



Serial No. 2756
(A.c.1)

ICNAF Comm.Doc. 72/21

ANNUAL MEETING - JUNE 1972

Report of NEAFC Scheme of Joint Enforcement Committee
Meeting of Administrators and Inspectors, Lisbon, March 1972

1. The Committee of administrators and inspectors established by the Commission (paragraph 10 of the Ninth Meeting Report) met in Lisbon by invitation of the Portuguese Government on 23rd - 24th March, 1972.
2. The meeting was attended by representatives of 11 Member States and by observers from the United States of America and Canada. A list of delegates and observers attending is attached at Annex A.
3. Captain J.C.E. Cardoso (Portugal) was elected to the Chair.
4. Captain Cardoso, on behalf of the Portuguese Government, welcomed the members and observers of the Committee to Lisbon, and expressed the view of the Portuguese Government that the Scheme of Joint Enforcement represented an important initiative in the international regulation of the living resources of the highly important and productive North Atlantic. His Government held the view that by providing for an exchange of information and opinion between Member States following practical experience of the working of the international enforcement scheme the Committee had an important and useful role.
5. The provisional agenda shown at Annex B was adopted following a motion from the Swedish delegation seconded by the French delegation.
6. Mesh Measurement

The Netherlands delegation introduced a memorandum which recorded Netherlands research relating to the effective lateral pressures exerted by a 5 kg weight in differing environments. The delegation

suggested that the use of the 5 kg weight should be abandoned and that in cases of doubt as to the measurement the ICES gauge should be used as a standard of reference. The Swedish delegation generally favoured the Netherlands views. The USSR delegation, while expressing gratitude to the Netherlands delegation for their initiative in undertaking the research, expressed some doubt as to the practical effects of the differences in lateral pressures demonstrated. They suggested that the Commission should be recommended to make no alteration in the present techniques of inspection, but that ICES should be requested to continue and develop the line of research initiated by the Netherlands research, and report and advise the Commission as necessary in due course. The Committee agreed and recommended the Commission to ask ICES to investigate the differences in lateral pressures exerted on different materials in differing circumstances, and to advise on the practical consequences of such differences, and if possible recommend simple and effective remedies.

7. Mesh Measurement - ICNAF-NEAFC Harmonisation

The Polish delegation said that they had submitted a memorandum to the Ninth Meeting of the Commission because certain differences between ICNAF and NEAFC in measuring meshes and recording results, occasioned difficulty to fleets fishing in both areas of the North Atlantic.

Following discussion the Committee concluded that both Commissions had now aligned the measuring and recording methods (both measured 20 consecutive meshes: both recorded the actual mesh sizes and the average of the meshes measured) and that the problem had thus been solved.

8. Plans for Participation - Dates of Scheme - Year

The Chairman explained that the Scheme of Joint Enforcement required Member States to submit by 1st March each year, their plans

for participation "in the following year". The phrase "the following year" required definition however. Delegations expressed two views, the first being that the following calendar year (from 1st January) should be used to enable the Commission at its May meeting to examine and, if desirable, comment on or co-ordinate plans, while still leaving time for Member States to make the necessary adjustments. The second view was that the "following year" should commence on 1st May as authorities on 1st March each year could predict with confidence their plans for a period from 2 to 14 months ahead, but with much less certainty, if at all, for a period from 10 to 22 months ahead.

The Committee agreed to recommend that the Commission should determine that by 1st March each year, Member States should submit plans for participation in the Scheme of Joint Enforcement during the year 1st January-31st December following.

9. Reports of Inspection

(a) A Secretariat paper was considered. This paper made proposals for the submission of reports of data required by the Infractions Committee to enable it to exercise an oversight of the Scheme of Joint Enforcement. The paper also proposed that if the new reports, in the form of annual summaries covering both inspections and action following the receipt of inspections, were accepted, then the present practice of submitting copies of all inspection reports to the Commission might be abandoned.

Following detailed discussion the Committee agreed to recommend the Commission to consider adjusting the Scheme to allow for the submission to the Commission of -

- (i) copies of each inspection report
- (ii) a report of action taken by flag states, following receipt of inspection reports.

