forwards the information on the weekly catches to the CPs with inspection presence.

Issues on Communication of Catches were carried over to item 10j. The item was closed

8. Joint Inspection and Surveillance Scheme

The representative of Denmark (in respect of the Faroe Islands and Greenland) reiterated the comments and observations from the 2009 Annual Meeting of the Fisheries Commission concerning the trend of increased inspection rate on the fishing vessels. He cited an example of a Faeroese vessel which was inspected five times in July 2009 in a span of three weeks. The unusually high frequency of being inspected may contradict the intent of Article 29.6.

The representative of Canada stated its at-sea inspection team always endeavour to be equitable with regards to inspections. However, there are vessels observed to have "unusual" behaviour and these would warrant a higher inspection rate. The representative of the EU shared this view. It was also noted that the risk in the shrimp fishery is higher and thus may require more attention by the inspectors. An idea of a centralized control management scheme was briefly discussed as it addresses the issue of equitable inspection. The representative of Canada stated they would welcome an idea that promotes effective inspection scheme. This idea would require more reflection. The representative of Denmark (in respect of the Faroe Islands and Greenland) supported Canada's view on this.

This item will be considered at the next meeting.

9. Editorial Drafting Group of the NAFO CEM (EDG)

The EDG was established at the 2009 Annual Meeting. Its mandate is to clean up and reorganize the text of the NCEM, by removing redundant and outdated articles and make suggestions for further improvement. The EDG comprises representatives from Canada, EU and the USA. In the intervening months, the Group had a number of conference meetings followed by a 4-day face to face meeting in Boston, USA.

The representative of the United States reported on the progress of the work of the EDG by presenting working papers STACTIC WP 10/3 – 10/5. STACTIC WP 10/3 provides a detailed listing of the changes proposed by the EDG and an explanation of those changes. STACTIC WP 10/4 lists outstanding NCEM related issues and next steps, and STACTIC WP 10/5 suggests revisions to the NCEM Annexes. Following the input by Contracting Parties at the STACTIC intersessional the text would be re-drafted and then reorganized into a more logical structure.

It should be noted that Article 3 - Quotas and Article 12 - By-catch requirements need further work, especially Article 12 which is more contentious and may have to be the subject of a separate working paper for STACTIC. Also, it was noted that editorial changes to Chapter Ibis are to be reviewed by Fisheries Commission based on a working paper developed at the May 2010 meeting of the *ad hoc* Working Group of Fishery Managers and Scientists.

The representative of the EU thanked the representative of the United States for their work. It was agreed that Contracting Parties be asked for their reaction and if not forthcoming within a close deadline, the text would be taken forward as it is. This is necessary for the EDG to be able to go on with their workplan. A near final product should be available for the September 2010 Annual Meeting. The representative of Canada also thanked the representative of the United States and said that it was necessary to ensure the agreement of Contracting Parties.

A discussion followed on each detailed outstanding issue identified in STACTIC WP 10/4 (Annex 4).

- Article 5.2: Definition of a fishing day. DFG, EU and Canada confirmed it meant each fraction of a calendar day, consistent with the NEAFC definition. It was **agreed** that the EDG should attempt to clarify the language in this paragraph to be consistent with this definition.

- Article 5.3: Questioned signalling procedure referenced in this paragraph. The Secretariat and the Chair confirmed this means "reported". After some discussion, it was **agreed** that this wording should be removed since this procedure has not been put into practice and no reporting procedures have been established to handle it

- Chapter Ibis. It was **agreed** that STACTIC would communicate with the WGFMS, encouraging collaboration on the development of enforcement measures based on the provisions of this Chapter. The results of this collaboration would constitute recommendations to the Fisheries Commission.

- Recommend establishing working procedures between Fisheries Commission, Scientific Council, other committees and STACTIC to more effectively communicate changes to the NCEM. This item is **flagged up**.

- Recommend establishment of a more permanent numbering convention for the NCEM. It was **agreed** to include as part of the work assigned to the EDG

- Article 18: Sought clarification of term "fishing authorization". It was **agreed** that the EDG should clarify wording in this article to differentiate general authorization to fish and from Greenland halibut scheme under Article 7.6 (a).

- Article 21: Consider removing vessel size limits listed under this article and applying these provisions to all vessels. It was **agreed** that these size limits were no longer necessary and should be removed, applying provisions to all vessels.

- Article 23: Consider a adding a definition for "processed fish" to NCEM. It was **agreed** to add new product codes for wet fish in Annex XX(c), and that the EDG should develop practical solutions to labelling wet fish

- It was **agreed** to merge Article 28 (observers) with Chapter VII (Electronic observer scheme)

- Article 32: Surveillance reports. The Secretariat confirmed none was received in recent times. It was **agreed** to retain the article. A redraft of the provision is necessary for clarity.

- On Serious Infringements, it was **agreed** to merge Articles 40 and 39 as proposed.

- On delisting procedure for IUU vessels, see item 6.

- STACTIC **agreed** with EDG recommendation to make violation of Electronic Observer Scheme a serious infringement.

- Article 62. This Article requires both master and observer (when deployed) have to make separate reports (CAX and OBR) under the Electronic Observer Scheme. EDG would **improve** the language to reflect this.

- Article 65: Evaluation of Electronic Observer Scheme, see agenda item 11.

The following points go beyond the scope of the drafting group. STACTIC **agreed** to consider or reflect these at the next meeting:

- Article 12: Application of by-catch rules.

- Article 18: Should reference to fishing vessels under this article include reefer vessels?

