

SECTION II

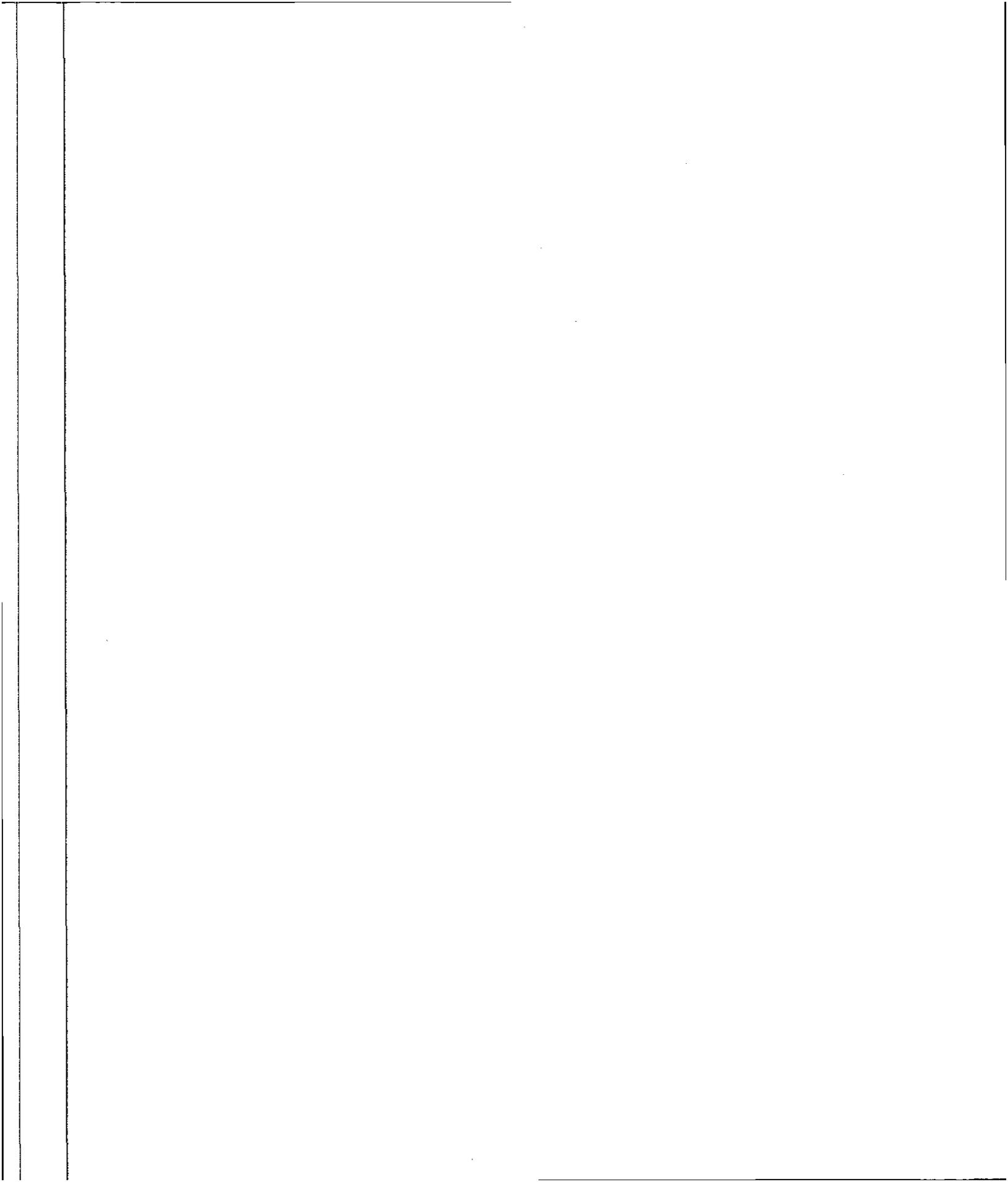
(pages 47 to 78)

Report of the Special Meeting of the Standing Committee on International Control (STACTIC)