(b) The Committee also discussed the need for speedy information of apparent infringements to be passed by radio if possible either to nearby inspection vessels and the Flag State, or, in the absence of such a vessel to the shore based competent authorities of the Flag State, and agreed to recommend the Commission to provide for such action in the Scheme of Joint Enforcement.

10. NEAFC Questionnaire

The Committee examined the NEAFC questionnaire and attempted to modify this both to improve its effectiveness, and to try to introduce a standard questionnaire for use in both NEAFC and ICNAF areas.

The Committee recommends the Commission to take note of the re-drafted questionnaire at Annex C. The Committee further considers that the Commission should not proceed to adopt, or Member States to translate, the revised questionnaire until the form of the ICNAF questionnaire is finalised. This would facilitate development of a questionnaire as far as possible common to both Commissions.

11. Other Matters

(a) The Committee took note of the fact that when inspectors are carried on fishing vessels, the hauling of the inspector's vessel must be co-ordinated with the hauling of the vessel to be boarded.

(b) The Committee agreed to recommend that the Commission should consider publishing a handbook containing copies of the questionnaire in all the languages of Member States, as well as details of the Recommendations in force, and other illustrative material of value to inspectors.

(c) The Committee agreed to recommend to the Commission that a Standing Committee should be set up to consider those technical and other aspects of joint enforcement which lay outside the terms of reference of the Infractions Committee.

(d) The Committee considered a United Kingdom memorandum on legal difficulties. The Committee agreed that it was not competent to express an opinion on the matter of the memorandum, and the attention of the Commission is drawn to this document (Annex D).

12. Extension of the Scheme of Joint Enforcement

The Committee discussed the question of extending Joint Enforcement to cover closed areas and closed seasons. The Committee agreed that in principle the Scheme covered all Commission recommendations but that certain practical difficulties could arise in enforcing closed season or closed area recommendations.

The Committee agreed to recommend that the Commission should consider the introduction of simple and practical procedures to assist the international enforcement of such recommendations. Among measures which should be examined are -

- (a) the introduction of a simplified reporting procedure.
- (b) reporting immediately by radio to the shore authorities of the Flag State, in addition to the radio report to Flag State inspection vessels.
- (c) the provision of documentary evidence to establish the right of particular fishermen to fish exceptionally in a closed area or during a closed season.

Office of the Commission

London S.W.1.

March, 1972

ANNEX A

NORTH-EAST ATLANTIC FISHERIES COMMISSION

SCHEME OF JOINT ENFORCEMENT

MEETING OF INSPECTORS AND ADMINISTRATORS

LISBON, 23RD - 24TH MARCH, 1972

Chairman - Captain J.C.E. Cardoso

List of Delegates and Observers Attending

BELGIUM

* Lieutenant Commander Devillers,
Fishery Protection Service (Belgian Navy).

FEDERAL REPUBLIC
OF GERMANY

* Dr. W. Masberg,
Federal Ministry of Agriculture, Food and
Forestry, Hamburg.

Dr. D. Booss,
Federal Ministry of Agriculture, Food and
Forestry, Bonn.

FRANCE

* Monsieur R.A. Lagarde,
Sous-Directeur de la R glementation et des
Relations internationales au Secr tariat
G n ral de la Marine Marchande.

Lieutenant Commander Poher,
Naval Headquarters, Paris.

NETHERLANDS

* Mr. F.G. van Dijck,
General Inspectorate,
Ministry of Agriculture and Fisheries.

Mr. N. van Dam,
Royal Dutch Navy.

Mr. W.A.J. Wevers,
Royal Dutch Navy.

NORWAY

* Mr. A. Aasb ,
Head of Office,
Directorate of Fisheries.

Captain K. Gidske,
Royal Norwegian Navy Fishery Protection, Oslo.

Commander S.O. Husby,
Royal Norwegian Navy Fishery Protection, Harstad.

POLAND

* Mr. W.J.P. Kulinowski,
Central Fisheries Board, Szczecin.

* Head of Delegation

PORTUGAL

- * Dr. Rui Monteiro,
Instituto de Biologia Maritima.

- Captain J. Gormicho Boavida,
Director of Fisheries.

- Mr. E. Botelho Neves,
Direccao das Pescas e do Dominio Maritimo.