- Consider establishing a link between daily catches reported in logbook and labelling of catch (in relation to shrimp) to aid enforcement of catch reporting provisions in NCEM.

- Elaborate production log and stowage plan formats, and consider establishing minimum standards.

- Recommend adding conversion factors (CF) to NCEM. STACTIC agreed to reflect on this issue and possibly follow NEAFC scheme where Contracting Parties are required to submit their national conversion factors to the Secretariat.

- Article 26: In anticipation of the development of the electronic logbook reporting system, should the 24 hour VMS data reporting requirement under paragraph 6 should be retained?

- Article 29: Should the Objectivity Report requirement be dropped?

- Article 32: Are surveillance reports required under paragraph 5 of this article are obsolete? Should some elements of these reports be retained?

- Designating ports for landings by NCP vessels since required under FAO scheme for Port State Measures. The designation should harmonize with NEAFC's which is in the process updating its port state measures.

STACTIC WP 10/5 (Annex 5) was discussed point by point with the following conclusions:

- Use of 'tonnes' to be consistent. **Agreed**.
- Provide more logical arrangement of annexes. **Agreed**
- Require research vessels to carry research plan on board and incorporate into main body of CEM as a separate article. **Agreed**.
- List all documents required to be carried in Annex VII and incorporate into main body of CEM as a separate article. **Agreed**.
- Record trial tow coordinates in Annex VIII. **Agreed** and additionally make reference to Articles 12 and 34.
- Create new annex on the format of the production log. **Deferred**.
- Insert "observed vessel activity" in Annex XII (Surveillance report) as a point 9. **Agreed**.
- Replace 'photograph' with 'image' in Annex XII. Agreed after assuring Russia that it includes all media including printed photographs. **Agreed**.
- Insert inspector's signature in PSC3. See item 10.6.
- Add reference to Omega gauge. **Deferred**. The representative of Iceland enquired about the status of the gauge and the Chair considered more work was required. The representative of EU asked to refer to an "electronic measurement device" because "Omega" is a trade and registered name.
- Add title to Annex XX and introductory text to explain purpose. **Agreed**.
- Update product codes to include "head off and tail off" and "wet fish" or "iced" product under Annex XX(c). **Deferred**. EU will provide separate a working paper on this issue and CP's are invited to submit suggested product forms.
- Merge Annexes XXI and XV (attachments to nets). **Agreed**.
- Add point of contact for vessel under part A of PSC1 and 2 forms. **Dropped**. The forms should harmonize with NEAFC's.

The representative of the United States explained the next steps, as outlined in STACTIC WP 10/4, will be to incorporate Contracting Parties comments, and then address the more contentious issues and finally re-organize the articles into a more logical layout. It was noted that Scientific Council sent the EDG a note on items that could be removed from the main body of the CEM into a supplement. This will be completed for the Annual meeting.

The representative of Canada proposed a further meeting of the EDG in Canada before the annual meeting.

It was **agreed** that a deadline of 15 June 2010 be set for Contracting Parties to comment on the work of the EDG. The Contracting Parties will be reminded by a letter from the Secretariat. The absence of comment by that date would mean that the STACTIC WP's 10/3, 10/4 and 10/5 modified in accordance with the current meeting will be considered as accepted, and the EDG allowed to proceed according to the next steps presented in STACTIC WP 10/4.

This item will be considered at the next meeting

10. Possible revisions of the NAFO Conservation and Enforcement Measures (NCEM)

Two sets of proposals – from Canada and from the EU, entailing changes on the NCEM were discussed. Some of these proposals were first presented at the 2009 Annual Meeting which were deferred to this meeting**.**

a. STACTIC WP 09/20 - Duration of an inspection

The proposal is to replace "three" with "four" hours in Article 33.9. The representative of Canada explained that an additional hour would be needed because of the intricate protocol required in inspections. Such duration harmonizes with NEAFC's. Inspections at sea are considered the most appropriate time for inspection and the powers of inspectors should not be restricted. The representatives of the United States and Iceland agreed with the proposal.

The representative of the EU noted it was already possible to extend the inspection by one hour as stipulated Article 33.10. The issue should be reviewed under the overall review of inspection objectives for at sea and port inspections.

This proposal is deferred to the next meeting to allow further reflection.

b. STACTIC WP 09/21 - Inspection Party Composition

This proposal is to set a new maximum number of inspectors at three (3) and clarify the status of an inspector-trainee in Article 33.4. The representative of Canada said the limit of the number of inspectors needed to be increased to three persons to take account of the joint patrols. The representative of the EU said it was not consistent with the joint patrol protocol in STACTIC WP 09/15 which allows two inspectors per Contracting Party. The representative of Iceland said more inspectors would mean an inspection would take less time. The representative of Russia commented that it takes longer to embark four inspectors in the boarding craft.

The proposal was modified to read "…maximum four inspectors…." (STACTIC WP 09/21 Rev, **Annex** 6).

It was agreed to forward STACTIC WP 09/21, Revised to the Fisheries Commission with recommendation for adoption.

c. STACTIC WP 09/23 - Product Labelling

The representative of Canada explained the purpose of this proposal is to have a consistent approach in regard to the size and presentation of the product labels.

The representative of the EU agreed with the technical aspects but pointed out the labels should not go beyond the scope of Article 23, i.e. date of capture only for shrimp, and Division only for shrimp and Greenland halibut.

The representatives of Denmark (in respect of the Faroe Islands and Greenland), Iceland and the EU said the issue was readability but not a standard format for labels. The representative of the EU promoted the idea of a label produced on board at the moment of labelling and fixed in two opposite parts of the box, for better accessibility.

