

Northwest Atlantic Fisheries Organization



Report of the STACTIC Intersessional Meeting

9-11 May 2016
London, England

NAFO
Dartmouth, Nova Scotia, Canada
2016

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Report of the STACTIC Intersessional Meeting

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1. Opening by the Chair, Judy Dwyer (Canada)

The Chair opened the meeting at 09:45 am on Monday, 9 May 2016 at the NEAFC Headquarters in London, England. The Chair welcomed representatives from the following Contracting Parties (CPs) – Canada, Denmark (in respect of Faroe Islands and Greenland), the European Union, Iceland, Japan, Norway, and the United States of America (Annex 1).

2. Appointment of Rapporteur

The NAFO Secretariat (Jana Aker) was appointed rapporteur.

3. Adoption of Agenda

The following amendments were made to the Agenda under Agenda Item 16 – Other Matters:

- a) VMS Service Provider (Visma) Contract Renewal
- b) Catch Estimates Study
- c) DFG – Update of the presentation provide by Greenland from the 2015 Intersessional
- d) Timing of the various committee meetings

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| <ul style="list-style-type: none"> • The Agenda was adopted, as amended (Annex 2). |
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4. Compilation of fisheries reports for compliance review (2004-2015), including review of Apparent Infringements.

The Secretariat presented an overview of the fisheries in the NAFO Regulatory Area (NRA) in 2015 as well as the fishing trends, catches of regulated and selected unregulated species, and details of the Apparent Infringements (AIs) issued (Annex 3 of this report). Complementing the presentation was the circulation of the draft compilation table; an Overview of Fishing Trips. The purpose of circulating the draft table was to ensure that all the fishing reports submitted by Contracting Parties, as required in the NAFO CEM, were received by the Secretariat. It was recalled the compilation table serves as a basis in drafting the STACTIC Annual Compliance Review document. Canada noted that with an increase in reliance on the STACTIC data for the various working groups to complete their work, compliance with the data submission requirements is becoming increasingly important and encouraged Contracting Parties to ensure compliance with the data submission requirements.

Iceland highlighted the fact that there was a 14% increase (from 57 fishing days in 2014 to 65 fishing days in 2015) in the fishing effort on REB and noted that one Contracting Party continues its objection to the moratorium. General discussions followed regarding the fishing effort by depth charts, and Contracting Parties expressed their interest in a further investigation on fishing effort by depth. The NAFO Secretariat commented that effort by depth is difficult to achieve at a detailed level with only the CATs, but a more in depth analysis could be achieved once the haul by haul data are incorporated for 2016. Contracting Parties noted that this is also something that is being addressed in the Scientific Council. Discussions continued on other possible inclusions within the Annual Compliance Review and the decisions on those inclusions are reflected in the box below.

The Secretariat, when presenting on the Apparent Infringements issued in Port, sought clarification on how to incorporate these AIs into the statistics of the Compliance Review. The European Union clarified that often infringements of domestic laws are reported in the PSC3, but they are not always relevant to NAFO, and the Secretariat should seek clarification of these on a case by case basis going forward. Canada raised a question on the clarity in the NAFO CEM of the process of reporting infringements detected in port. The Contracting Parties with an inspection presence agreed to discuss this issue further to determine if there is a need to adjust the NAFO CEM for clarity.

The Secretariat noted an issue regarding section 14 of the At-Sea Inspection Report. There were inconsistencies in the recording of retained and discarded catches. Contracting Parties also raised the discrepancies between the Inspection form (section 12 and 14), and the instructions on how vessels are to maintain their logbooks (i.e. total catch vs. retained and discarded). It was agreed to task the EDG with harmonizing sections 12 and 14 of the Inspection reports, fields CA and RJ in the CAT report in Annex II.F, Annex II.A, and the text in the NAFO CEM relating to catch reporting, with the column headings in Annex II.N (Retained (LW kg) | Discarded (LW kg)).

It was **agreed** that:

- **The NAFO Secretariat make the following additions to the Compliance Review for presentation at the 2016 Annual Meeting:**
 - **An explanation of the reduction in the number of at-sea inspections in 2015 be included in the description of the number of at-sea Inspections graph (mechanical problems with one of the inspection vessels).**
 - **Incorporation of the Port State Inspections (PSC3) into the Inspection Rates graph and to provide a detailed explanation on what the graph is displaying.**
 - **Inclusion of an overview of the daily catch rates by species by division**
 - **A comparison of declared vs landed catch by stock by flag State as compared to the daily catch report totals.**
- **Contracting Parties with an Inspection Presence would discuss the process for reporting Apparent Infringements detected in Port to determine if there is a need for an adjustment in the NAFO CEM for the purposes of clarity.**
- **STACTIC task the EDG with harmonizing section 12 and 14 of the At-Sea Inspection form, the text in the NAFO CEM related to catch reporting, fields CA and RJ in the CAT report in Annex II.F, Annex II.A and Annex II.N.**
- **The NAFO Secretariat provide draft Compliance Review documents in April to facilitate review prior to the STACTIC Intersessional meetings; with the caveat that there may be gaps if all required information has not been received by the Secretariat.**

The Chair presented STACTIC WP 16/01 - Summary of Inspection (At-Sea) Information for 2015. Concern was expressed about the lack of detail on the follow-up to infringement and Contracting Parties were encouraged to provide more detail when reporting on infringements. Canada noted a pattern of certain vessels repeatedly being issued Apparent Infringements at-sea and discussed the potential need for improvements in the NAFO CEM to further deter vessels from irresponsible fishing practices. Canada provided some possible suggestions for ways of dealing with vessels that are repeatedly cited with AIs at-sea, such as the development of an IUU type list (separate from the list identified in Chapter VIII of the NAFO CEM) for Contracting Party vessels. Canada also discussed the possibility of some other measures to deter misreporting, such as labelling by date, and provisions when entering and exiting stock areas. The United States highlighted that any changes made would have to be reviewed to ensure that the NAFO CEM does not interfere with the flag State Contracting Party's own laws and sovereignty. The European Union elaborated on a specific vessel that has been repeatedly cited with AIs, and noted that vessel was also cited in 2016 with a Serious Infringement. The European Union stated that this vessel has created a very specific infringement situation. The European Union reported that they are taking this matter very seriously and working with the

European Union flag and port Member States, and European Fisheries Control Agency (EFCA) to address this very particular situation created by this specific vessel. The European Union expressed their concern that one specific vessel owner can have a negative impact on the efforts and progress of other vessels, flag State and port State Inspection Services of Contracting Parties considering their efforts done so far to conform to the NAFO CEM. Iceland noted that it would be useful to have the information of AIs issued at-sea to have a record of vessels that have received AIs that may land in a port that is not the flag State of the vessel. Canada suggested that the Secretariat could compile all of the information on all AIs issued at sea from the last five years for incorporation into the annual compliance review. This would allow STACTIC to review the information and identify patterns of non-compliance. Contracting Parties also agreed, where possible, that the full details should be incorporated into a confidential Compliance Review for discussion at STACTIC in addition to the public version that is currently being produced by STACTIC.

It was **agreed** that:

- **The NAFO Secretariat compile a table of all Apparent Infringements issued at-sea over the last five years for incorporation into the compliance review.**
- **The NAFO Secretariat, going forward, will produce two versions of the Compliance Review: one with the full vessel details for discussion at STACTIC in addition to the public version that is currently being completed.**

5. Enforceability of Bycatch Measures

The Chair highlighted FC Doc. 15/22 Rev. – Recommendations from the WG-BDS to forward to the Fisheries Commission and noted the recommendations referring to STACTIC. Contracting Parties discussed the recommendations and agreed that there was no clear guidance regarding the tasks of STACTIC. The NAFO Secretariat explained that they will be doing an analysis of by-catches for the working group meeting that is happening in August 2016, and Contracting Parties noted that any analyses done for Working Groups should also be made available for review by STACTIC. The Chair also identified concerns with the lack of a clear process for interaction between STACTIC and the various Working Groups. It was discussed that it is important to use analyses to determine the effectiveness of new measures, such as the calculation of bycatch by division.

It was **agreed** that:

- **STACTIC seek clarification from the Fisheries Commission on the specific tasks that are required from STACTIC based on the recommendations presented in FC Doc. 15/22 Rev.**
- **The NAFO Secretariat would distribute the bycatch analysis that was completed in 2014.**
- **STACTIC seek clarification, through the Fisheries Commission, from the Working Group on Improving Efficiency of NAFO Working Group Process on how STACTIC sends and receives recommendations to and from various NAFO Working Groups.**

6. Port State Control Alignment

The Chair presented STACTIC WP 16/13, which was the text as left off from discussions at the 2015 Annual Meeting in STACTIC WP 15/13 Rev. 2. Contracting Parties discussed and agreed to review the changes that were made to the text at the Annual Meeting. Contracting Parties agreed to accept all track changes with the exception of a few that are now incorporated in STACTIC WP 16/13 Rev. (Annex 4 of this report).

Several attempts were made to achieve consensus on a way forward for incorporation of the FAO Port State Measures Agreement in the NAFO CEM. Japan proposed an amendment to the scope that would limit the application to certain areas. However, Contracting Parties were unable to reach an agreement. The United States commented that it could not agree to any proposal that would weaken the scope of current or future Port State Control Measures. A document was developed (STACTIC WP 16/13 Rev.) that reflected an agreed

upon approach to reach consensus on Port State Control Alignment, with several exceptions noted in the document. Japan highlighted the difficulties in implementing the Port State Measures. Contracting Parties confirmed that paragraphs 10 and 13 of Article 43, and the associated annex are left to the discretion of the respective Contracting Party.

