

Northwest Atlantic



Fisheries Organization

Serial No. N6617

NAFO/FC Doc. 16/06
[Adopted]

38th ANNUAL MEETING – SEPTEMBER 2016

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.



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;
 - (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;
 - (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:

- (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.
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;
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
 - (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;

- (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;
- (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 transhipment 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.

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						

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:	
<p>1. Fishing vessels not assigned an IMO number shall provide their external registration number</p> <p>2. If necessary an additional form or forms shall be used</p> <p>3. FAO Species Codes – NEAFC Annex V - NAFO Annex II</p> <p>4. Product presentations – NEAFC Appendix 1 to Annex IV – NAFO Annex II.K</p>			



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

A. INSPECTION REFERENCE.					Inspection report number:			
Landing	Yes	No	Transshipment	Yes	No	Other reason for port entry		
Port State					Port of landing or transshipment			
Vessel name			Flag State		IMO Number ¹		International Radio call sign	
Landing / transshipment Start Date					Landing / transshipment Start Time (UTC)			
Landing / transshipment End Date					Landing / transshipment 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 owner ² :		Vessel's agent:		Vessel Type:				
Last port of call:				Date:				
B. INSPECTION DETAILS								
Name of donor vessel ³		IMO Number ¹		Radio call sign		Flag State		
B 1. CATCH RECORDED IN THE LOGBOOK								
Species ⁴		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 transshipment operations, a separate form shall be used for each donor vessel.

⁴ FAO Species Codes – NEAFC Annex V - NAFO Annex I.C

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					
Lenghtening Piece					
Codend					
D. Observations by the master:					
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.					
Signature: _____ Date : _____					
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		
(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.