

**35th ANNUAL MEETING – SEPTEMBER 2013****Proposed Changes to NAFO's Conservation and Enforcement Measures****Introduction**

At the September 2012 Annual Meeting, the Editorial Drafting Group (EDG) outlined an approach for continuing to revise the NAFO Conservation and Enforcement Measures (CEMs), along with a list of minor clarifications to the existing CEM for consideration by STACTIC as part of STACTIC WP 12/40. To provide additional opportunity for Contracting Parties to review proposed changes to the CEM, this paper was not adopted by STACTIC at the 2012 Annual Meeting and will be reconsidered at the May 2013 STACTIC Intersessional Meeting. The EDG has updated STACTIC WP 12/40 to reflect changes to the CEM resulting from proposals adopted at the 2012 Annual Meeting, and included further minor revisions to several articles.

A brief description of the proposed minor revisions to the existing CEMs is provided below. The proposed revisions to the CEMs are organized based on their current structure. Cross-references to the corresponding article and paragraph, based on the 2013 CEMs, and a brief description of any changes have been placed in the right column of the attached addendum for ease of reference. These proposed changes represent revisions necessary to clarify existing measures, correct inaccurate references and capitalization, and reformat the CEMs to reflect the updated style and format agreed upon during Phase I of the EDG's efforts to update the CEMs (STACTIC WP 11/21), as adopted at the 2011 Annual Meeting.

Proposed Changes to Existing CEMs:

- Article 7.9 – Adding parenthesis for consistent format
- Article 9 – Insertion of table headings and renumbering of paragraphs
- Article 13(d) – 130 mm mesh applies to groundfish defined in Annex I.C
- Article 16.1 – Insert new Figure 2 for seamount, coral and sponge protection zones
- Article 25.1 – Clarify applicability of vessel notification (NOT) messages
- Article 27 - Clarification of when product must be labeled
- Article 28 – Clarify elements of fishing and production logbook and stowage plans
- Article 29 – Replaced “data” with “position data” throughout for clarity
- Article 30 – Clarify how observer data is reported and distributed
- Article 33 – Reorganize paragraph 2 and clarify how long Secretariat must maintain surveillance reports
- Article 39.2 – Clarify language regarding applicability of notices of infringements
- Annex II.A – Reorganize logbook elements and clarify gear used
- Correct several inaccurate references and capitalization errors
- Revise all references to “pursuant to” with “in accordance with” for consistency of language.

Addendum 1: Proposed Revision to Existing CEMS

PROPOSED NEW TEXT			OLD REFERENCE or EXPLANATION
Throughout the CEM			
Revise all references to any derivation of “flag State” and “port State” to correct for the proper capitalization of the terms.			
Revise all references to “pursuant to” with “in accordance with” for consistency of language.			
Article 7 – Cod Recovery Plans			
Add left parenthesis to Articles 7.9 (a), (b), (c) and (d).			Made formatting of paragraphs consistent
Article 9 – Shrimp			
1. For the purpose of this measure, Division 3M includes that portion of Division 3L enclosed by lines joining the points described below in Table 1 and depicted in Figure 1(1):			Revised to remove first sentence (moved to Article 5) and update Figure and Table references.
Table 1: Boundary points delineating the portion of Division 3L that is included in Division 3M for the management of shrimp in accordance with Annex I.B.			New Table Heading following paragraph 1.
	Point No.	Latitude	Longitude
	1	47°20'0	46°40'0
	2	47°20'0	46°30'0
	3	46°00'0	46°30'0
	4	46°00'0	46°40'0
3. A vessel fishing for shrimp and other species on the same trip shall transmit a report to the Executive Secretary signalling the change of fishery. The number of fishing days shall be calculated accordingly.			Article 9.4 moved to Article 9.3 because original Article 9.3 was moved to Article 5.5
4. Fishing days referred to in this Article are not transferable between Contracting Parties. Fishing days of one Contracting Party may be utilized by a vessel flying the flag of another Contracting Party only in accordance with Article 23.			Article 9.5 moved to Article 9.4 because original Article 9.3 was moved to Article 5.5
5. No vessel shall fish for shrimp in Division 3M between 00:01 UTC on 1 June and 24:00 UTC on 31 December in the following area as described in Table 2 and depicted in Figure 1(2):			Article 9.6 moved to Article 9.5 because original Article 9.3 was moved to Article 5.5 and to insert table