It was **agreed** that:

- **Contracting Parties would reflect on the text in STACTIC WP 16/13 Rev. and continue to deliberate at the 2016 Annual Meeting with the goal of reaching consensus on Port State Control Alignment at the meeting.**

7. Review and evaluation of Practices and Procedures

The Chair presented STACTIC WP 16/03 Rev. – Practices and Procedures and noted that Canada had made an addition to the list regarding their Fisheries Monitoring Centre Overview and Canada encouraged other Contracting Parties to post their FMC’s best practices. Denmark (in respect of the Faroe Islands and Greenland) noted that the presentation they would be giving under Agenda Item 16c – Other Matters will also be added to the Practices and Procedures webpage.

8. Review of current IUU list pursuant to NAFO CEM (NCEM) Article 53

The Secretariat presented STACTIC WP 16/04 Rev. – NAFO IUU List update and noted that the flag State for the vessel Trinity had been changed to “Unknown” following the agreement at the 2015 Annual meeting. The Secretariat also highlighted new information received regarding the flag State of the vessel “Maine”. Information was received from Guinea requesting that they be removed as the flag State of the vessel since they had removed it from their register of ships. The NEAFC Secretariat had also received the same notification, and have contacted the authorities in Guinea to confirm the information. The European Union noted that some of the vessels on the list are grounded and unlikely to partake in any further fishing activity and that their place on the list seems unnecessary. Contracting Parties noted that without official documentation from the flag State, no vessels can be removed from the IUU list. Canada noted that perhaps there is a need for a review of the IUU provisions in the NAFO CEM. The current provisions were developed when there was an issue with non-CP vessels fishing in the NAFO Regulatory Area; however, there is no such list to deal with Contracting Party vessels.

It was **agreed** that:

- **The NAFO Secretariat would post the information received by Guinea regarding the vessel “Maine” on the IUU list with a footnote in the interim, and that STACTIC would review the information again at the 2016 Annual Meeting.**

9. Half-year review of the implementation of new NAFO CEM measures

The Secretariat presented STACTIC WP 16/05 - Half-year review of the implementation of the new measures in the 2016 NAFO CEM. The new measure implemented in 2016 was the requirement for vessels to obtain an IMO number. The Secretariat noted that this requirement is not reflected in the Annexes of the NAFO CEM, and that the Joint Advisory Group on Data Management (JAGDM) has provided a suggestion in STACTIC WP 16/08 to resolve this issue, and further discussion on this point was deferred to Agenda Item 14.

Two points of discussion were identified from changes that were made to the measures. The Secretariat provided an update on the submission of the Logbook information by haul and noted that submissions received to date have been in an Excel file in the format of Annex II.N. The European Union explained that they have worked with the NAFO Secretariat on the ERS (electronic reporting system) reporting of logbook information and that the Secretariat is now able to receive submissions from the European Union. There are still some issues that need to be resolved by the European Union, but that they are close to being resolved,

and the Secretariat should expect to receive data soon. The Chair requested that the Secretariat provide an update on the submission of the logbook data by haul at the 2016 Annual Meeting.

The second point of discussion was the change in the notification of the uptake of the “Others” quota. The NAFO Secretariat was under the impression that there was still a need for a 100% uptake notification, but Contracting Parties clarified that the intention was that the projected date of 100% uptake would be the date on which Contracting Parties should close the fishery. Canada drafted text to aid in the clarification of the closure of the “Others” quota and it is presented under Agenda Item 12.

It was **agreed** that:

- **The submission of Logbook information by haul remains on the agenda for the 2016 Annual Meeting and that the NAFO Secretariat would provide an update to STACTIC on the submissions.**

10. NAFO Monitoring, Control and Surveillance (MCS) Website

The European Union presented STACTIC WP 16/07, a proposal for increasing the capabilities of the MCS website and the NAFO Secretariat presented on the security concerns and access rights of the website and noted that this discussion would be further elaborated in Agenda Item 14. The United States sought clarification whether these changes were meant to replace the developments of Phase 3. It was confirmed that this was an interim change pending the full implementation of Phase 3. The European Union noted that this was a good stepping stone to achieve Phase 3 in the long term. Contracting Parties were supportive of the European Union proposal, and Canada noted they would like to add further functionality to the Website as well. The European Union updated the proposal and presented it in STACTIC WP 16/07 Rev. Contracting Parties provided comments and agreed that all items presented in the Table should move forward (as indicated by “Y” in the last column of the table in STACTIC WP 16/07 Rev. 2).

It was **agreed** that:

- **That the European Union would move forward with the proposal presented in STACTIC WP 16/07 Rev. 2 and would provide draft changes to the text of the NAFO CEM prior to the 2016 Annual Meeting.**

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

The Chair noted that two main members of the EDG are no longer working on NAFO files, and that the EDG had not met since the fall of 2015. The European Union highlighted the importance of the EDG and reflected on their mandate under the Fisheries Commission. The Chair noted that membership is open and encouraged all Contracting Parties to participate in the EDG. The Chair also noted that it may be useful for the NAFO Secretariat to participate in EDG meetings, especially when updating the new measures to the NAFO CEM following the Annual Meetings.

12. New and Pending Proposals on Enforcement Measures – possible revisions of the NAFO CEM

Canada presented STACTIC WP 16/15 in an attempt to clarify the process of notification of the “Others” quota as presented by the Secretariat in STACTIC WP 16/05. Following discussions of Canada’s proposal, Contracting Parties came to the conclusion that the text needs to be reviewed in more detail before any changes could be made.

It was **agreed** that:

- **Canada and the European Union would review the measures regarding the “Others” quota and provide a proposal at the 2016 Annual Meeting.**

13. Report and Recommendations of the STACTIC Observer Program Review Working Group, December 2015

The Chair introduced the latest report of the Observer Program Review Working Group (FC Doc. 15/24). The Chair highlighted some of the discussions that occurred at the Working Group meeting, including the purpose of the NAFO observer program, the inclusion of Article 30 Part B, the standardization of training, and discussions of observer coverage levels. Canada is developing criteria for the establishment of coverage levels. These criteria should be ready for discussion by September. The European Union highlighted that the Working Group has already achieved substantial progress, in particular on what the role of the observer in NAFO should be and, everything relating to the independence and the work conditions of the observer when onboard a vessel. The Chair noted that the Working Group will continue its discussions and plan to have another meeting in late June or early July of 2016. Canada thanked the Working Group for its efforts to date, and noted that NAFO is becoming reliant on all data sources for completing work in the various working groups. Contracting Parties raised the point that interaction between the Observer Program Review Working Group and other relevant bodies (Scientific Council, some joint Working Groups) is necessary to ensure that all points of view are incorporated.

It was **agreed** that:

- **STACTIC would seek a mechanism to connect the Observer Program Review Working Group with other bodies within NAFO to facilitate an exchange of information.**

14. Report and Advice of the Joint Advisory Group on Data Management (JAGDM)

The Chair of JAGDM (Lloyd Slaney) presented STACTIC WP 16/08 which included some of the highlights from the last JAGDM meeting. Within this working paper was a suggested way forward on how to address the issues of the IMO numbering requirement in the Annexes of the NAFO CEM, as presented by the Secretariat in STACTIC WP 16/05. Contracting Parties noted that the current use of the word 'eligible' in the NAFO CEM was unclear. Canada agreed to provide a proposal at the 2016 Annual Meeting to address the issue of clarity so that JAGDM could continue with their suggested way forward in the Annexes of the NAFO CEM.

Contracting Parties raised the question of data sharing between NAFO and NEAFC and noted that this has been an item for quite some time and questioned why it has not been accomplished to date. The NAFO Secretariat noted that it may be outside of the scope of JAGDM to recommend changes to the vessel reporting scheme of NAFO and NEAFC (in terms of aligning the COX messages for comparison between RFMOs). The Chair of JAGDM noted that one of the tasks of the next meeting is to review the Terms of Reference of this group for clarification. The NAFO Secretariat noted that if STACTIC sent a formal request to JAGDM asking for a proposal on the alignment of the COX messages between NAFO and NEAFC, JAGDM could work to produce one. Contracting Parties agreed that this would be a good way forward and it would allow for NAFO to review at the September 2016 Annual Meeting and NEAFC to review at the November 2016 meeting.

The Chair of JAGDM also presented STACTIC WP 16/09 Rev., which was an update on the working paper that was presented by JAGDM at the 2015 Annual Meeting (STACTIC WP 15/29). The update was that JAGDM required more time in order to complete this proposal, and would continue their discussions at the next meeting, which is being held from 31 May to 01 June 2016.

It was **agreed** that:

- **Canada would draft a proposal for discussion at the 2016 Annual Meeting regarding the clarification in the NAFO CEM on the IMO numbering requirement.**
- **The STACTIC Chair would draft a formal request to JAGDM to create a proposal to harmonize the COX messages between NAFO and NEAFC in order to facilitate data sharing in the future.**

- **JAGDM would continue to work on the proposal that was brought forward in STACTIC WP 15/29 at the 2015 Annual Meeting for presentation at the 2016 Annual Meeting.**

15. Information Security Management System (ISMS)

The NAFO Secretariat presented STACTIC WP 16/10 - NAFO ISMS Update and noted that the new item that was addressed this year was the addition of an Enterprise Firewall at the NAFO Secretariat.

The NAFO Secretariat presented STACTIC WP 16/06 - NAFO ISMS Access Control, and presented on the method that the NEAFC Secretariat had undertaken to define access roles to NEAFC information and data. The Secretariat asked if it would be appropriate for them to follow the procedure of NEAFC in defining access rights to NAFO data. The Secretariat also highlighted that a starting point would be to apply this method to the data available on the MCS website so that access rights could be defined prior to the implementation of the European Union proposal (STACTIC WP 16/07 Rev. 2).