SPAIN

- * Mr. V. Bermejo,
Chief of Section, 5th General Direction
of Sea Fisheries.

- Commander Nardiz,
Ministry of Marine.

SWEDEN

- * Mr. L. Delin,
Head of the Legal Department,
Ministry of Agriculture, Stockholm.

- Mr. V. Fryksmark,
Coastguard Superintendent, Western District,
Swedish Beard of Customs, Gothenburg.

UNION OF SOVIET
SOCIALIST
REPUBLICS

- * Mr. I.V. Nikonorov,
Chief of Main Department, "Glavrybvod".

- Mr. B.I. Danilov,
Senior Engineer, Main Department, "Glavrybvod".

- Mr. V.M. Nikolaev,
Division Chief, CNIITEIRH.

UNITED KINGDOM

- * Mr. J. Lawless,
Department of Agriculture and Fisheries for Scotland.

- Mr. P.G. Jeffery,
Deputy Chief Inspector of Fisheries, Ministry of
Agriculture, Fisheries and Food.

- Mr. J.M. Steven,
Chief Inspector of Fisheries, Department of
Agriculture and Fisheries for Scotland.

- Mr. P.J. Derham,
Ministry of Agriculture, Fisheries and Food.

OBSERVERS

CANADA

- * Dr. F.D. McCracken,
Department of the Environment,
Fisheries Research Board of Canada,
Biological Station, St. Andrews, N.B.

- Mr. A. MacDonald,
Department of the Environment,
Fisheries Service, Ottawa.

* Head of Delegation

OBSERVERS (Continued)

UNITED STATES
OF AMERICA

* Mr. R.C. Hennemuth,
National Marine Fisheries Service,
Biological Laboratory, Woods Hole, Mass.

Mr. E.J. Medico,
Office of Enforcement and Surveillance,
National Marine Fisheries Service.

SECRETARY

Mr. G.N. Dixon.

Office of the Commission

Lisbon

23rd March, 1972

ANNEX B

NORTH-EAST ATLANTIC FISHERIES COMMISSION

SCHEME OF JOINT ENFORCEMENT

COMMITTEE MEETING OF INSPECTORS AND ADMINISTRATORS TO BE HELD ON

23RD - 24TH MARCH, 1972 IN LISBON

(SEVENTH FLOOR, SINASE BUSINESS CENTRE, RUA BRAAMCAMP, 9,

LISBON AT 10 A.M.)

DRAFT AGENDA

1. Address of Welcome.
2. Provisional Arrangements for the Meeting. (JE 1/1 enclosed).
3. Adoption of Agenda.
4. Discussion of practical details of the working of the Scheme.
 - (a) Mesh measuring.
Memorandum by the Netherlands Delegation. (JE 1/2 enclosed).
 - (b) Methods of measuring mesh of nets I.C.N.A.F./N.E.A.F.C.
harmonisation.
 - (c) Plans for participation - date year commences.
(Para. (9)(i) of Scheme).
 - (d) Submission of reports of inspections made under
International Control.
Data required by Infractions Committee. Note by the
Secretary. (JE 1/3).
 - (e) Re-examination of the Questionnaire in order to make it
as uniform as possible in the whole of the North
Atlantic Area. (I.C.N.A.F. and N.E.A.F.C. Areas).
Comments by the Portuguese Delegation (JE 1/4).
 - (f) Other matters.
5. Extension of the Scheme to cover closed areas/seasons.
6. Preparation of Report to the Commission.
7. Any Other Business.

Office of the Commission,

London, S.W.1.

February, 1972.

ANNEX C

NORTH-EAST ATLANTIC FISHERIES COMMISSION

SCHEME OF JOINT ENFORCEMENT

Questionnaire from Inspector to Skipper

1. I am an Inspector under N.E.A.F.C. Here is my identity card.
I would like to inspect your nets/and catch.
2. Who is the Master of this vessel?
3. Please give me your name.
4. I require your collaboration with the examination of the nets,
the catch and documents (nationality papers/log books). If you
do not give your collaboration as I have requested I will report
your refusal to your flag state.
5. Please check that the time isG.M.T.
6. I am recording your position as^olat.^olong. at
.....G.M.T. Do you agree?
7. Would you like to check your position with my instruments on
board the inspection ship?
8. Do you now agree your position? If not you should write your
estimated position on the report form in section 16.
9. Please show me the documents establishing the nationality of
your vessel and log books if any.
10. Please write down the name and address of the owners of this
vessel in section 6 of the report form.
11. Are you fishing for industrial purposes or for non-regulated
species?
12. I agree (Yes).
13. I do not agree (No).
14. Are you aware that you are fishing within a closed area?
15. Where are (a) your working spaces
(b) your fish holds.