			reference
Table 2: Boundary points delineating the shrimp closure area referred to in Article 9.5.			
Point No.	Latitude	Longitude	Revised table format for consistency
1 (same as no.7)	47°55'0 N	45°00'0 W	
2	47°30'0 N	44°15'0 W	
3	46°55'0 N	44°15'0 W	
4	46°35'0 N	44°30'0 W	
5	46°35'0 N	45°40'0 W	
6	47°30'0 N	45°40'0 W	
7 (same as no. 1)	47°55'0 N	45°00'0 W	
6. No vessel shall fish for shrimp in Division 3L at a depth less than 200 meters in an area east of a line bound by the following coordinates described in Table 3 and depicted in Figure 1(3):			Article 9.7 moved to Article 9.6 because original Article 9.3 was moved to Article 5.5 and to insert table reference
Table 3: Boundary points delineating 200 m bathymetric curve referred to in Article 9.6.			New table heading
Point No.	Latitude	Longitude	
1	46°00'00" N	47°49'00" W	
2	46°25'00" N	47°27'00" W	
3	46°42'00" N	47°25'00" W	
4	46°48'00" N	47°25'50" W	
5	47°16'50" N	47°43'50" W	
7. Each vessel that has fished for shrimp in Division 3L, or its representatives on its behalf, shall provide to the competent port authority at least 24 hours prior notice of its estimated time of arrival and the estimated quantities on board of shrimp by Division.			Article 9.8 moved to Article 9.7 because original Article 9.3 was moved to Article 5.5 and to insert table reference
Article 10 – Greenland halibut			
9. Where within 24 hours of the notification transmitted in accordance with subparagraph 6(b), the Executive Secretary does not receive a notification from an inspection vessel, the Executive Secretary immediately advises the fishing vessel that it may begin fishing and notifies inspection vessels and the flag State FMC accordingly.			Correction of flag State capitalization.
Article 13 – Gear Requirements			
(d) 130 mm for all other groundfish, as defined in Annex I.C.			Clarifies definition of groundfish in paragraph 2(d) by referencing

	Annex I.C
Article 16 – Seamount, Coral, and Sponge Protection Zones	
1. [insert figure of seamount closures]	Insert new Figure 2 to depict existing seamount closure areas, renumbering subsequent Figures and updating cross references.
Article 25 – Vessel Requirements	
<i>Authorization to conduct fishing activities and notification requirements</i>	
3. Each Contracting Party shall transmit to the Executive Secretary, electronically in the format prescribed in Annex II.C, a list of the vessels which it has authorized to conduct fishing activities in the Regulatory Area and any amendments thereto from time to time no later than 30 days following any change to the list	Replace the word “operate” with “conduct fishing activities” in 25.3
Article 27 – Product Labelling Requirements	
2. Labels shall be securely affixed, stamped or written on packaging at the time of stowage and be of a size that can be read by inspectors in the normal course of their duties.	Revised to clarify when labels shall be affixed
Article 28 – Monitoring of Catch	
<i>Recording of Catch and Stowage</i>	
1. For the purposes of monitoring catch, each fishing vessel shall utilize a fishing logbook, a production log book and a stowage plan as defined below, to record fishing activities in the Regulatory Area.	New paragraph. Cross references and subsequent paragraph numbering will be updated upon approval.
<i>Fishing logbook</i>	
2. Each fishing vessel shall maintain a fishing logbook consistent with Annex II.A that:	28.1(b)
(a) accurately records catch of each tow/set related to the smallest geographical area for which a quota has been allocated;	28.1(b) and (d)(i)
(b) indicates the disposition of the catch of each tow/set, including the amount (in kg, live weight) of each stock that is retained on board, discarded, offloaded, or transhipped during the current fishing trip; and	28.1(d)(ii) and (iii)
(c) is retained on board for at least 12 months.	28.1(d)(iv)
<i>Production logbook</i>	
3. Each fishing vessel shall maintain a production logbook that:	28.1(c)
(a) accurately records the daily cumulative production for each species and product type in kg for the preceding day from 0001	28.1(e)