10-12 May 1995

Dartmouth, Nova Scotia, Canada

Report of the Special Meeting of the Standing Committee on International Control (STACTIC)	49
1. Opening of the Meeting	49
2. Appointment of Rapporteur	49
3. Adoption of Agenda	49
4. Proposals to Amend the NAFO Conservation and Enforcement Measures	49
5. Pilot Project for Observers and Satellite Tracking	54
6. Adoption of Report	55
7. Other Business	55
8. Adjournment	55
Annex 1. List of Participants	56
Annex 2. Agenda	59
Annex 3. Inspections	60
Annex 4. Transmission of Information from Inspections	61
Annex 5. Increase of the Inspection Presence	63
Annex 6. Reporting Catch on Board Fishing Vessels Entering and Exiting the Regulatory Area	65
Annex 7. Additional Enforcement Measures	67
Annex 8. Mesh Size	69
Annex 9. Port Inspections	70
Annex 10. Effort Plans and Catch Reporting	71
Annex 11. Infringements	73
Annex 12. Follow-up on Apparent Infringements	75
Annex 13. Pilot Project for Observers and Satellite Tracking	76



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(FC Doc. 95/3)

10-12 May 1995
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1. Opening of the Meeting

The Chairman, D. Bevan (Canada), opened the Special STACTIC Meeting on 10 May 1995 at 10.15 a.m. He welcomed all delegates to the meeting which had been jointly requested by the European Union and Canada. Representatives from the following Contracting Parties were present: Canada, Cuba, Denmark (on behalf of Greenland and the Faroe Islands), Estonia, the European Union (EU), Iceland, Japan, Republic of Korea, Norway and Russia (Annex 1).

2. Appointment of Rapporteur

Veronica Cody (EU) was appointed Rapporteur.

3. Adoption of Agenda

The Agenda was adopted following some minor modifications to the provisional presentation. (Annex 2)

4. Proposals to Amend the NAFO Conservation and Enforcement Measures

- 4.1 The Chair pointed out that the European Union and Canada had prepared joint proposals for the amendment of the NAFO Conservation and Enforcement Measures and that these would form the basis for discussion at the meeting. He invited these Contracting Parties to present an opening statement on their proposals.
- 4.2 The EU representative explained that the basis of the proposals was the Agreed Minute by the European Union and Canada, as set out in STACTIC Working Paper 95/19. While this was a single document it was comprised of 4 elements: the text of the Agreed Minute itself; Annex I to the Minute; Annex II to the Minute; and an exchange of letters and notes between the EU and Canada. (This last element did not feature in the STACTIC Working Paper but was later distributed as an addendum to the Working Paper). These four elements formed the global package of which the operative content would be presented to the Fisheries Commission for adoption; the text of Annex I could only be adopted as part of this overall package.
- 4.3 The implementation conditions of the package would have to be multilateralised by NAFO. While the European Union and Canada had agreed to promote the Agreement jointly and to make proposals for its implementation, it was necessary that all Contracting Parties be given the opportunity to examine the package of proposals in detail before being asked to take a definitive position on it.

- 4.4 The objective of this meeting was to translate, in so far as possible, the substance of Annex I into the NAFO Conservation and Enforcement Measures. Whether the Community could support and accept a proposal in the Fisheries Commission on all these aspects would be entirely dependent on whether sufficient progress has been accomplished in respect of Annex II, relating to the management of Greenland Halibut, including the establishment of a new allocation key for the distribution of quotas. Unless all aspects of the Agreed Minute were ready for presentation to NAFO for decision, there could be no package agreement.
- 4.5 The Canadian delegation gave a brief outline of the contents of the Agreed Minute.
- 4.6 The Agreed Minute was generally welcomed by delegations. However, certain delegations, notably, Iceland, Japan, Norway and Russia considered that the proposals required some study, particularly in the domain of cost-effectiveness. Iceland stated that the proposed measures, if adopted, would regulate future fishing in the NAFO Regulatory Area and, as such, they should be given due consideration by Contracting Parties.
- 4.7 The Danish delegation (on behalf of Greenland and the Faroe Islands) endorsed the concept of the package agreement and its adoption as a prerequisite for agreement on any single element.
- 4.8 Japan requested that small fishing nations in the Northwest Atlantic be exempted from some of the proposals.
- 4.9 The following STACTIC working papers-proposals were discussed: from 95/9 to 95/20.
- 4.10 It was agreed that all of these papers would be recommended for adoption by the Fisheries Commission at its forthcoming meeting, subject to each paper being reexamined in the light of (a) its relation with other papers in the overall package and (b) specific observations and reservations made by delegations.
- 4.11 The outcome of discussions on each of these papers-proposals is set out below in order of the Agenda items from 4 a) to j).