16. Do you use any net attachment? If so, what type?
Please write it down.
17. Please switch on these lights.
18. I wish to measure that net.
19. Show me the other nets you have on board.
20. Show me your net gauge, if any.
21. Ask your men to hold that net so that I can measure it.
22. Please make that dry net wet for 10 minutes under water.
23. I have inspected meshes in this net.
24. See that I have recorded accurately on the form the width of
the meshes I have measured.
25. I have found undersized meshes in that net. This appears
to be illegal for this area. This will be reported to your
flag state.
26. I have found net attachments which appear to be illegal. This
will be reported to your flag state.
27. I shall now affix the identification mark to this net/attachment
which is to be surrendered to a Fisheries Inspector of your
flag state at his demand.
28. I wish to inspect your catch. Have you finished sorting the
fish and are the undersized species returned to the sea.
29. Will you please lay out those fish.
30. I have found undersized fish in the number I inspected.
I shall report this to your flag state.
31. I have found no infringement of the regulations and I will so
report to your flag state.
32. I have recorded the infringement to which I drew your attention
in section 14 of my report. You may make your observations in
your own language if you so wish in section 16 of the report form.

33. Do you wish to make any observations concerning this inspection?
If so, please do so in your own language in Section 16 of the report form on which I have set out my findings. Please sign any observations.
34. Do you have any witnesses who wish to make observations? If so they may do so in their own language in Section 15 of the report form.
35. Please certify the photograph attached to the report, by adding the date and signature.
36. Please sign the report in Section 17.
37. I am leaving. Please check that the time isG.M.T.
38. Thank you - Bon voyage.

ANNEX D

NORTH-EAST ATLANTIC FISHERIES COMMISSION
SCHEME OF JOINT ENFORCEMENT
COMMITTEE MEETING OF INSPECTORS AND ADMINISTRATORS
Memorandum by the United Kingdom Delegation

1. The Commission's Scheme of Joint Enforcement provides for the procedure to be observed by the inspector, who may be accompanied by a witness, in carrying out the inspection. In drawing up the scheme the Commission endeavoured to meet the general wishes of member states.
2. The United Kingdom delegation wishes to draw attention to certain legal requirements which would have to be observed during the inspection of a fishing vessel registered at a Scottish port to enable the Fisheries Authorities to consider whether prosecution proceedings could be taken where an apparent infringement has occurred. These requirements are slightly stricter than provided for in the Scheme, and are set out in the Appendix.
3. The United Kingdom delegation hope that other member states will arrange for these requirements to be brought to the attention of their authorised inspectors. They do not suggest however that the Scheme itself require to be amended.
4. Other delegations may have similar problems and may wish to draw attention to points about their legal system.

Office of the Commission

Lisbon,

23rd March, 1972

APPENDIX

INSPECTIONS INVOLVING VESSELS REGISTERED IN SCOTLAND

1. In order to prove a criminal offence in a Scottish Court the prosecutor must establish, by evidence from 2 independent sources, the truth of all the material facts. In trials for offences against the fishery laws the necessary evidence will normally be supplied by 2 persons who have direct knowledge of the facts.
2. If inspection of a net shows that it contains meshes below the legal minimum size for that type of net, 3 rows of 20 meshes (i.e. the same 3 rows) must be measured independently by each of 2 inspectors and the findings of each separately recorded. It is not sufficient for one inspector to do the measuring and a second inspector simply to watch him doing so.
3. The net must be available for production in Court if required. The Court may also require evidence about the accuracy of the gauge used in measuring and if the gauge has a serial number it should be recorded on the report form.
4. It is important that the inspectors concerned should notify the UK authorities promptly of cases where an apparent infringement comes to light so that the vessel may be boarded on return to a Scottish port.