It was agreed that Canada will re-draft the proposal for the next STACTIC meeting taking into account the views of Contracting Parties.

d. STACTIC WP 09/24 - Verification of Authorization to Fish

The representative of Canada explained it was necessary to allow inspectors to know what the vessel could fish for. The representative of the United States noted it was to be incorporated into one of the documents in Annex VII under the EDG re-draft.

The representatives of Iceland and Denmark (in respect of the Faroe Islands and Greenland) stated the solution was to allow inspectors access to a NAFO database to see the latest information. There was no guarantee a document on board a vessel was up to date. The representatives of Iceland and the EU indicated that an electronic system similar to that currently implemented by NEAFC can be adopted by NAFO.

It was agreed that Iceland will draft a new working paper addressing the intent of the proposal and taking into account the views of the Contracting Parties. It will be presented at the next meeting.

e. STACTIC WP 09/25 - Shrimp Strengthening Bags

The representative of Canada explained that the purpose of this proposal is to document the legality of the use of the strengthening bags used in the shrimp fishery in the NCEM. The representative of Iceland agreed with this view.

The representative of Denmark (in respect of the Faroe Islands and Greenland) indicated that it consulted with Nordic industry. There was no need for a minimum mesh size of the bag. The representative of the EU indicated that this matter would need consultations with gear experts and the industry. The Chair asked CPs to provide a description of the shrimp gear used by their vessels.

It was agreed that Canada will re-draft the proposal by including technical drawings and taking into account the views of Contracting Parties. It will be presented at the next meeting.

f. STACTIC WP 09/26 - Retrieval of the net

The representative of Canada explained that the current regulation of "…the net not retrieved for a period of 30 minutes…" as stipulated in Article 33 restricts the time available to inspectors for preparation and boarding. The proposal is to replace "30 minutes" with "1 hour". Canada also noted that this requirement is mainly linked to weather conditions. The representative of EU indicated that it would need consultation and reflection on this proposal.

This proposal is deferred to the next meeting to allow further reflection.

g. STACTIC WP 10/6 - PSC3 report form

The representative of the EU indicated that the current PSC3 does not include fields for Inspector's name, signature, and date and time of inspection. The proposal is to revise Annex XIII of the NCEM to include these fields. After discussion it was decided to simply adopt the Port State Control form used by NEAFC which has all the required elements of the EU proposal.

It was agreed to recommend to the Fisheries Commission that the NEAFC PSC-3 form is adopted for NAFO.

h. STACTIC WP 10/7 - By-catch requirements

The representative of the EU underlined that the management provision added by the Fisheries Commission under Article 12.1.d introduces confusion by mixing the rules for quota up-take and by-catch, without any added value. The normal existing rules for quota management should apply as for any other fishery. It is proposed to delete this paragraph from the NCEM. Some Contracting Parties were of the opinion that this matter deserves further consideration.

This proposal is deferred to the next meeting to allow further reflection.

i. STACTIC WP 10/8 – Chartering arrangements

The representative of the EU explained that the proposal requires vessels in a chartering arrangement carry the documentation on board so that inspectors are duly notified.

Several Contracting Parties considered that this kind of documentation should be centralised in the NAFO website. It was also recognized that this issue of availability of documentation is not be limited to chartering arrangements. It is also relevant to the "authorization to fish" (see item 10.d). The representative of the EU further indicated that the accessibility of the information should apply not only to charter arrangements but also to quota transfers.

It was agreed that Iceland will draft a new working paper addressing the intent of the proposal and taking into account the views of the Contracting Parties. It will be presented at the next meeting.

j. STACTIC WP 10/9 – Communication of Catches

The representative of the EU presented the paper proposing changes in Article 27 concerning communication of catches. The purpose is to address the lack of clarity in some technical issues related to communication of catches and to allow the automated process of monitoring quota uptake and control. The proposal entails 1) clarification of some technical presentation for COE and COX, 2) split of the current unique CAT reference by

using different codes and formats for each specific scope, and 3) requirement of a weekly communication of catch by Division, instead of stock area.

While it was recognized that there is a need for improvement with regards to the communication catches, there was a general debate whether the better approach is to revise and improve the existing system or to develop a completely new system. The representative of Canada enquired on how the proposed changes would affect the existing observers scheme, particularly the Electronic Observer Scheme of Chapter VII.

The representative of Iceland indicated that the problems and issues on the current system of electronic communication of catches could be addressed by daily catch reporting and electronic logbook reporting requirements.

The representatives of the EU, Canada and Denmark (in respect of the Faroe Islands and Greenland) suggested that a group similar to NEAFC's Advisory Group for Data Communication (AGDC) be created in investigating this matter. Iceland is in the opinion that creation of a new advisory group is not necessary because it has been recognized for years that the best solution lies on the daily communication of catches for all species in NAFO. Instead, representatives from NAFO with technical background could be invited to the AGDC meeting of NEAFC. The Chair should send a letter to the Chairman of NEAFC's Permanent Committee on Control and Enforcement (PECCOE) stating the intention of NAFO to participate in the next AGDC meeting.

The representative of the EU supported the idea of a systematic daily catch reporting, but stated that since we are far from achieving the daily catch reporting and electronic logbook requirements, there is an urgent need to clarify some technical items related to the definition of the various messages. He called again for the rapid adoption of the STACTIC WP 10/9.