hrs (UTC) until 2400 hrs (UTC);	
(b) relates the production of each species and product type to the smallest geographical area for which a quota has been allocated;	28.1(d)(l)
(c) lists the conversion factors used to convert production weight of each product type into live weight when recorded in the fishing logbook;	New paragraph for clarity
(d) labels each entry in accordance with Article 27; and	28.1(c)
(e) is retained on board for at least 12 months.	28.1(d)(iv)
Stowage of catch	
4. Each vessel shall, with due regard for safety and navigational responsibilities of the master, stow all catch taken in the NAFO Regulatory Area separately from all catch taken outside the NAFO Regulatory Area, and ensure that such separation is clearly demarcated using plastic, plywood or netting;	28.1(g)
5. Each fishing vessel shall maintain a stowage plan that:	New to clarify elements of stowage plan.
(a) clearly shows the location and quantity, expressed as product weight in kg, of each species within each fish hold;	28.1(h)
(b) specifies the location in each hold of shrimp taken in Division 3L and in Division 3M that includes the quantity of shrimp in kg, by Division;	28.1(i)
(c) is updated daily for the preceding day from 001 to 2400 hrs (UTC); and	28.1(j)
(d) is retained on board until the vessel has been unloaded completely.	28.1(k)
6. Every fishing vessel shall transmit electronically to its FMC the following reports in accordance with the format and the content prescribed for each type of report in Annex II.D and Annex II.F:	Article 28.2 becomes Article 28.6, <u>with all subsequent paragraphs renumbered.</u>
(c) catch report (CAT): quantity of catch retained and quantity discarded by species for the day preceding the report, by Division, including nil catch returns, sent daily before 1200 hours UTC. Nil catch retained and nil discards of all species shall be reported using the 3 alpha code MZZ (marine species not specified) and quantity as "0" as the following examples demonstrate (//CA/MZZ 0// and //RJ/MZZ 0//);	Revised Article 28.2(c) becomes Article 28.6(c) and includes reference to discards and how to report nil catch
Article 29 – Vessel Monitoring System (VMS)	
VMS position data and costs	Addition of the word "position" prior to data throughout section for clarification
1. Every fishing vessel operating in the Regulatory Area shall be equipped with a satellite monitoring device capable of continuous automatic transmission of position to its land-based Fisheries Monitoring Centre (FMC), no less frequently than once and hour, the following VMS data:	29.1

2. (a) receives the position data referred to in paragraph 1 and records them using the following 3 letter codes:	29.2 (a)
(i) "ENT", first VMS position transmitted by each vessel upon entering the Regulatory Area	29.2(a)(i)
(ii) "POS", every subsequent VMS position transmitted by each vessel from within the Regulatory Area; and	29.2(a)(ii)
(iii) "EXT", first VMS position transmitted by each vessel upon exiting the Regulatory Area	29.2(a)(iii)
8. Every fishing vessel operating with a defective satellite monitoring device, shall transmit, at least once every 4 hours, the VMS position data to its flag State FMC by other available means of communication, in particular, satellite, email, radio, facsimile or telex.	29.8
<i>Transmission of VMS position data from the FMC to the Executive Secretary</i>	
9. (a) its FMC transmits VMS position data to the Executive Secretary as soon as possible, but no later than 24 hours after it receives them and may authorize fishing vessels entitled to fly its flag to transmit VMS position data by satellite, email, radio, facsimile or telex, direct to the Executive Secretary; and	29.9(a)
(b) the VMS position data transmitted to the Executive Secretary are in conformity with the data exchange format set out in Annex II.E and further described in Annex II.D.	29.9(b)
10. (b) makes available as soon as possible the VMS position data to all Contracting Parties with an inspection presence in the Regulatory Area;	29.10(b)
(c) treats all VMS position data in conformity with Annex II B;	29.10(c)
(d) following specific requests from the Fisheries Commission to the Scientific Council, makes VMS position data available in a summary form to the Scientific Council;	29.10(d)
(e) upon determining that a vessel has failed to transmit two consecutive VMS position data reports as specified in paragraph 1, so notifies the FMC of the flag State Contracting Party without delay;	29.10(e)
Article 30 – Observer Program	
(g) submits to the flag State Contracting Party and to the Executive Secretary, within 30 days following completion of a fishing trip, a report detailing the data recorded in accordance with this paragraph.	In Article 30.A.2(g), replaced "deployment" with "fishing trip" to ensure that an observer report is submitted for each trip
7, The Executive Secretary:	Revised paragraph 7 to clarify how data is distributed to Contracting Parties with and without an inspection presence in
(a) provides copies of the observer report referred to in Article 30.A.2(g) to Contracting Parties with an inspection presence in the Regulatory Area; and	
(b) upon request, provides copies of the observer report referred to in Article 30.A.2(g) that contains daily catch totals by species and division instead of by individual hauls and co-ordinates to Contracting Parties without an inspection presence.	