The NAFO Secretariat presented STACTIC WP 16/11 - NAFO ISMS and noted that at the 2015 Annual Meeting Contracting Parties agreed to provide comments on the items in the Security Audit report that pertained to STACTIC. Discussions on the items were as follows:

- **Item 1.1:** STACTIC recommended that the NAFO Secretariat develop a questionnaire with each of the potential functions that may need recoverability, with the priorities and timelines of recoverability outlined and costs associated with those timelines included to be distributed to Heads of Delegation.
- **Item 1.18:** Contracting Parties noted the issue and also reflected on the various access to information legislation that is available in other Contracting Parties. Canada highlighted that this discussion may be more appropriate under the context of confidentiality of various components of NAFO data and information.
- **Item 1.21/2.2:** Contracting parties discussed this issue and noted that a review of the confidentiality annexes in the NAFO CEM should be added to the agenda for the 2016 Annual Meeting. The European Union suggested that the NAFO Secretariat could provide an exhaustive list of all NAFO information and data and the current confidentiality rules associated with each component to facilitate the discussions at the Annual Meeting.
- **Item 2.3:** STACTIC noted that the completion of the access rights table would be required before further discussion on this matter.
- **Item 2.4:** STACTIC agreed that the best way forward would be for the NAFO Secretariat to provide a list of the users for each Contracting Party and their access rights to the Contracting Parties for review so that user accounts can be updated on an annual basis.
- **Item 2.5:** STACTIC noted that this item would remain on hold until the classification of NAFO data and information is complete.
- **Item 2.11:** STACTIC agreed that the NAFO Secretariat should draft their existing backup strategy so that STACTIC can review and endorse it.

It was **agreed** that:

- **The NAFO Secretariat should follow the method of NEAFC in defining roles for access rights to all NAFO data and information for presentation to STACTIC at the 2017 STACTIC Intersessional.**
- **The NAFO Secretariat pilot the access rights project with the data in the MCS website for presentation and input from STACTIC at the 2016 Annual Meeting.**

- **The NAFO Secretariat will develop a questionnaire for distribution to Heads of Delegation on the recoverability of certain NAFO Secretariat functions (Item 1.1 in STACTIC WP 16/11) with the inclusion of general costs and timelines.**
- **The Confidentiality Measures in the NAFO CEM be added to the Agenda for discussion at the 2016 Annual Meeting.**
- **The NAFO Secretariat would develop an exhaustive list of all NAFO data and information and outline the existing confidentiality measures associated with each to facilitate the discussion on the NAFO CEM Confidentiality Measures at the 2016 Annual Meeting.**
- **The NAFO Secretariat would provide Contracting Parties with a list of their users and access rights so that Contracting Parties can review and ensure that the user accounts are up to date on an annual basis.**
- **The NAFO Secretariat agreed to draft their existing backup strategy for review by STACTIC.**

16. Other Matters

a) VMS Service Provider (Visma) Contract Renewal

The NAFO Secretariat presented STACTIC WP 16/12 – Visma Contract Renewal for information purposes to STACTIC noting that the current contract with Visma is due to expire on 31 December 2017. The Secretariat noted that there would be two options upon the expiry of the existing contract, renewal with Visma, or seeking out another service provider. The Secretariat and Canada (as an Inspection Presence) expressed their satisfaction with Visma as a service provider to date. The Secretariat noted that they will be seeking guidance on a way forward at the 2016 Annual meeting and providing an estimate of the cost of a new contract with Visma.

b) Catch Estimates Study

The European Union presented STACTIC WP 16/14 – Study on Catch Estimate Methodologies that had been previously reviewed by the NAFO Joint Fisheries Commission-Scientific Council Catch Data Advisory Group (CDAG). Following discussions and clarification from Contracting Parties and CDAG participants, it was noted that the purpose of this presentation was to receive input from STACTIC on the proposal and also to potentially forward the proposal to the Observer Program Review Working Group, and other relevant working groups to provide input. The Chair noted again that there appears to be a need for clear communication channels between the various NAFO bodies and working groups.

It was **agreed** that:

- **The document presented in STACTIC WP 16/14 be referred to the Observer Program Review Working Group, and through the Fisheries Commission, to the Working Group on Improving Efficiency of NAFO Working Group Process for input and discussion.**
- **There is a need for clear communication channels between the various NAFO bodies and the working groups.**

c) DFG - Update of the presentation provided by Greenland from the 2015 Intersessional

Denmark (in Respect of the Faroe Islands and Greenland) provided an update on its presentation from the 2015 STACTIC Intersessional on its FMC best practices. The Chair and Contracting Parties thanked DFG for the presentation and noted that they are completing very interesting work that may have the potential to be applied within NAFO.

It was **agreed** that:

- **The presentation provided by Denmark (in Respect of the Faroe Islands and Greenland) be added to the Practices and Procedures webpage on the NAFO website.**

d) Timing of the various committee meetings

Canada noted that there is a need to discuss the timing of the various meetings of NAFO bodies and working groups. Other Contracting Parties highlighted the need to schedule the meetings as early as possible to facilitate booking of travel. Contracting Parties also noted that scheduling should consider meeting times of other RFMOs that NAFO Contracting Parties are also members of. The Chair noted the recurring theme of a need for better communication channels between NAFO bodies and the various working groups as well as the scheduling of these meetings. The Chair noted that the Working Group on Improving Efficiency of NAFO Working Group Process would be a good place to bring forward these concerns and recommendations.

It was **agreed** that:

- **Where possible, related Working Group meetings should be scheduled in the same week at the same location as the STACTIC Intersessional.**

17. Time and Place of next meeting

The next STACTIC meeting will be held at the Convention Center Plaza America (Autopista Varadero, Km 11) in Varadero Beach, Cuba, 19-23 September 2016.

18. Adoption of Report

The report was adopted on 11 May 2016.

19. Adjournment

The meeting was adjourned the meeting at 11:35 am on 11 May 2016. The Chair thanked the NEAFC Secretariat for providing their meeting space and support, and the NEAFC partners who have worked to organize this meeting. The Chair thanks the former Chairs of STACTIC for their support and guidance as well as the NAFO Secretariat for their support during the meeting. She also thanked the meeting participants for their cooperation and input. The participants likewise expressed their thanks and appreciation to the Chair for her leadership.

Contracting Parties also thanked Jon Lansley from the European Union and Ellen Motoi from the United States for their participation in STACTIC over the last several years. This was the last meeting for both Jon and Ellen and Contracting Parties wished them the best on their future endeavors.

Annex 1. List of Participants

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Annex 2. Agenda

1. Opening by the Chair, Judy Dwyer (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Compilation of fisheries reports for compliance review (2004-2015), including review of Apparent Infringements.
5. Enforceability of Bycatch Measures
6. Port State Control Alignment
7. Review and evaluation of Practices and Procedures
8. Review of current IUU list pursuant to NAFO CEM (NCEM) Article 53
9. Half-year review of the implementation of new NAFO CEM measures
10. NAFO Monitoring, Control and Surveillance (MCS) Website
11. Editorial Drafting Group (EDG) of the NAFO CEM
12. New and Pending Proposals on Enforcement Measures - possible revisions of the NAFO CEM
13. Report and Recommendations of the STACTIC Observer Program Review Working Group, December 2015
14. Report and Advice of the Joint Advisory Group on Data Management (JAGDM)
15. Information Security Management System (ISMS)
16. Other Matters
 - a. VMS Service Provider (Visma) Contract Renewal
 - b. Catch Estimates Study
 - c. DFG – Update of the presentation provided by Greenland from the 2015 Intersessional
 - d. Timing of the various committee meetings
17. Time and Place of next meeting
18. Adoption of Report
19. Adjournment

Annex 3. Fisheries in the NAFO Regulatory Area in 2015**NAFO 2015 FISHERIES
TRENDS and COMPLIANCE**

(from the Compilation of NAFO Fishing Reports for
STACTIC Annual Compliance Review)

Presented by the NAFO Secretariat
(Agenda item 4)



STACTIC Intersessional Meeting – London, UK, 9-11 May 2016

1

Overview: Fishing Trips · 2015 Statistics · Trends 2004-2015 · Apparent Infringements · Issues · Next Steps

**Initial Observations on 2015
Fisheries in the NRA**

(in reference to Table 1 – Overview of 2015 Fishing Trips)

- High level of compliance – VMS and VTI (CATs)
- General agreement: declared vs landed catches in PSC3
- Improvement in observer reports submission
- AIs issued at sea – just 1, non-serious
- “AIs” issued at Port – six – 3 serious; 3 non-serious



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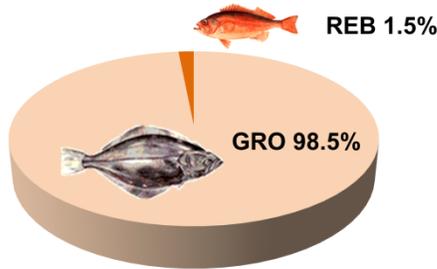


2015 Fishing Effort Profile in NAFO Regulatory Area

	 Groundfish in Div 3LMNO (GRO)	 Shrimp in Div 3LM (PRA)	 Redfish in Div 1F2J (REB)	TOTAL
 Number of vessels	53	0	4	57
 Effort (days present)	4144	0	65	4209
% Effort	98.5%	0.0%	1.5%	100%



2015 Fishing Effort (Days-Present) Profile in NAFO Regulatory Area



Notes:

- 138 fishing trips, ranging 2-120 days
- Groundfish fishing effort at 2009 – 2013 average level
- Pelagic redfish effort by one CP which formally objected to moratorium



Overview: Fishing Trips · **2015 Statistics** · Trends 2004-2015 · Apparent Infringements · Issues · Next Steps