The representative of Iceland pointed out that the current system is quite clear and works fine for those who use it properly. A new system would also need the same discipline as the current system and if the FMC's are not able to follow the current system there is no reason to expect any differences with a new system. The representative of Iceland further elaborated on few items highlighted as problematic and pointed out the misunderstanding commonly observed. For example, the reporting period that is explained in a footnote where it is clear that there is no choice of the period. The catches are always the catch taken from the last communication of catches. If the catch report is the first in the current fishing trip the catch reported is from commencement of fishing, otherwise since the last catch report. There is a system of return messages in place, which is meant to act as a quality control, but unfortunately is not used.

It was also pointed out by the representative of Iceland that changing the system is not only an issue for NAFO as there are other parties using the system and to even greater extent. Invention of a new system would need a careful scrutiny of the current system and its shortcomings as well as investigation of future additions such as electronic logbooks. This needs to be done in close cooperation between all parties concerned.

EU is requested to draft a working paper for the next meeting elaborating on the technical changes required and accommodating the issues discussed above.

The agenda item will be reviewed at the next meeting.

k. STACTIC WP 10/10 – Notification requirements

The representative of the EU presented the proposal to amend Article 40 (STACTIC WP 10/10, Annex 7) by replacing 1November with 1 December in Article 30.1 and 30.3, and requiring the Secretariat to post the inspections plans received from the CPs on the secure part of the NAFO Web site.

It was agreed to forward STACTIC WP 10/10 to Fisheries Commission with recommendation for adoption.

l. STACTIC WP 10/11 – Report on Infringements

The representative of the EU presented the proposal to amend Article 42 (STACTIC WP 10/11). The proposal entails 1) a requirement of one annual report, instead of two, on the infringements detected in the previous year, and 2) dropping paragraph b of the Article since it is not used in practice. The proposal also instructs the Secretariat to develop a template or form for the CPs to use in electronically transmitting the Report on Infringement.

There was an agreement on the requirement of one annual report. The deadline for such report of 1 March, instead of 1 February, was deemed more practical. Concerning dropping paragraph b of Article 42, some CPs felt uncomfortable with it and requested further reflection on this part of the proposal.

The proposal was modified based on the considerations mentioned above (STACTIC WP 10/11 Rev. 2, Annex 8). The Secretariat was also instructed to proceed with the development of the template which will be presented at the next meeting.

It was agreed to forward STACTIC WP 10/11, Rev. 2, to Fisheries Commission with recommendation for adoption.

m. STACTIC WP 10/12 – Reports on Inspection and Surveillance activities

The representative of the EU presented the proposal to amending the deadline for the submission of reports as stipulated in Article 43 from 1 March to 1 February (STACTIC WP 10/12, Annex 9).

It was agreed to forward STACTIC WP 10/12 to Fisheries Commission with recommendation for adoption.

11. NCEM Chapter VII - Electronic reporting, satellite tracking and observers, Article 65- Evaluation

The Secretariat provided a background on Chapter VII of the NCEM. This chapter concerns electronic catch reporting requirements under this alternative observer scheme. This scheme has been under implementation since 2007. According to Article 65, STACTIC shall conduct an evaluation on the effectiveness of the implementation of the provisions of Chapter VII. It is however not indicated in the NCEM when the evaluation should be made. The Secretariat requested STACTIC to reflect on whether an evaluation should be conducted in time for the next meeting.

The representative of the EU indicated that any evaluation on Chapter VII should be conducted in a more general context to include the "traditional" observers program as stipulated in Article 28; and for that matter both Article 28 and Chapter VII be reviewed. The representative of the EU also expressed the opinion that the current observer programme must be reconsidered to clarify the tasks devoted to the observer by separating scientific and compliance tasks and by reducing the compulsory embankment of an observer on each vessel in connection with the development of the use of new communication technologies.

The representative of Canada stated that the observer program in Article 28 must be maintained regardless of the evaluation of Chapter VII. It is the view of Canada that the concept of the "traditional" observer program remains valid. The representative of Iceland explained that some provisions of Chapter VII would be affected when it develops the paper on electronic logbook catch reporting (see item 10.j)

The Secretariat was instructed to conduct a preliminary evaluation in accordance with Article 65. The preliminary evaluation will be considered at the next meeting.

This item is deferred to the next meeting to allow further discussion.

12. Concern on the quality of VMS reports as compiled for Compliance Review

This item was covered in item 4 with the discussion on the causes of "malformed" reports and how they are handled in the compilation of fishery reports for Compliance Review.

This item is closed.

13. Other matters

a. Chartering shared quotas

The Secretariat sought clarification as to whether shared quotas, e.g. quotas under "Others" or quotas of Redfish in Sub-area 2 & Divisions 1F + 3K, can be chartered. STACTIC was of the view that chartering shared quotas should not be allowed. However, it was recognized that this is an issue for decision by the Fisheries Commission. It was also noted that at the 2009 Annual Meeting the Fisheries Commission already indicated that shared quotas can not be transferred.

It was agreed that this issue be forwarded to the Fisheries Commission for clarification.

b. Contingency plans in case of force majeure

The representative of Iceland mentioned that they almost missed this meeting and that other delegations were not able to attend due to airport disruptions caused by the volcanic eruption in Iceland. He enquired whether STACTIC should have a policy concerning contingency plans in dealing with similar situations. The Chair indicated that the Rules of Procedure allow STACTIC to develop such plans. He asked the delegations present for some ideas.

This topic will be considered further at the next meeting.

14. Time and Place of next meeting

The next meeting of STACTIC will take place at the 32nd NAFO Annual Meeting, 20-24 September 2010 in Halifax, Nova Scotia, Canada.

