

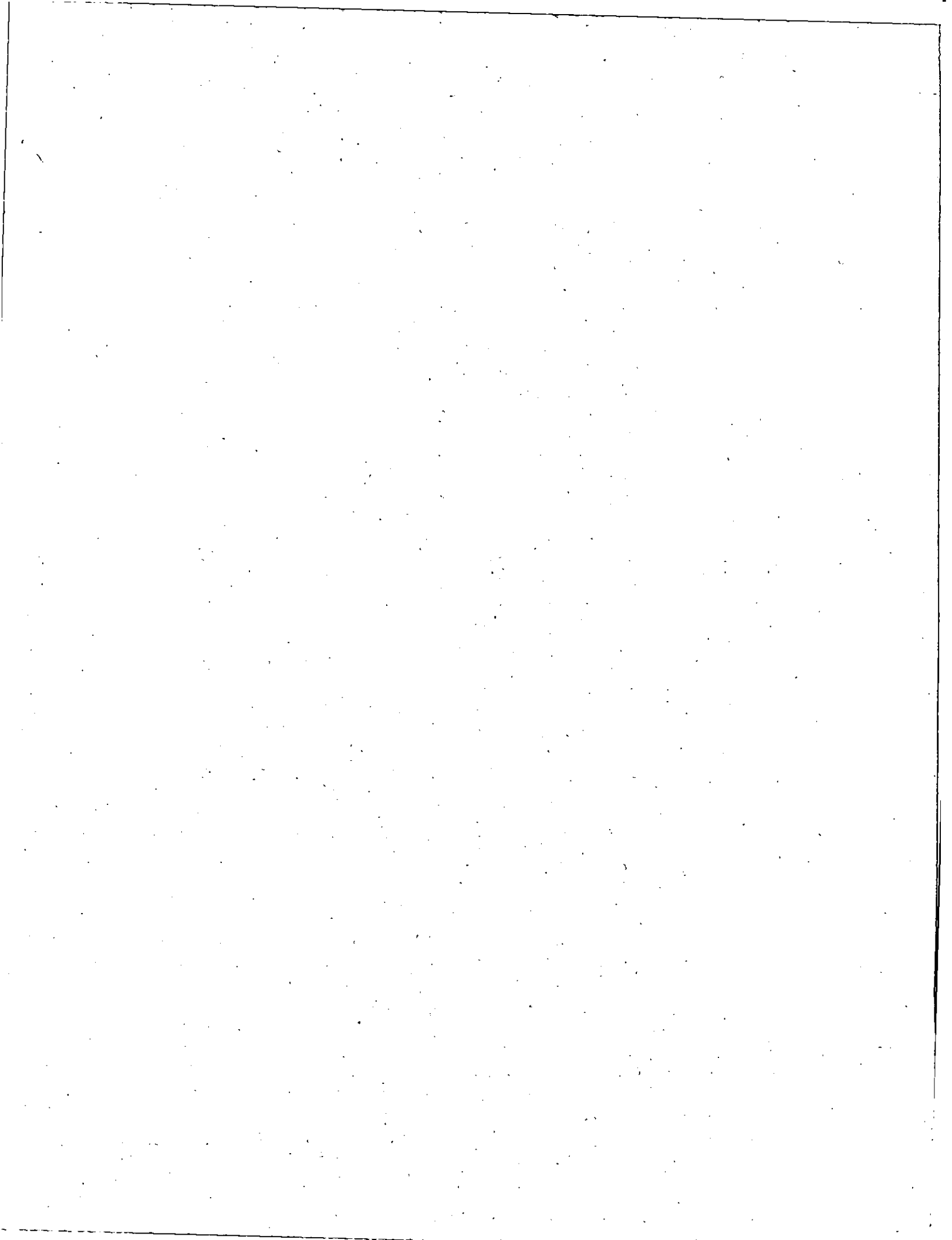
NORTHWEST ATLANTIC FISHERIES ORGANIZATION



Scheme

to Promote Compliance by
Non-Contracting Party Vessels with
the Conservation and Enforcement
Measures Established by NAFO

NAFO Headquarters
Dartmouth, Nova Scotia, Canada
September 1997



**Nineteenth Annual Meeting
of
the Northwest Atlantic Fisheries Organization
St. John's, Newfoundland, Canada
September 1997**

**Scheme to Promote Compliance by Non-Contracting Party Vessels with
the Conservation and Enforcement Measures Established by NAFO**

The General Council of the Northwest Atlantic Fisheries Organization (NAFO) resolves to adopt at its Nineteenth Annual Meeting a:

**Scheme to Promote Compliance by Non-Contracting Party Vessels with
the Conservation and Enforcement Measures Established by NAFO**

In implementing this Scheme, the Contracting Parties acknowledge the rights, duties and obligations of States whose vessels fish on the high seas as expressed in the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, the 1982 United Nations Convention on the Law of the Sea, the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and general principles of international law, particularly the duty to have due regard to established fisheries.

1. The purpose of the Scheme is to ensure the effectiveness of the Conservation and Enforcement Measures established by the organization.
2. The term "fishing activities" means fishing, fish processing operations, the transshipment of fish or fish products, and any other activity in preparation for or related to fishing in the NAFO Regulatory Area. The term "NAFO inspector" means an inspector of the fishery control services of the Contracting Parties assigned to the NAFO Scheme of Joint International Inspection and Surveillance.
3. Upon adoption of the Scheme, the NAFO Secretariat will give due publicity to the Scheme and to the NAFO Conservation and Enforcement Measures.
4. The measures contained in the Scheme are directed at Non-Contracting Party vessels engaged in fishing activities in the NAFO Regulatory Area.