2014 -2015 Fishing Effort Profile Comparison

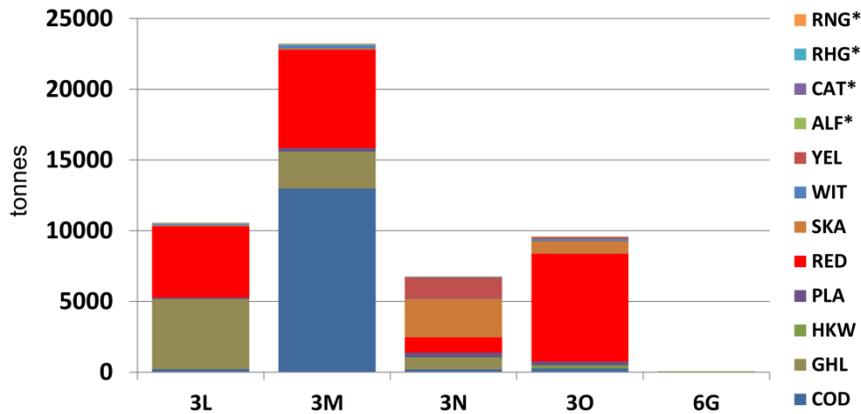
Number of fishing vessels					Fishing effort (days present)				
Year	Groundfish (GRO)	Shrimp (PRA)	Pelagic Redfish (REB)	TOTAL	Year	Groundfish (GRO)	Shrimp (PRA)	Pelagic Redfish (REB)	TOTAL
2014	52	3	5	59	2014	4685	67	57	4809
2015	53	0	4	57	2015	4144	0	65	4209
% Change	1.9%	-100.0%	-20.0%	-3.4%	% Change	-11.6%	-100.0%	14.0%	-12.5%



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Overview: Fishing Trips · **2015 Statistics** · Trends 2004-2015 · Apparent Infringements · Issues · Next Steps

2015 Catches of Selected Regulated and Unregulated* Species by Division (source: Daily Catch Reports (CATs))

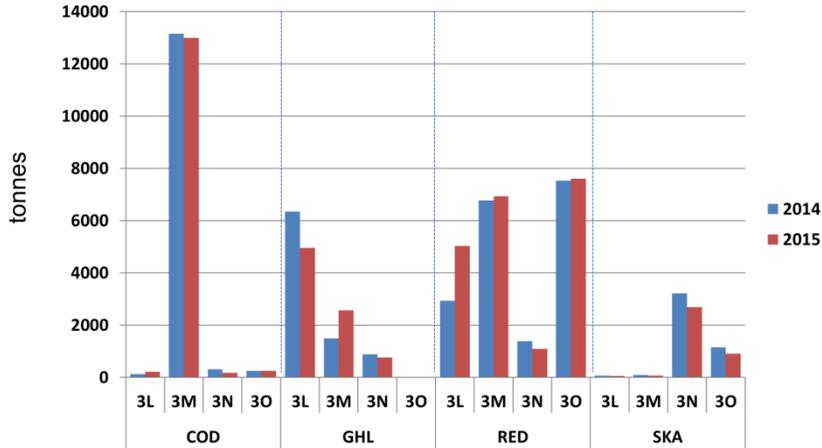


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Overview: Fishing Trips · **2015 Statistics** · Trends 2004-2015 · Apparent Infringements · Issues · Next Steps

2014-2015 change in catches by Division of 4 major species: COD, GHL, RED, SKA

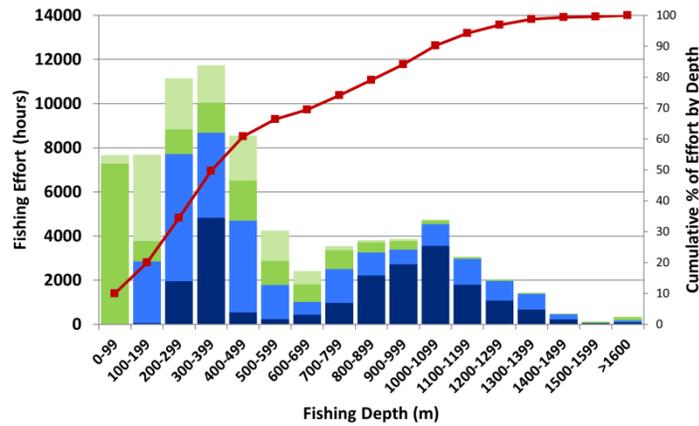


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Overview: Fishing Trips · **2015 Statistics** · Trends 2004-2015 · Apparent Infringements · Issues · Next Steps

Distribution of groundfish fishing effort by depth in the NRA in 2015 (Div. 3LMNO)



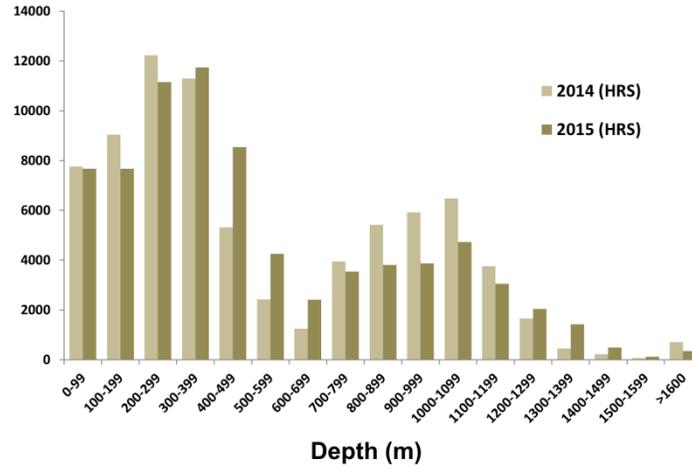
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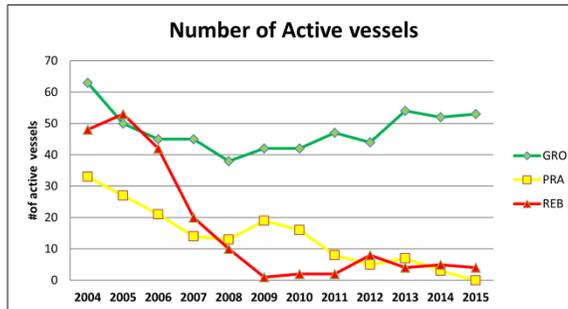
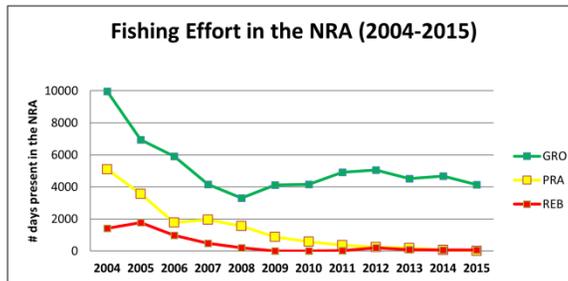
Overview: Fishing Trips · **2015 Statistics** · Trends 2004-2015 · Apparent Infringements · Issues · Next Steps

2014-2015 Comparison of groundfish fishing effort distribution by depth in the NRA (Div. 3LMNO)



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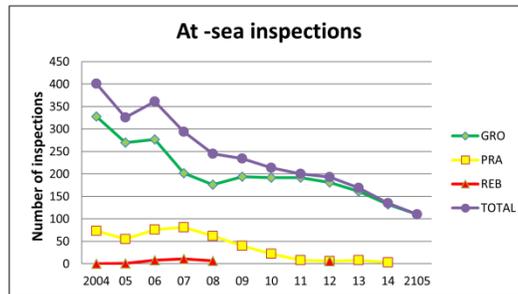
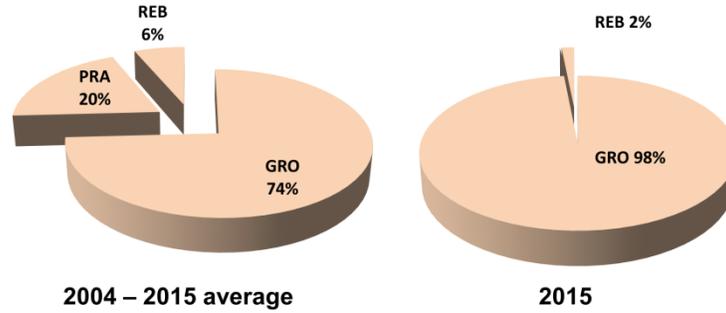
Overview: Fishing Trips · 2015 Statistics · **Trends 2004-2015** · Apparent Infringements · Issues · Next Steps



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Comparative fishing effort (vessel days) in the NRA



AI case detected at Sea (1)

- Bycatch – retaining on board the > of 1250 or 5% of PLA in Div. 3N. – Case pending.

“AI” cases detected at Port - PSC3 Section E.1.B.c (6) – probably domestic, not NAFO, cases

- Bycatch, labelling, reporting
- 3M Redfish retention
- Bycatch limits, mis-recording
- Mis-recording of COD, GHL, RED, obstruction to inspection, stowage
- Mis-recording, move-away provision
- Logbook recording



Catch Reporting and Data Analysis

- WG Bycatch, Discards, Selectivity
- WG Catch Reporting – Catch Data Advisory Group

At-Sea Inspection Reports

- Consistency in reporting catches and discards in Section 14

“AI’s” issued at ports

- Section E.1.B.c – new AI detected and follow-up
- Exclude in Compliance Review if domestic case



Two examples of catch recording under Section 14 – Summary of catches from logbooks – of the At-sea Inspection Report (NCEM Annex IV.B)

Example A: Catch recorded as “retained”

SA	Species	Catch_kg	Discard_kg
3L	COD	23660	
3L	RED	55252	
3L	PLA	4391	130
3L	SKA	963	80
3L	WIT	202	60
3L	HAL	5065	
3L	GHL	51200	
3L	RHG	1470	
3L	CAT		300
3L	HKR		200
3L	RNG		60

Example B: Catch recorded as “total”

SA	Species	Catch_kg	Discard_kg
3O	COD	1144	
3O	RED	84411	400
3O	PLA	281	30
3O	SKA	1292	
3O	HAL	425	
3O	WIT	30	30
3O	HKS	230	230
3O	HKW	430	430



2016 Annual Compliance Review (Compliance Report for Fishing Year 2015) – Next Steps

- **This intersessional meeting.** Secretariat presents draft Compliance Tables.
- **Between Intersessional and June 2016:** CPs provide comments and corrections to draft Compliance Tables.
- **June 22.** Secretariat transmits revised Compliance Tables (Rules of Procedure 4.1).
- **June 22 – Sept 19.** Secretariat drafts Annual Compliance Review for STACTIC.
- **Sept 2016 Annual Meeting.** STACTIC draft recommendations. FC adopts Annual Compliance Review and recommendations



Annex 4. Proposed amendments to Chapter VII (Port State Control) and Chapter VIII (Non-Contracting Party Scheme) of the NCEM to align with the FAO Port State Measures Agreement

(STACTIC WP 16/13 Rev.)