15. Adoption of the Report

This Report was adopted through correspondence after the meeting.

16. Adjournment

The meeting adjourned at 1210 hrs on Thursday, 20 May 2010.

Annex 1. List of Participants

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SECRETARIAT

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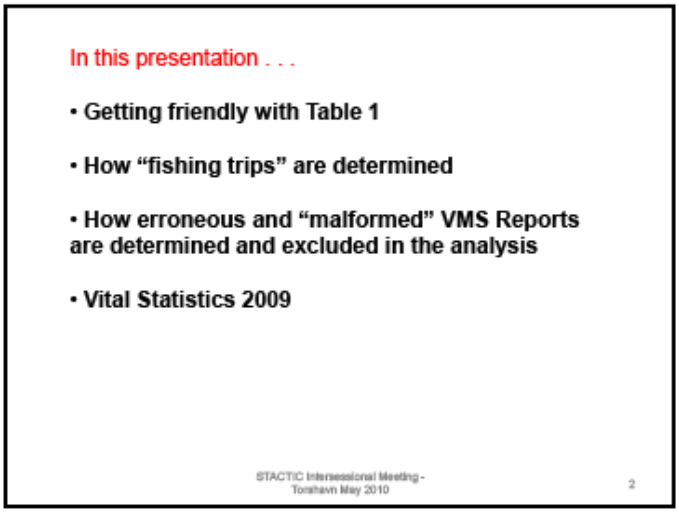
Annex 2. Agenda

1. Opening by the Chair, Mads Nedergaard Denmark (in respect of Faroe Islands and Greenland)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Compilation of fisheries reports for compliance review (2004-2009), including review of Apparent Infringements.
5. Review and evaluation of NAFO Compliance objectives
    a) In-Port/Land based Monitoring
    b) At sea monitoring
    c) Aerial Surveillance
6. Review of current IUU list pursuant to NAFO CEM Article 57.3
7. Half-year review of the implementation of new NCEM measures
8. Joint Inspection and Surveillance Scheme
9. Editorial Drafting Group of the NAFO CEM (EDG)
10. Possible revisions of the NCEM
11. NCEM Chapter VII - Electronic reporting, satellite tracking and observers, Article 65 - Evaluation.
    a) Observer Scheme
12. Concern on the quality of VMS reports as compiled for Compliance Review
13. Other matters
    a) Chartering quotas allocated to "Others quota"
    b) Contingency plans in case of force majeure
14. Time and Place of next meeting
15. Adoption of Report
16. Adjournment

Annex 3. NAFO 2009 Fisheries Profile and Trends (presented by NAFO Secretariat)



In this presentation . . .

- Trends 2004 – 2009
  - Effort
  - Number of vessels
  - At-sea inspection
  - Inspection Rate
- Apparent Infringements in 2009
- Problems Encountered
- Compilation Tables to be submitted in June 2010
- Report Tables for re-consideration.

Compilation table from which missing reports can be identified and vital statistics on NAFO fisheries can be derived.

How are "fishing trips" determined?

-Examination of the POS reports

-Start of trip defined by ENT (or COE)

-End of trip defined by EXI (or COX)

-When ENT/COE or EXI/COX reports are missing, the dates are cross-referenced with POS and with other reports, e.g. Port Inspection and Observers.

REFER to Row 55:
Start Date: 16-Nov-09
End Date: 13-Dec-09
# of Days: 27

REFER to Row 55:

FISHING TRIP

Start Date: 16-Nov-09

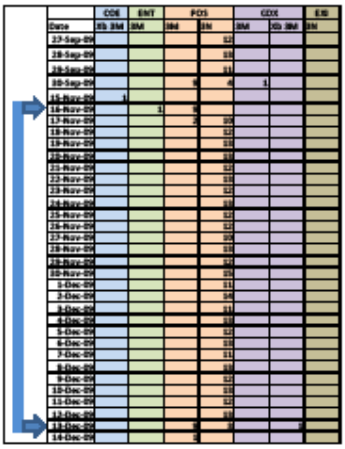
End Date: 13-Dec-09

# of Days: 27

Relevant Area: 3N

Directed Fishery: Groundfish

Total Catch: 513.0 t



141 Fishing trips, 5016 days, 51 vessels

Number of VMS Reports	Ideal (all used)	Actual	Used	Difference
COE	141	197	139	51
COX	141	195	138	57
ENT	141	733	129	604
EXI	141	558	95	463
POS and MAN	60192	91889	-	-

VMS reports excluded in the analysis (malformed reports ???)

- Duplicates --- mainly Hails, FMC and/or FS and/or vessel transmit identical reports
- Flooding --- mainly POS, technical issues with FMCs and vessels
- Unnecessary reports --- mainly ENT/ EXI, COE/COX
- Mis-directed reports – e.g. outside NRA, not shutting off VMS
- "Mis-typed" hail reports --- follow NAF but information are erroneous.