5. A Non-Contracting Party vessel which has been sighted engaging in fishing activities in the NAFO Regulatory Area is presumed to be undermining the effectiveness of NAFO Conservation and Enforcement Measures. In the case of any transshipment activities involving a sighted Non-Contracting Party vessel, inside or outside the NAFO Regulatory Area, the presumption of undermining NAFO Conservation and Enforcement Measures applies to any other Non-Contracting Party vessel which has engaged in such activities with that vessel.
6. Information regarding such sightings shall be transmitted to the NAFO Secretariat. The NAFO Secretariat will then transmit this information to all NAFO Contracting Parties within one business day of receiving this information, and to the flag-State of the sighted vessel as soon as possible.
7. The NAFO Contracting Party which sighted the Non-Contracting Party vessel will attempt to inform such a vessel that it has been sighted engaging in fishing activities and is accordingly presumed to be undermining the NAFO Conservation and Enforcement Measures, and that this information will be distributed to all NAFO Contracting Parties and to the flag-State of the vessel.
8. In the event that any Non-Contracting Party vessel, which has been sighted and reported as engaged in fishing activities in the NAFO Regulatory Area, consents to be boarded by NAFO inspectors, the findings of the NAFO inspectors shall be transmitted to the NAFO Secretariat. The NAFO Secretariat will transmit this information to all NAFO Contracting Parties within one business day of receiving this information, and to the flag-State of the boarded vessel as soon as possible. The Non-Contracting Party vessel which is boarded shall be provided with a copy of the findings of the NAFO inspectors.
9. When a Non-Contracting Party vessel referred to in paragraph 5 enters a port of any NAFO Contracting Party, it shall be inspected by authorized Contracting Party officials knowledgeable in the NAFO Conservation and Enforcement Measures and this Scheme, and shall not land or transship any fish until this inspection has taken place. Such inspections shall include the vessel's documents, log books, fishing gear, catch on board and any other matter relating to the vessel's activities in the NAFO Regulatory Area.
10. Landings and transshipments of all fish from a Non-Contracting Party vessel, which has been inspected pursuant to paragraph 9, shall be prohibited in all Contracting Party ports, if such inspection reveals that the vessel has onboard:
 - i) species listed in Annex A, unless the vessel establishes that the fish were caught outside the NAFO Regulatory Area; or
 - ii) other species listed in Annex B, unless the vessel establishes that it has applied the NAFO Conservation and Enforcement Measures.
11. Contracting Parties shall ensure that their vessels do not receive transshipments of fish from a Non-Contracting Party vessel which has been sighted and reported as having engaged in fishing activities in the NAFO Regulatory Area.

12. Information on the results of all inspections of Non-Contracting Party vessels conducted in the ports of Contracting Parties, and any subsequent action, shall be transmitted immediately through the NAFO Secretariat to all Contracting Parties and as soon as possible to the relevant flag-State(s).
13. Each Contracting Party shall report to the Executive Secretary by 1 March each year for the previous calendar year:
 - i) the number of inspections of Non-Contracting Party vessels it conducted under the Scheme in its ports, the names of the vessels inspected and their respective flag-State, the dates and ports where the inspection was conducted, and the results of such inspections; and
 - ii) where fish are landed or transshipped following an inspection pursuant to the Scheme, the report shall also include the evidence presented pursuant to paragraph 10 (i) and (ii).
14. The Executive Secretary shall prepare a report by 1 April each year, for the previous calendar year, based on the periodic reports made by Contracting Parties as called for in this Scheme.
15. Nothing in this Scheme affects the exercise by NAFO Contracting Parties of their sovereignty over the ports in their territory in accordance with international law.
16. The Standing Committee on Fishing Activities of Non-Contracting Parties in the NAFO Regulatory Area (STACFAC) shall review annually the information compiled, actions taken under this scheme and the operation of the Scheme, and where necessary, recommend to the General Council new measures to enhance the observance of NAFO Conservation and Enforcement Measures by Non-Contracting Parties and new procedures to enhance the implementation of the Scheme by Contracting Parties.

Annex A

Common English Name	Scientific Name
1. Atlantic cod	(<i>Gadus morhua</i>)
2. Atlantic redfishes	(<i>Sebastes</i> sp.)
3. American plaice	(<i>Hippoglossoides platessoides</i>)
4. Yellowtail flounder	(<i>Limanda ferruginea</i>)
5. Witch flounder	(<i>Glyptocephalus cynoglossus</i>)
6. Capelin	(<i>Mallotus villosus</i>)
7. Greenland halibut	(<i>Reinhardtius hippoglossoides</i>)
8. Short-finned squid (<i>Illex</i>)	(<i>Illex illecebrosus</i>)
9. Shrimps	(<i>Pandalus</i> sp.)

Annex B

Common English Name	Scientific Name
1. Haddock	(<i>Melanogrammus aeglefinus</i>)
2. Silver hake	(<i>Merluccius bilinearis</i>)
3. Red hake	(<i>Urophycis chuss</i>)
4. Pollock	(<i>Pollachius virens</i>)
5. Roundnose grenadier	(<i>Macrourus rupestris</i>)
6. Atlantic herring	(<i>Clupea harengus</i>)
7. Atlantic mackerel.....	(<i>Scomber scombrus</i>)
8. Atlantic butterfish	(<i>Peprilus triacanthus</i>)
9. River herring (alewife)	(<i>Alosa pseudoharengus</i>)
10. Atlantic argentine	(<i>Argentina silus</i>)
11. Long-finned squid (<i>Loligo</i>).....	(<i>Loligo pealei</i>)
12. Wolffishes (NS).....	(<i>Anarhichas</i> sp.)
13. Skates (NS)	(<i>Raja</i> sp.)