STACTIC INTERSESSIONAL MEETING – 9-11 MAY 2016

Proposed amendments to Chapter VII (Port State Control) and Chapter VIII (Non-Contracting Party Scheme) of the NCEM to align with the FAO Port State Measures Agreement.

Preamble

The basis of this working paper is STACTIC WP 15/13 Rev. 2 with all tracked changes agreed and accepted with the exception of those that remain below.

Northwest Atlantic Fisheries Organization Conservation and Enforcement Measures

Article 1 - Definitions

1. "Bottom fishing activities" means bottom fishing activities where the fishing gear is likely to contact the seafloor during the normal course of fishing operations;
2. "CEM" refers to these Conservation and Enforcement Measures;
3. "Convention" means the 1979 Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, as amended from time to time;
4. "FMC" means a land-based fisheries monitoring centre of the flag State Contracting Party;
5. "Fishing activities" means harvesting or processing fishery resources, landing or transshipping of fishery resources or products derived from fishery resources, or any other activity in preparation for, in support of, or related to the harvesting of fisheries resources in the Regulatory Area, including:
 - (i) the actual or attempted searching for, catching or taking of fishery resources;
 - (ii) any activity that can reasonably be expected to result in locating, catching, taking, or harvesting of fishery resources for any purpose, and
 - (iii) any operation at sea in support of, or in preparation for, any activity described in this definition,

but does not include any operations related to emergencies involving the health and safety of the crew members or the safety of a vessel.
6. "Fishing day" means any calendar day or any fraction of a calendar day in which a fishing vessel is present in any Division in the Regulatory Area;
7. "Fishing trip" for a fishing vessel includes the time from its entry into until its departure from the Regulatory Area and continues until all catch on board from the Regulatory Area has been landed or transhipped;
8. "Fishing vessel" means any vessel equipped for, intended for, or engaged in fishing activities, including fish processing, transshipment or any other activity in preparation for or related to fishing activities, including experimental or exploratory fishing activities;
9. "Inspector", unless otherwise specified, means an inspector of the fishery control services of a Contracting Party assigned to the Joint Inspection and Surveillance Scheme;
10. "IUU fishing" means activities as defined in paragraph 3 of the FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing;
11. "IUU Vessel List" means the list, established in accordance with Articles 52 and 53;
12. "Non-Contracting Party vessel" means a vessel entitled to fly the flag of a State that is not a Contracting Party or a vessel suspected to be without nationality;
13. "Port" includes offshore terminals and other installations for landing, transshipping, packaging, processing, refueling or resupplying.
14. "Processed fish" means any marine organism that has been physically altered since capture, including fish that has been filleted, gutted, packaged, canned, frozen, smoked, salted, cooked, pickled, dried or prepared for market in any other manner;
15. "Research vessel" means a vessel permanently used for research or a vessel normally used for fishing activities or fisheries support activity that is for the time being used for fisheries research;
16. "Transshipment" means transfer, over the side, from one fishing vessel to another, of fisheries resources or products;



Article 2 - Scope

1. The CEM shall, unless otherwise provided, apply to all fishing vessels used or intended for use for the purposes of commercial fishing activities conducted on fisheries resources in the Regulatory Area.
2. Unless otherwise provided, research vessels shall not be restricted by conservation and management measures pertaining to the taking of fish, in particular, concerning mesh size, size limits, closed areas and seasons.

Article 3 - Duties of the Contracting Parties

1. Each Contracting Party shall ensure that every fishing vessel entitled to fly its flag operating in the Regulatory Area complies with the relevant provisions of the CEM; and
2. Each fishing vessel operating in the Regulatory Area shall perform the relevant duties set out in the CEM and comply with the relevant provisions of the CEM.

Article 38 - Additional Procedures for Serious Infringements

List of Serious Infringements

1. Each of the following violations constitutes a serious infringement:
 - (a) fishing an "Others" quota without prior notification to the Executive Secretary contrary to Article 5;
 - (b) fishing an "Others" quota more than seven working days following closure by the Executive Secretary contrary to Article 5;
 - (c) directed fishing for a stock which is subject to a moratorium, or for which fishing is otherwise prohibited, contrary to Article 6;
 - (d) directed fishing for stocks or species after the date of closure by the flag State Contracting Party notified to the Executive Secretary contrary to Article 5;
 - (e) fishing in a closed area, contrary to Article 9.6 and Article 11;
 - (f) fishing with a bottom fishing gear in an area closed to bottom fishing activities, contrary to Chapter II;
 - (g) using an unauthorized mesh size contrary to Article 13;
 - (h) fishing without a valid authorization issued by the flag State Contracting Party contrary to Article 25;
 - (i) mis-recording of catches contrary to Article 28;
 - (j) failing to carry or interfering with the operation of the satellite monitoring system contrary to Article 29;
 - (k) failure to communicate messages related to catch contrary to Article 10.6 or Article 28;
 - (l) obstructing, intimidating, interfering with or otherwise preventing inspectors or observers from performing their duties;
 - (m) committing an infringement where there is no observer on board;
 - (n) concealing, tampering with or disposing of evidence related to an investigation, including the breaking or tampering of seals or gaining access to sealed areas;
 - (o) presentation of falsified documents or providing false information to an inspector that would prevent a serious infringement from being detected;
 - (p) landing, transshipping or making use of other port services in a port not designated in accordance with the provisions of Article 43.1;



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- (q) failure to comply with the provisions of Article 45.1; and
- (r) landing, transshipping or making use of other port services without authorization of the port State as referred to in Article 43.6.

Duties and Authority of the Inspectors

2. Where the inspectors cite a vessel for having committed a serious infringement, they shall:
 - (a) seek to notify the competent authority of the flag State Contracting Party;
 - (b) report the serious infringement to the Executive Secretary;
 - (c) take all measures necessary to ensure security and continuity of the evidence, including, as appropriate, sealing the vessel's hold for further inspection;
 - (d) request that the master cease all fishing activity that appears to constitute a serious infringement;
3. The inspectors may remain on board to provide information and assistance to the inspector designated by the flag State Contracting Party (designated inspector). During this time, the inspectors shall complete the original inspection provided that, following the arrival of the designated inspector, the competent authority of the flag State Contracting Party does not require the inspectors to leave the vessel.

Duties of the Flag State Contracting Party

4. Where notified of a serious infringement, the flag State Contracting Party shall:
 - (a) acknowledge receipt of the notification without delay;
 - (b) ensure the fishing vessel does not resume fishing until the inspectors have notified the master that they are satisfied that the infringement will not be repeated; and
 - (c) ensure that the vessel is inspected within 72 hours by an inspector designated by the flag State Contracting Party.
5. Where justified, the flag State Contracting Party shall, where authorized to do so, require the vessel to proceed immediately to a port for a thorough inspection under its authority in the presence of an inspector from any other Contracting Party that wishes to participate.
6. Where the flag State Contracting Party does not order the fishing vessel to port, it shall provide written justification to the Executive Secretary no later than 3 working days following the notice of infringement.
7. Where the flag State Contracting Party orders the fishing vessel to port, an inspector from another Contracting Party may board or remain onboard the vessel as it proceeds to port, provided that the competent authority of the flag State Contracting Party does not require the inspector to leave the vessel.
8. (a) Where, in accordance with the inspection referred to in paragraph 3, the designated inspector issues a notice of infringement for:
 - (i) directed fishing for a stock which is subject to a moratorium
 - (ii) directed fishing for a stock for which fishing is prohibited under Article 6
 - (iii) mis-recording of catch, contrary to Article 28 or
 - (iv) repetition of the same serious infringement during a 100 days period or a single fishing trip, whichever is shorter

the flag State Contracting Party shall order the vessel to cease all fishing activities and shall forthwith initiate a full investigation.



- (b) In this paragraph, “mis-recording of catches” means a difference of at least 10 tonnes or 20%, whichever is greater, between the inspectors’ estimates of processed catch on board, by species or in total, and the figures recorded in the production logbook, calculated as a percentage of the production logbook figures. In order to calculate the estimate of the catch on board, the inspectors shall apply a stowage factor agreed between them and the designated inspector.
9. (a) Where the flag State Contracting Party is unable to conduct a full investigation in the Regulatory Area, or where the serious infringement is mis-recording of catches, it shall order the vessel to proceed immediately to a port where it shall conduct a full investigation ensuring that the physical inspection and enumeration of total catch on board takes place under its authority;
- (b) Subject to the consent of the flag State Contracting Party, inspectors of another Contracting Party may participate in the inspection and enumeration of the catch.

Duties of the Executive Secretary

10. The Executive Secretary:

- (a) informs without delay the Contracting Parties having an inspection presence in the Regulatory Area of the serious infringement referred by its inspectors;
- (b) informs without delay to the inspecting Contracting Party, the justification provided by the flag State Contracting Party, where it did not order its vessel to port in response to the finding of a serious infringement; and
- (c) makes available to any Contracting Party, on request, the justification provided by the flag State Contracting Party where it did not order its vessel to port in response to the finding of a serious infringement.