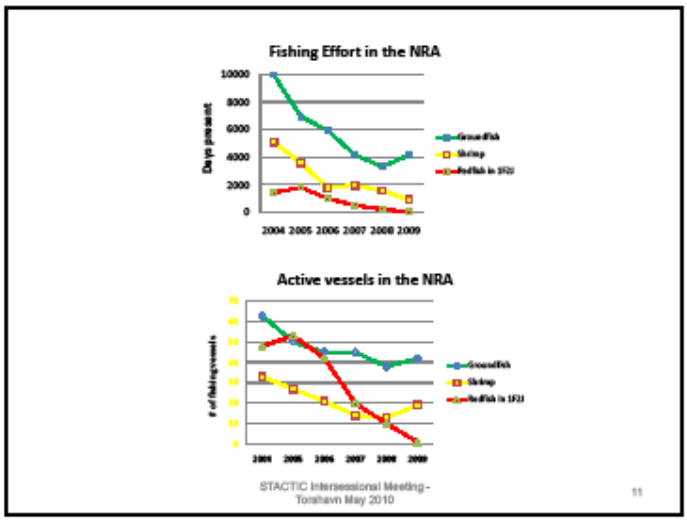
Secretariat does not correct or delete VMS reports unless advised by authorities. We also advise FMCs for any "mis-typed" reports we detect.

2009 Fishing Effort Profile in NAFO Regulatory Area



	Groundfish	Shrimp	Redfish	TOTAL
Number of vessels	41	20	1	51
Effort (Days present)	4122	889	5	5016

TRENDS 2004-2009


Fishing Effort in the NRA
Days present
10000
8000
6000
4000
2000
0
2004 2005 2006 2007 2008 2009
Groundfish
Shrimp
Redfish in 3Ps
Active vessels in the NRA
# of fishing vessels
Groundfish
Shrimp
Redfish in 3Ps
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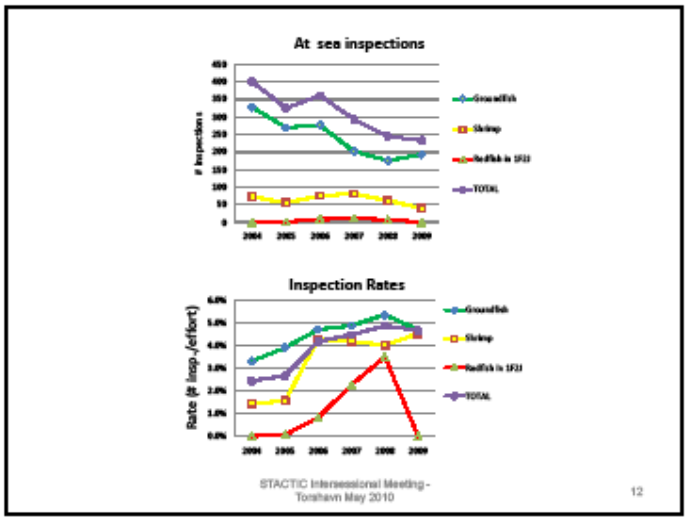
At sea inspections
inspections
Groundfish
Shrimp
Redfish in 3Ps
TOTAL
Inspection Rates
Rate (# insp./effort)
Groundfish
Shrimp
Redfish in 3Ps
TOTAL
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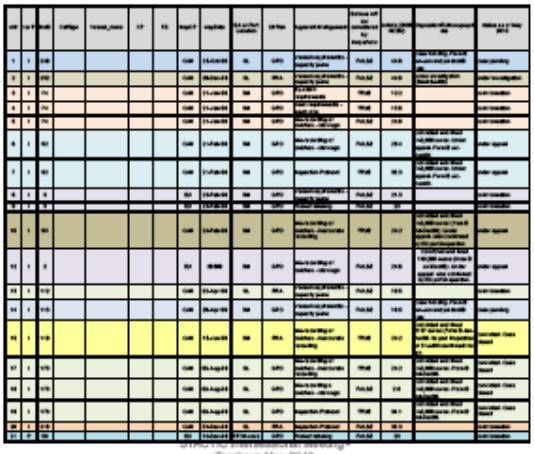
Apparent Infringements in 2009



Some Problems Encountered during Data Compilation:

- COX catch information. Cumulative or not? Definition on Annex X should be clarified.

- PSC 3 (Port State Measures). Start and End fishing dates are not indicated.

Table 2. At-sea inspections by CP and fishery type

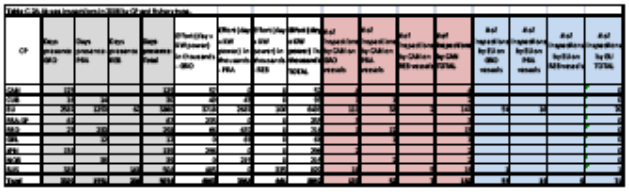


Table 3. Comparison of reported catches in the NRA.

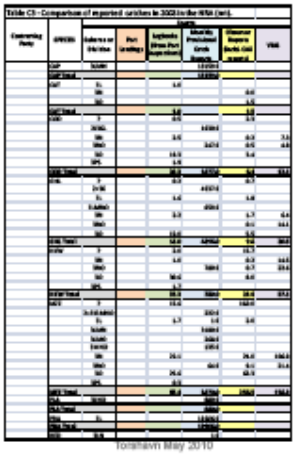


Table 4. Shrimp in 3M fishing effort and allocation.

CP	Allocation for 2008 (Fishing Days)	Reported Fishing Days efforts	Shrimp fishing days in 3M exceeded?
Canada	456	0	no
Cuba	100	4	no
EU	3290	994	no
Faroes	1606	86	no
France (SPM)*	100	62	no
Greenland	515	0	no
Iceland	N/A	N/A	N/A
Japan	100	0	no
Korea	100		no
Norway	1985	0	no
Russia	2100	4	no
Ukraine	100	0	no
USA*	100	62	no

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Table 5. Number of VMS Reports by CPs.