	the Regulatory Area
Article 33 – Surveillance Procedures	
IN PARAGRAPH 2, - Collate the chapeau and (a) to make a single sentence - move (b) to Article 40, as new inclusion in the current (d)	
3. The Executive Secretary maintains the Surveillance Reports until follow-up action is concluded by the flag State Contracting Party of the vessel concerned and sends final reports to Contracting Parties with an inspection presence in the Regulatory area.	33.3 + New text for clarity
Article 39 – Follow-up to Infringements	
2. Each Contracting Party shall ensure that in proceedings it has instituted, it treats all notices of infringement issued in accordance with Article 38.1(l) as if the infringement was reported by its own inspector.	39.2 + Revised text to clarify that CPs must treat observer/inspector obstruction notices as if their own entities reported the infringement.
Article 40 – Contracting Party Reports on Inspection, Surveillance and Infringements	
1. (d) the action it has taken during the previous year concerning every infringement notified to it by a Contracting party or with regards to each Surveillance Reports it has received, including a description of the specific terms of any penalties imposed;	40.1 (d) + 33.2 (b) The second sentence of 33.2 (b) is already in 40.3, so no need for further change in 40.3. The additional text is needed to fully reflect text from 33.2(b).
In paragraph 4, the word "concerning" should be replaced by "for"	
Annex II.A – Recording of Catch (Fishing Logbook Entries)	
1. Vessel name 2. Vessel nationality 3. Vessel registration number 4. Registration port 5. Type of gear used (*1) (*2) 6. Date of fishing activity (day/month/year: dd-mm-yyyy) 7. Start time of each tow/set (UTC) 8. Start position of each tow/set: a. Latitude	Removed separate fields for catch for human consumption and for reduction

- b. Longitude
 - c. Division
 - d. Water depth
9. End position of each tow/set:
- a. Latitude
 - b. Longitude
 - c. Division
 - d. Water depth
10. End time of each tow/set (UTC)
11. Species names caught in each tow/set (Annex I.C)
12. Disposition of each tow/set: (*3) (*4)
- a. Total catch of each species (kilograms live weight)
 - b. Discards of each species (kilograms live weight)
13. Were by-catch limits specified in Article 6.2 exceeded? (Y/N)
14. Was a trial tow conducted in accordance with Article 6.3(c) conducted? (Y/N)
15. Landings or Transshipments of catch from the Regulatory area
- a. Quantity landed or transhiped of each species
 - b. Place(s) of landing or transshipment
 - c. Date(s) of landing or transshipment (day/month/year: dd-mm-yyyy)
16. Master's signature

Instructions

- (*1) When two or more types of gear are used in the same 24-hours period, records should be separate for the different types
- (*2) Gears and attachments shall be identified by codes in Annex II.J
- (*3) Quantities shall be in kg live weight
- (*4) Species shall be identified by the codes in Annex I.C

Figure 2: Depiction of seamount closures outlined in Article 16.1