Article 39 – Follow-up to Infringements

1. A flag State Contracting Party that has been notified of an infringement committed by a fishing vessel entitled to fly its flag shall:
- (a) investigate immediately and fully, including as appropriate, by physically inspecting the fishing vessel at the earliest opportunity;
- (b) cooperate with the inspecting Contracting Party to preserve the evidence in a form that will facilitate proceedings in accordance with its laws;
- (c) take immediate judicial or administrative action in conformity with its national legislation against the persons responsible for the vessel entitled to fly its flag where the CEM have not been respected; and
- (d) ensure that sanctions applicable in respect of infringements are adequate in severity to be effective in securing compliance, deterring further infringements and depriving the offenders of the benefits accruing from the infringement.
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.
3. Each Contracting Party shall take enforcement measures with respect to a vessel entitled to fly its flag, where it has been established in accordance with domestic law, that the vessel committed a serious infringement listed in Article 38.8.
4. The measures referred to in paragraph 3 and the sanctions referred to in paragraph 1(d) may include the following depending on the gravity of the offence and in accordance with domestic law:
- (a) fines;

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- (b) seizure of the vessel, illegal fishing gear and catches;
 - (c) suspension or withdrawal of authorization to conduct fishing activities; and
 - (d) reduction or cancellation of any fishing allocations.
5. The flag State Contracting Party shall immediately notify the Executive Secretary of the measures taken against its vessel in accordance with paragraphs 3 and 4.

CHAPTER VII PORT STATE CONTROL

Article 42 - Scope

Subject to the right of the port State Contracting Party to impose requirements of its own under domestic laws and regulations for entry or denial to its ports, the provisions in this Chapter apply to landings, transshipments, or use of ports by Contracting Parties by fishing vessels entitled to fly the flag of another Contracting Party, conducting fishing activities in the Regulatory Area. The provisions apply to fish caught in the Regulatory Area, or fish products originating from such fish, that have not been previously landed or transhipped at a port.

This Chapter also sets out the respective duties of the flag State Contracting Party and obligations of the master of fishing vessels requesting entry to a port of a Contracting Party. ~~This chapter shall be applied to Contracting Party's ports within the Atlantic Ocean. Contracting Party's situated outside the Atlantic Ocean shall endeavor to apply this chapter.~~

or

This chapter shall be applied to ports of Contracting Party's which have areas of national jurisdiction within the Atlantic Ocean. CP's that does not have areas of national jurisdiction in the Atlantic Ocean shall endeavor to apply this chapter.

Comment [m1]: Provided by Japan based on IOTC

Comment [m2]: Provided by EU to address Japan's concern as done in SEAFO

This Chapter shall be:

- (a) interpreted in a manner consistent with international law, including the right of port access in case of force majeure; and
- (b) applied in a fair and transparent manner.

Article 43 - Duties of the Port State Contracting Party

1. The port State Contracting Party shall designate ports to which fishing vessels may be permitted entry for the purpose of landing, transshipment and/or provision of port services and shall ~~to the greatest extent possible~~ ensure that each designated port has sufficient capacity to conduct inspections pursuant to this Chapter. It shall transmit to the Executive Secretary a list of these ports. Any subsequent changes to the list shall be notified to the Executive Secretary no less than fifteen days before the change comes into effect.
2. The port State Contracting Party shall establish a minimum prior request period. The prior request period should be 3 working days before the estimated time of arrival. However the port State Contracting Party may make provisions for another prior request period, taking into account, inter alia, catch product type or the distance between fishing grounds and its ports. The port State Contracting Party shall advise the Executive Secretary of the prior request period.
3. The port State Contracting Party shall designate the competent authority which shall act as the contact point for the purposes of receiving requests in accordance with Article 45 (1, 2 and/or 3), receiving confirmations in accordance with Article 44.2 and issuing authorizations in accordance with paragraph 6. The port State Contracting Party shall advise the Executive Secretary about the competent authority name and its contact information.
4. The requirements contained in paragraphs 1, 2 and 3 do not apply to a Contracting Party that does not permit landings, transshipments, or use of ports by vessels entitled to fly the flag of another Contracting Party.

Comment [m3]: 2016 STACTIC Intersessional: Japan proposes to include the text «to the greatest extent possible», Certain other CPs prefer to remove that text and just keep the word «ensure»



5. The port State Contracting Party shall forward a copy of the form as referred to in Article 45 (1 and 2) without delay to the flag State Contracting Party of the vessel and to the flag State Contracting Party of donor vessels where the vessel has engaged in transshipment operations.
6. Fishing vessels may not enter port without prior authorization by the competent authorities of the port State Contracting Party. Authorization to land or tranship shall only be given if the confirmation from the flag State Contracting Party as referred to in Article 44.2 has been received.
7. By way of derogation from paragraph 6 the port State Contracting Party may authorize all or part of a landing in the absence of the confirmation referred to in paragraph 6. In such cases the fish concerned shall be kept in storage under the control of the competent authorities. The fish shall only be released to be sold, taken over, produced or transported once the confirmation referred to in paragraph 6 has been received. If the confirmation has not been received within 14 days of the landing the port State Contracting Party may confiscate and dispose of the fish in accordance with national rules.
8. The port State Contracting Party shall without delay notify the master of the fishing vessel of its decision on whether to authorize or deny the port entry, or if the vessel is in port, the landing, transshipment and other use of port. If the vessel entry is authorized the port state returns to the master a copy of the form PSC 1 or 2 with Part C duly completed. This copy shall also be transmitted to the Executive Secretary without delay. In case of a denial the port state shall also notify the flag State Contracting Party.
9. In case of cancellation of the prior request referred to in Article 45, paragraph 2, the port State Contracting Party shall forward a copy of the cancelled PSC 1 or 2 to the flag State Contracting Party and the Executive Secretary.
10. Unless otherwise required in a recovery plan, the port State Contracting Party shall carry out inspections of at least 15 % of all such landings or transshipments during each reporting year.

In determining which vessels to inspect, port state Contracting Parties shall give priority to:

- (a) vessels that have been denied entry or use of a port in accordance with this Chapter or any other provision of the CEM; and
 - (b) requests from other Contracting Parties, States or RFMOs that a particular vessel be inspected.
11. Inspections shall be conducted by authorized Contracting Party inspectors who shall present credentials to the master of the vessel prior to the inspection.
 12. The port State Contracting Party may invite inspectors of other Contracting Parties to accompany their own inspectors and observe the inspection.
 13. An inspection of a vessel in port by a port State Contracting Party shall involve the monitoring of the entire landing or transshipment of fishery resources in that port, as applicable. During any such inspection, the port State Contracting Party shall, at a minimum:
 - (a) cross-check against the quantities of each species landed or transhipped,
 - (i) the quantities by species recorded in the logbook;
 - (ii) catch and activity reports; and
 - (iii) all information on catches provided in the prior notification (PSC 1 or 2);
 - (b) verify and record the quantities by species of catch remaining on board upon completion of landing or transshipment;
 - (c) verify any information from inspections carried out in accordance with Chapter VI;
 - (d) verify all nets on board and record mesh size measurements
 - (e) verify fish size for compliance with minimum size requirements;

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14. Each inspection shall be documented by completing form PSC 3 (port State Control inspection form) as set out in Annex IV.C. The inspectors may insert any comments they consider relevant. The master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State in particular where the master has serious difficulties in understanding the content of the report. The inspectors shall sign the report and request that the master sign the report. The master's signature on the report shall serve only as acknowledgment of the receipt of a copy of the report. The master of the vessel shall be provided with a copy of the report containing the result of the inspection, including possible measures that could be taken. A copy of the report shall be provided to the master.
15. The port State Contracting Party shall without delay transmit a copy of each port State Control inspection report and, upon request, an original or a certified copy thereof, to the flag State Contracting Party and to the flag State of any vessel that transhipped catch to the inspected fishing vessel. A copy shall also be sent to the Executive Secretary without delay.
16. The port State Contracting Party shall make all possible effort to communicate with the master or senior crew members of the vessel, including where possible and where needed, that the inspector is accompanied by an interpreter.
17. The port State Contracting Party shall make all possible efforts to avoid unduly delaying the fishing vessel and ensure that the vessel suffers the minimum interference and inconvenience and that unnecessary degradation of the quality of the fish is avoided.

Article 44 - Duties of the Flag State Contracting Party

1. The flag State Contracting Party shall ensure that the master of any fishing vessel entitled to fly its flag complies with the obligations relating to masters set out in Article 45.
2. The flag State Contracting Party of a fishing vessel intending to land or tranship, or where the vessel has engaged in transshipment operations outside a port, the flag State Contracting Party or parties, shall confirm by returning a copy of the form, PSC 1 or 2, transmitted in accordance with Article 43.5 with part B duly completed, stating that:
 - (a) the fishing vessel declared to have caught the fish had sufficient quota for the species declared;
 - (b) the declared quantity of fish on board has been duly reported by species and taken into account for the calculation of any catch or effort limitations that may be applicable;
 - (c) the fishing vessel declared to have caught the fish had authorization to fish in the areas declared; and
 - (d) the presence of the vessel in the area in which it has declared to have taken its catch has been verified by VMS data.
3. The flag State Contracting Party shall designate the competent authority, which shall act as the contact point for the purposes of receiving requests in accordance with Article 43.5 and providing confirmation in accordance with Article 43.6, and communicate this information to the NAFO Secretariat for dissemination to Contracting Parties.

Article 45 - Obligations of the Master of a Fishing Vessel

1. The master or the agent of any fishing vessel intending to enter port shall forward the request for entry to the competent authorities of the port State Contracting Party within the request period referred to in Article 43.2. Such request shall be accompanied by the form provided for in Annex II.L with Part A duly completed as follows:
 - (a) Form PSC 1, as referred to in Annex II.L.A shall be used where the vessel is carrying, landing or transshipping its own catch; and
 - (b) Form PSC 2, as referred to in Annex II.L.B, shall be used where the vessel has engaged in transshipment operations. A separate form shall be used for each donor vessel.