CP	Number of Fishing trips identified (as verified in Table C1)	Days in NRA (see also Table C2)	Number of Catch on Entry Reports (COE)	Number of Position on Entry (ENT)	Number of Catch on Exit Reports (COX)	Number of Position on Entry (EXI)	Number of donor Transhipment s (TRA)	Number of Position Reports (POS)*
Canada	13	121	13	13	13	13	0	1596
Cuba	2	80	2	0	2	0	0	112
EU	117	3980	110	95	117	75	0	53278
Faroes	14	253	14	14	14	14	0	1874**
France (SPM)	4	67	4	1	4	0	0	1855
Greenland	1	11	1	1	1	1	0	331
Iceland								0
Japan	4	109	4	0	4	4	0	1604
Korea								0
Norway	3	89	3	3	3	1	0	580**
Russia	24	304	24	24	23	24	0	7310
Ukraine	0	0					0	
USA	0	0					0	
Total	181	5094	185	155	179	132	0	79609

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Fig. 3 in the Compliance Review – Citation Rates

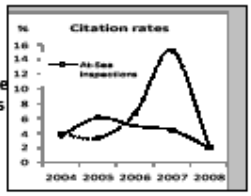
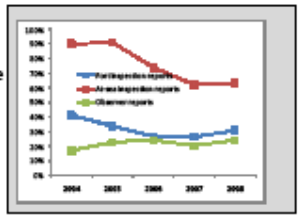


Fig. 8 in the Compliance Review – Timeliness of Submission of Reports



Annex 4. Outstanding NCEM Related Issues and Next Steps as Identified by the Editorial Drafting Group (STACTIC WP 10/4)

Outstanding Issues

- Need definition of "fishing day" in Article 5.2. Should it be considered (and charged to the vessel) as any fraction of a day present or fished in 3M should be considered one 24-hour day?
- What is signaling procedure referenced in Article 5.3?
- Consider concept of applying bycatch provisions to total catch (including discards) versus only what is retained on board.
- Need to clarify Article 14.3 based on scope of Canadian legislation.
- Need to send correspondence to Chair of WGFSM to encourage development of enforcement measures based on the provisions in Chapter 1bis (Bottom Fishing Provisions), and work with STACTIC on development of such measures.
- A procedure should be established for Fisheries Commission, Scientific Council, or any other Committee or Working Group to communicate necessary changes to NCEMs based on initiatives (e.g., VME initiative).
- Establishment of a more permanent numbering convention for NCEMs.
- Clarify of "authorization to fish" under Article 18 with specific authorization for GHL.
- Determine intent of reference to "fishing vessels" in Article 18. Does this reference actual catch vessels (as perceived based on current wording), or shall it include reefer vessels?
- Consider adding new article to NCEMs that lists all required documents that incorporates Annex VII.
- Investigate implications to domestic vessels (US and Canada) of applying Article 21.3 to all vessels.
- Consider defining term "processed fish" under NAFO since Contracting Parties have different interpretations of this term. For example, is intent of Article 23 to apply only to frozen and packaged fish?
- Need to establish link between daily catches reported in logbook and labeling of catch (in relation to shrimp) to aid enforcement of catch recording provisions.
- Need to establish either standard format or minimum standards for storage plans – see former Canadian proposal.
- Consider a standard format for the production logbook or list the required entries; similar to fishing log requirements.
- Determine whether 24-hour provision under Article 26.6 should be retained or should NAFO require real-time reporting of VMS data.
- Consider merging Article 28 (Observers) with Chapter VII (Electronic Observer Scheme) and possibly consolidating.
- Consider deleting last two sentences of Article 29.6 relating to objectivity report produced by Secretariat based on discussion by STACTIC at 2009 Annual Meeting. May want to eliminate objectivity report overall.
- Ask Secretariat where surveillance reports referenced in Article 32.5 are listed and how this process works in practice.
- Ask FC to reflect on establishing conversion factors guidelines.
- Consider broadening the scope of Article 40 to make applicable to all infringements (i.e., delete reference to Serious Infringements under Article 40.1), and then merging Article 40 with 39.
- Consider designating ports for NCP vessels (similar to what is required under Port State Measures provisions) since required under FAO scheme for Port State Measures.
- Need to look at NEAFC delisting procedures and potentially incorporate under Article 57 as appropriate (i.e., procedure for delisting scrapped vessels or "reassigned"…).
- Consider adding other RFMOs that now have established IUU listing process under Article 57.6.
- Consider adding violations of Electronic Observer Scheme to the list of Serious Infringements for clarity since already considered an SI.
- In Electronic Observer Scheme under Article 62, if there is an observer on board, determine if intent of this scheme is to have both master and observer submit daily reports for that vessel.
- Determine if evaluation of the Electronic Observer Scheme in Article 65 should be retained. There is currently no timing requirement, and a more effective means of reviewing compliance under this scheme is needed.

Next Steps

- Present agreed upon revisions to NCEMs to Fisheries Commission at 2010 Annual Meeting in Halifax, NS for consideration and approval, including any proposed changes to the Annexes.
- After editorial changes to NCEMs complete, suggest removing items of an administrative, procedural, decision making, or policy nature to a supplemental document. This may require additional language in the "Forward" to the NCEMs and introductory text in supplement that would address responsibilities of NAFO, Contracting Parties, inspectors, vessel masters, etc.
- Conduct larger-scale re-organization of NCEMs to make them flow more logically or easier to utilize in practice.
- Encourage Contracting Parties to take-up any of the outstanding issues identified by the EDG and present working papers for discussion by STACTIC at the 2010 Annual Meeting or the next STACTIC intersessional.

Annex 5. Discussion Paper – Revisions to CEM Annexes as Suggested by the Editorial Drafting Group (STACTIC WP 10/5)

1. Ensure consistent spelling of “tonnes” throughout Annexes.

2. Provide a more logical re-ordering of the Annexes (e.g., all data format annexes placed together and PSC forms placed together).

3. Update language in Annex IV, B, f to require all research vessels to carry a research plan on board, then move this text to body of the CEMs under a specific “research vessel” article.

4. Ensure that all required documents in CEMs are included in Annex VII. Consider incorporating Annex VII into the main body of the CEMs.

5. Incorporate start and end coordinates for trial tows into Annex VIII.

6. Insert new annex on production logbook minimum standards after Annex VIII – to be developed.

7. Add a point 9, “observed vessel activity” to Annex XII.

8. Replace “photographs” with “images” in point 8 of Annex XII.

9. Insert an appropriate space for the printed name and signature of an inspector on the PSC-3 form (Annex XIII).

10. Consider adding reference to OMEGA gauge to Annex XIV.

11. Suggest adding title to Annex XX and introductory text to explain purpose of Annex.

12. Explore why product form codes are included under Annex XX(c) versus listed as a separate Annex.

13. Add product form codes for “head off and tail off” and “wet fish” or “iced product” (e.g., gutted head off – iced, gutted head off – wet) under Annex XX(c).

14. Consider merging Annex XXI (shrimp toggle chains) with Annex XV (authorized topside chafers).

15. Consider adding point of contact for vessel under part A of PSC 1 and 2 forms in Annex XXIV.

Annex 6. Discussion Paper on "Inspection Party Composition: Article 33(4)
(STACTIC WP 09/21, Rev.)

The current NAFO Conservation and Enforcement Measures (NCEM's), Article 33, explicitly calls for an inspection party to consist of "*at a maximum two inspectors*", with the possibility of a third member if it is an inspection trainees and only where vessel conditions permit.

Given that the measures already allow for the possibility of a three member inspection party and that allowing the third member, previously only an inspection trainee, to be a regular inspector would provide additional flexibility to those Contracting Parties that conduct inspections under the NCEMs, it would seem appropriate, especially in the context of tight inspection duration timeframes, to sanction the use of an additional inspector were warranted.

Furthermore, recent joint inspections, conducted with the USCG, also lend further credence to allow for an additional inspector to facilitate this type of joint activity and not force Contracting Parties with inspection vessels in the NRA to rotate between its own inspectors and that of a guest Contracting Party, but rather to allow a fully effective and multinational inspection party.

It should also be noted that the NEAFC *Scheme of Control and Enforcement*, Article 18.6, places no actual limit on the number of inspection party members, rather only limits the number of inspectors from each NEAFC Contracting Party, when inspecting the vessel of another Contracting Party.

Possible Amendment

Proposal – Amend Chapter IV – *Joint Inspection and Surveillance Scheme,* Article 33*, Inspection Procedure.*

Replace the current text of Article 33(4) with the following:

4. An inspection party shall consist of at maximum **four** inspectors. ~~Vessel conditions permitting,~~ An inspection trainee may accompany the inspection party for training purposes only**, however the inspection trainee counts against the inspection party maximum of three**. In such circumstances, the inspection party shall, upon arrival on board, identify the trainee to the master of the fishing vessel. This trainee shall simply observe the inspection operation conducted by the authorized inspectors and shall in no way interfere with the activities of the fishing vessel.

Annex 7. Discussion Paper on "Notification Requirements" – NAFO CEM Article 30 (STACTIC WP 10/10)

Article 30 requests CP to notify by 1 November the inspectors, inspection means and inspection plans related to their sea inspection programme.

Postponing by 1 month such notification would allow CP to better prepare the provisional plans for the inspection activities in the RA.

The availability of such information would be easier if posted on the secure part of the NAFO website.

It is requested to postpone the deadline from 1 November to 1 December and to invite the Secretariat to post the information on the secure part of the NAFO website.

Possible amendment

1. Replace 1 November by 1 December in paragraphs 1 and 3 of Article 30

2. Insert new paragraph 4 in Article 30

4. The Executive Secretary shall post the information received from the CP on the secure part of the NAFO website.

Annex 8. Discussion Paper on "Report on Infringements" – NAFO CEM Article 42
(STACTIC WP 10/11, Rev. 2)

Article 42(1) states that CP shall report twice a year on infringements detected on their vessels and the relative follow-up, and on significant differences in the recording of catches from logbooks and the inspector's estimation. No standardised reporting process is proposed.

The rationale for such a biannual reporting is not clear.

It is requested

- to deliver a report once a year (on 1 March), instead of twice
- to standardize the reporting process (unique e-format)

Possible amendment

Modify paragraph 1 in Article 42 in accordance with the following text

1. Contracting Parties shall report to the Executive Secretary by 1 March ~~(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~~:~~

a) **the** action taken **during the previous year** 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

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.

The Executive Secretary shall establish the form of the report for the electronic notification by Contracting Parties.

Annex 9. Discussion Paper on "Reports on Inspection and Surveillance Activities" – NAFO CEM Article 43
(STACTIC WP 10/12)

It is noted that the reporting deadlines in Article 42 (infringements) and Article 43 (inspection and surveillance activities) are different.

It is requested to harmonise the date for the delivery of the report on inspection and surveillance activities in Article 43 with the date for the delivery of the report on infringements in Article 42.

Possible amendment

Replace 1 March by 1 February in paragraph 1 of Article 43