- (c) Both forms PSC 1 and PSC 2 shall be completed in cases where a vessel carries, lands or transships its own catch and catch that was received through transshipment.
- 2. A master or the agent may cancel a prior request by notifying the competent authorities of the port they intended to use. The request shall be accompanied by a copy of the original PSC 1 or 2 with the word "cancelled" written across it.
- 3. The master of a fishing vessel shall:
 - (a) co-operate with and assist in the inspection of the fishing vessel conducted in accordance with these procedures and shall not obstruct, intimidate or interfere with the port State inspectors in the performance of their duties;
 - (b) provide access to any areas, decks, rooms, catch, nets or other gear or equipment, and provide any relevant information which the port State inspectors request including copies of any relevant documents.

Article 46 - Duties of the Executive Secretary

- 1. The Executive Secretary shall without delay post on the NAFO website:
 - (a) the list of designated ports and any changes thereto;
 - (b) the prior request periods established by each Contracting Party;
 - (c) the information about the designated competent authorities in each port State Contracting Party; and,
 - (d) the information about the designated competent authorities in each flag State Contracting Party.
- 2. The Executive Secretary shall without delay post on the secure part of the NAFO website:
 - (a) copies of all PSC 1 and 2 forms transmitted by port State Contracting Parties;
 - (b) copies of all inspection reports, as referred to in Annex IV.C (PSC 3 form), transmitted by port State Contracting Parties.
- 3. All forms related to a specific landing or transshipment shall be posted together.

Article 47 - Serious Infringements Detected During In-Port Inspections

- 1. The provisions in Articles 39 and 40 shall apply to any serious infringements listed in Article 38 detected during in-port inspections.
- 2. Serious infringements detected during in-port inspections shall be followed up in accordance with domestic law.

CHAPTER VIII NON-CONTRACTING PARTY SCHEME

Article 48 - General Provisions

- 1. The purpose of this Chapter is to promote compliance with non-Contracting Party vessels with recommendations established by NAFO and to prevent, deter and eliminate IUU fishing by non-Contracting Party vessels (hereinafter referred to as "NCP" vessels) that undermine the effectiveness of the Conservation and Enforcement Measures established by the Organization.
- 2. Nothing in this Chapter shall be construed to:
 - (a) affect the sovereign right of any Contracting Party to take additional measures to prevent, deter and eliminate IUU fishing by NCP vessels or, where evidence so warrants, take such action as may be appropriate, consistent with international law; or

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- (b) prevent a Contracting Party from allowing an NCP vessel entry into its ports for the purpose of conducting an inspection of, or taking appropriate enforcement action, which, if there is sufficient proof of IUU fishing, is at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing.
3. This Chapter shall be:
 - (a) interpreted in a manner consistent with international law, including the right of port access in case of force majeure or distress; and
 - (b) applied in a fair and transparent manner.
 4. Each Contracting Party shall ensure that vessels entitled to fly its flag do not engage in joint fishing activities with NCP vessels referred to in Article 49, including receiving or delivering transshipments of fish to or from a NCP vessel.

Article 49 – Presumption of IUU fishing

1. An NCP vessel is presumed to have undermined the effectiveness of the CEM, and to have engaged in IUU fishing, if it has been:
 - (a) sighted or identified by other means as engaged in fishing activities in the Regulatory Area;
 - (b) involved in transshipment with another NCP vessel sighted or identified as engaged in fishing activities inside or outside the Regulatory Area; and/or
 - (c) included in the IUU list of the North East Atlantic Fisheries Commission (NEAFC);

Article 50 – Sighting and Inspection of NCP Vessels in the NRA

1. Each Contracting Party with an inspection and/or surveillance presence in the Regulatory Area authorized under the Joint Inspection and Surveillance Scheme that sights or identifies an NCP vessel engaged in fishing activities in the NRA shall:
 - (a) transmit immediately the information to the Executive Secretary using the format of the surveillance report set out in Annex IV.A;
 - (b) attempt to inform the Master that the vessel is presumed to be engaged in IUU fishing and that this information will be distributed to all Contracting Parties, relevant Regional Fisheries Management Organizations (RFMOs) and the flag State of the vessel;
 - (c) if appropriate, request permission from the Master to board the vessel for inspection; and
 - (d) where the Master agrees to inspection:
 - (i) transmit the inspector's findings to the Executive Secretary without delay, using the inspection report form set out in Annex IV.B; and
 - (ii) provide a copy to the inspection report to the Master.

Duties of the Executive Secretary

2. The Executive Secretary, within one business day, posts the information received pursuant to this Article to the secure part of the NAFO website and distributes it to all Contracting Parties, other relevant RFMOs, and to the flag State of the vessel as soon as possible.



Article 51 – Port Entry and Inspection of NCP vessels***Duties of the Master of a NCP vessel***

1. Each Master of a NCP vessel shall request permission to enter port from the competent authority of the port State Contracting Party in accordance with the provisions of Article 45.

Duties of the Port State Contracting Party

2. Each port State Contracting Party shall:
 - (a) forward without delay to the flag State of the vessel and to the Executive Secretary the information it has received pursuant to Article 45;
 - (b) refuse port entry to any NCP vessel where:
 - (i) the Master has not fulfilled the requirements set out in Article 45 paragraph 1; or
 - (ii) the flag State has not confirmed the vessel's fishing activities in accordance with Article 44 paragraph 2;
 - (c) inform the Master or agent, the flag State of that vessel, and the Executive Secretary of its decision to refuse port entry, landing, transshipment or other use of port of any NCP vessel;
 - (d) withdraw denial of port entry only if the port State has determined there is sufficient proof that the grounds on which entry was denied were inadequate or erroneous or that such grounds no longer apply.
 - (e) inform the Master or agent, the flag State of that vessel, and the Executive Secretary of its decision to withdraw denial of port entry, landing, transshipment or other use of port of any NCP vessel;
 - (f) where it permits entry, ensure the vessel is inspected by duly authorized officials knowledgeable in the CEM and that the inspection is carried out in accordance with Article 43 paragraphs 11 – 18 : and
 - (g) send a copy of the inspection report and details of any subsequent action it has taken to the Executive Secretary without delay.
3. Each port State Contracting Party shall ensure that no NCP vessel engages in landing, or transshipment operations or other use of its ports unless the vessel has been inspected by its duly authorized officials knowledgeable in the CEM and the Master establishes that the fish species on board subject to the NAFO Convention were harvested outside the Regulatory Area or in compliance with the CEM.

Duties of the Executive Secretary

4. The Executive Secretary shall without delay post the information received pursuant to this Article to the secure part of the NAFO website, and distributes it to all Contracting Parties, relevant RFMOs, the flag State of the vessel and the state of which the vessel's master is a national, if known.

Article 52 - Provisional IUU Vessel List

1. In addition to information submitted from Contracting Parties in accordance with Articles 49 and 51, each Contracting Party may, without delay, transmit to the Executive Secretary any information that may assist in identification of any NCP vessel that might be carrying out IUU fishing in the Regulatory Area.
2. If a Contracting Party objects to a NEAFC IUU-listed vessel being incorporated into or deleted from the NAFO IUU Vessel List in accordance with Article 53, such vessel shall be placed on the Provisional IUU Vessel List.

Duties of the Executive Secretary

3. The Executive Secretary:
 - (a) establishes and maintains a list of NCP vessels presumed to have engaged in IUU fishing in the Regulatory Area referred to as the Provisional IUU Vessel List;

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- (b) upon receipt, records the information received pursuant to paragraph 1, including, if available, the name of the vessel, its flag State, call sign and registration number, and any other identifying features, in the Provisional IUU Vessel List;
- (c) posts the Provisional IUU Vessel List and all updates to the secure part of the NAFO website; and
- (d) advises the flag State of the NCP vessel listing, including:
 - (i) the reasons and supporting evidence;
 - (ii) a copy of the CEM and a link to its place on the NAFO website;
- (e) requests that the flag State of the NCP vessel:
 - (i) take all measures to ensure that the vessel immediately ceases all fishing activities that undermine the effectiveness of the CEM;
 - (ii) report within 30 days from the date of the request on the measures it has taken with respect to the vessel concerned; and
 - (iii) state any objections it may have to including the vessel in the IUU Vessel List;
- (f) transmits to the flag State of the NCP vessel any additional information received pursuant to Articles 49-51 in respect of vessels entitled to fly their flag that have already been included in the Provisional IUU Vessel List;
- (g) distributes any information received from the flag State to all Contracting Parties;
- (h) advises the flag State of the NCP vessel of the dates STACTIC and the General Council will consider listing the vessel in the IUU Vessel List, and invites the flag State to attend the meeting as an observer where it will be given the opportunity to respond to the report submitted in accordance with paragraph 3(e)(ii);
- (i) transfers the vessel from the Provisional IUU Vessel List to the IUU Vessel List in accordance with Article 53 if the flag State does not object; and
- (j) places all vessels included in the NEAFC IUU List on the IUU Vessel List unless a Contracting Party objects to such inclusion, in which case it places the vessel on the Provisional IUU Vessel List. Article 53 shall not apply to vessels placed on the Provisional IUU Vessel List in accordance with this paragraph.

Article 53 - IUU Vessel List

Listing a Vessel on the IUU Vessel List

1. STACTIC recommends to the Fisheries Commission whether each vessel listed in the Provisional IUU Vessel List should be:
 - (a) deleted from the Provisional IUU Vessel List;
 - (b) retained in the Provisional IUU Vessel List, pending receipt of further information from the flag State, or
 - (c) transferred to the IUU Vessel List only upon expiration of the period referred to in Article 52.3(e)(ii).



Deleting a Vessel from the IUU Vessel List

2. STACTIC may advise that the Fisheries Commission recommend that General Council delete a vessel from either the Provisional IUU Vessel List or the IUU Vessel List where it is satisfied that the flag State of a vessel concerned has provided sufficient evidence to establish that:
- (a) it has taken effective action to address the IUU fishing of such vessel, including prosecution and imposition of sanctions of adequate severity;
 - (b) it has taken measures to prevent such vessel from engaging in further IUU fishing under its flag;
 - (c) such vessel has changed ownership, and
 - (i) the previous owner no longer has any legal, financial or real interest in such vessel, or exercises no control over it; or
 - (ii) the new owner has no legal, financial or real interest in, nor exercises control over, another vessel listed in the IUU Vessel List or any similar IUU list maintained by an RFMO, and has not otherwise been engaged in IUU activities;
 - (d) such vessel did not take part in IUU fishing; or,
 - (e) such vessel has sunk, been scrapped, or been permanently reassigned for purposes other than fishing activities.
3. The Fisheries Commission may recommend to the General Council any changes to listings in the IUU Vessel List. The General Council determines the final composition of the IUU Vessel List.

Duties of the Executive Secretary

4. The Executive Secretary:
- (a) posts the IUU Vessel List on the NAFO website, including the name and flag State and, if available, the call sign, hull number, IMO number, previous name(s) and flag(s) or any other identifying features for each vessel;
 - (b) notifies the flag State of the name of each vessel entitled to fly its flag listed in the IUU Vessel List;
 - (c) transmits the IUU Vessel List and any relevant information, including the reasons for listing or de-listing each vessel, to other RFMOs, including, in particular, the NEAFC, the South East Atlantic Fisheries Organisation (SEAFO), and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR);
 - (d) transmits the amendments to the NEAFC IUU list, upon receipt, to all Contracting Parties and amends the IUU Vessel List consistent with amendments to the NEAFC IUU List, within 30 days of such transmittal; unless within the 30 days the Executive Secretary receives from a Contracting Party a written submission establishing that:
 - (i) any of the requirements in paragraph 2(a)-(d) of this Article have been met with regard to a vessel placed on the NEAFC IUU List; or
 - (ii) none of the requirements in paragraph 2(a)-(d) of this Article have been met with regard to a vessel taken off the NEAFC IUU List; and
 - (e) advises STACTIC of any action taken pursuant to this Article.

Article 54 - Action against vessels listed in the IUU Vessel List

Each Contracting Parties shall take all measures necessary to deter, prevent, and eliminate IUU fishing, in relation to any vessel listed in the IUU Vessel List, including:

- (a) prohibiting any vessel entitled to fly its flag, from, except in the case of force majeure, participating in fishing activities with such vessel, including but not limited to joint fishing operations;
- (b) prohibiting the supply of provisions, fuel or other services to such vessel in port;

Comment [m4]: 2016 STACTIC Intersessional: Japan prefers to insert «in port». Other CPs prefer to keep the existing text.

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- (c) prohibiting entry into its ports of such vessel, and if the vessel is in port, prohibiting use of port, except in the case of force majeure, distress, for the purposes of inspection, or for taking appropriate enforcement action;
- (d) prohibiting change of crew, except as required in relation to force majeure;
- (e) refusing to authorize such vessel to fish in waters under its national jurisdiction;
- (f) prohibiting chartering of such vessel;
- (g) refusing to entitle such vessels to fly its flag;
- (h) prohibiting landing and importation of fish from onboard or traceable to such vessel;
- (i) encouraging importers, transporters and other sectors concerned, to refrain from negotiating transshipment of fish with such vessels; and
- (j) collecting and exchanging any appropriate information regarding such vessel with the other Contracting Parties, non-Contracting Parties and RFMOs with the aim of detecting, deterring and preventing the use of false import or export certificates in relation to fish or fish product from such vessels.

Article 55 - Action Against Flag States

1. Contracting Parties shall jointly and/or individually request the cooperation of the flag State of each NCP vessel listed in the IUU Vessel List with a view to prevent, deter and eliminate future IUU activities by such vessel.
2. The Fisheries Commission shall review annually the actions taken by the flag States referred to in paragraph 1 with a view to identifying for follow-up action any that has not taken action sufficient to prevent deter and eliminate IUU activities by any vessel entitled to fly its flag listed in the IUU Vessel List.
3. Each Contracting Parties should, to the extent possible and consistent with its international obligations and in accordance with applicable legislation, restrict the export and transfer of any fishing vessel entitled to fly its flag to any State identified pursuant to paragraph 2.



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Name and Title:				Date:			
Signature:				Official Stamp:			
PART C: For official use only - to be completed by the Port State							
Name of Port State:							
Authorisation:		Yes:		No:		Date:	
Signature:				Official Stamp:			
¹ Fishing vessels not assigned an IMO number shall provide their external registration number ² If necessary an additional form or forms shall be used ³ FAO Species Codes - NEAFC Annex V - NAFO Annex I.C ⁴ Product presentations - NEAFC Appendix 1 to Annex IV - NAFO Annex II.K							



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Flag State confirmation: I confirm that the above information is complete, true and correct to the best of my knowledge and belief.					
Name and Title:			Date:		
Signature:			Official Stamp:		
PART C: For official use only - to be completed by the Port State					
Name of Port State:					
Authorisation:		Yes:	No:	Date:	
Signature:			Official Stamp:		
<ol style="list-style-type: none"> 1. Fishing vessels not assigned an IMO number shall provide their external registration number 2. If necessary an additional form or forms shall be used 3. FAO Species Codes – NEAFC Annex V - NAFO Annex II 4. Product presentations – NEAFC Appendix 1 to Annex IV – NAFO Annex II.K 					



Annex IV c
Report on Port State Control inspection (PSC 3)
(Please use black ink)

A. INSPECTION REFERENCE.					Inspection report number:		
Landing	Yes	No	Transhipment	Yes	No	Other reason for port entry	
Port State				Port of landing or transhipment			
Vessel name		Flag State		IMO Number¹		International Radio call sign	
Landing / transhipment Start Date				Landing / transhipment Start Time (UTC)			
Landing / transhipment End Date				Landing / transhipment End Time (UTC)			
Vessel master's name:		Vessel master's nationality:		Vessel's owner/operator:		Certificate of Registry ID:	
VMS:		Port of registry:		Fishing master's name:		Fishing master's nationality:	
Vessel' beneficial owner²:		Vessel's agent:		Vessel Type:			
Last port of call:				Date:			
B. INSPECTION DETAILS							
Name of donor vessel³		IMO Number¹		Radio call sign		Flag State	
B 1. CATCH RECORDED IN THE LOGBOOK							
Species⁴		Area of catch		Declared live weight kg		Conversion factor used	

- 1 Fishing vessels not assigned an IMO number shall provide their external registration number
- 2 If known and if different from vessel's owner
- 3 In case where a vessel has engaged in transhipment operations, a separate form shall be used for each donor vessel.
- 4 FAO Species Codes – NEAFC Annex V - NAFO Annex I.C



Observations:						
C2. GEAR INSPECTION IN PORT (In accordance with Article 43.13 (j))						
A. General data						
Number of gear inspected			Date gear inspection			
Has the vessel been cited?	Yes		No	If yes, complete the full "verification of inspection in port form. If no, complete the form with the exception of the NAFO seal details		
B. Otter Trawl details						
NAFO Seal number			Is seal undamaged?		Yes	No
Gear type						
Attachments						
Grate Bar Spacing (mm).						
Mesh type						
Average mesh sizes (mm)						
Trawl part						
Wings						
Body						
Lengthening Piece						
Codend						
D. Observations by the master:						
<p>I,the undersigned, Master of the vesselhereby confirm that a copy of this report have been delivered to me on this date. My signature does not constitute acceptance of any part of the contents of this report, except my own observations, if any.</p> <p>Signature: _____ Date : _____</p>						
E. INFRINGEMENTS AND FOLLOW-UP						
E.1 NAFO						
E.1 A At Sea Inspection						
Infringements resulting from Inspections inside NAFO R.A.						
Inspection Party	Date of inspection		Division	NAFO CEM infringement legal reference		
E.1 B Port Inspection Infringements results						
(a) - Confirmation of Infringements found at sea inspection						
NAFO CEM infringement legal reference			National Infringement legal reference			

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(b) - Infringements found at sea inspection and not possible to be confirmed during the Port Inspection.		
Comments :		
(c) - Additional infringements found during the Port Inspection		
NAFO CEM infringement legal reference	National Infringement legal reference	
E2. NEAFC INFRINGEMENT NOTED		
Article	NEAFC provision(s) violated and summary of pertinent facts	
Inspector's observations:		
Action taken:		
Inspecting authority / agency:		
Inspectors Name	Inspectors signature	Date and place
F. DISTRIBUTION		
Copy to flag State	Copy to NEAFC Secretary	Copy to NAFO Executive Secretary



ANNEX

Inspectors shall:

- (a) verify, to the extent possible, that the vessel identification documentation on board and information relating to the owner of the vessel is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary;
- (b) verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organization (IMO) ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;
- (c) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and vessel monitoring system (VMS) data from the flag State or RFMOs. Relevant documentation may include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- (d) verify, to the extent possible, that the authorizations for fishing activities are true, complete, correct and consistent with the information provided in accordance with the CEM provisions including, but not limited to, Articles 25, 44, 45 and 51;
- (e) determine, to the extent possible, whether any fishery resources on board were harvested in accordance with applicable authorizations for the vessel;
- (f) examine any fishery resources on board the vessel, including by sampling, to determine its quantity and composition. In doing so, inspectors may open containers where the fishery resources have been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;
- (g) examine, to the extent possible, all relevant fishing gear onboard, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorizations. The fishing gear shall, to the extent possible, also be checked to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorized for the vessel;
- (h) evaluate whether there is clear evidence for believing that a non-Contracting Party vessel has engaged in IUU fishing activities; and
- (i) arrange, where necessary and possible, for translation of relevant documentation.

Additionally inspections shall be conducted in a fair, transparent and non-discriminatory manner and shall not constitute harassment of any vessel. Inspectors shall not interfere with the master's ability to communicate with the authorities of the flag State Contracting Party.