The references to Working Papers-proposals are made in the text, and concrete STACTIC decisions are presented in the Annexes to the Report. The STACTIC meeting **decided** that the proposals as described in the Annexes are to be referred to the upcoming Special Meeting of the Fisheries Commission for its consideration and adoption.

The items of the proposals contained in square brackets will be subject to further discussions in the Fisheries Commission.

4.12 **Agenda Item 4 a). Inspections.**

A proposal was presented to the meeting in Working Paper 95/12. The meeting considered the proposal through four (4) revisions (W.P. 95/12, Revision 4) and decided to refer this proposal for adoption by the Fisheries Commission (Annex 3).

In addition, STACTIC recommended that at a forthcoming meeting of STACTIC a sampling plan be developed for use in estimating catch composition and quantities by species if any cartons or other containers are to be opened.

4.13 Agenda Item 4 b). Transmission of Information from Inspectors.

A proposal was presented to the meeting in Working Paper 95/13, which has been considered through four (4) revisions (W.P. 95/13, Revision 4). The meeting decided to present this proposal to the Fisheries Commission (Annex 4). The Representative of Japan noted that he would like to reflect on the wording contained in square brackets.

4.14 Agenda Item 4 c). Increase in Inspection Presence.

A proposal was presented to the meeting in Working Paper 95/14, which has been considered through four (4) revisions (W.P. 95/4, Revision 4). The meeting decided to present this proposal to the Fisheries Commission (Annex 5).

The Representatives of Contracting Parties at the meeting expressed the following views to the proposal:

Both Denmark and Norway expressed the view that all proposed measures on increased inspection, observers and satellite surveillance had to be considered as an integrated whole, and that the package as currently proposed was excessive. These Contracting Parties together with Korea and Russia considered 10 vessels, as the threshold figure for deciding on deployment of an inspection vessel, too low.

The European Union reserved its position on this item. It stated that if a higher figure were to be considered, the provision concerning cooperation in inspection would need to be clarified. Each Contracting Party's participation in inspection and surveillance in the Regulatory Area should be proportionate to its fishing effort.

Iceland pointed out that this STACTIC meeting was discussing measures under special circumstances, which had arisen because of NAFO's ineffectiveness in the past. Since these measures would prevail in the future Contracting Parties should think twice before adopting them. Such far reaching proposals should be dealt with under more normal conditions.

Japan sought an exemption, on the basis of being a small fishing nation, from the provision requiring Contracting Parties to have at least one inspector present in the Convention Area or in a State bordering on the Convention Area.

Both Korea and Russia queried the threshold number of 10 for vessels operating in the area. Korea proposed that it be 20. This proposal was supported by a number of delegations.

Russia queried the meaning of "cooperate in the deployment of inspection vessels." Canada replied that it was open to the imagination of Contracting Parties to determine the form of that cooperation, which could include joint inspections and cost sharing.

It was identified that it would be useful for the Fisheries Commission to establish a rational level of inspection and a suitable key for an equitable sharing of the burden of inspection among Contracting Parties.

4.14 Agenda Item 4 d). Improvements to the Hail System.

A proposal was presented to the meeting in Working Paper 95/15, which has been considered through four (4) revisions (W.P. 95/15, Revision 4). The meeting decided to present this proposal to the Fisheries Commission (Annex 6).

Russia emphasized that it had not joined the Hail System and the relevant rules would not apply to Russian vessels. Nevertheless it will cooperate in participating in the Hail System subject to any bilateral arrangements.

4.15 Agenda Item 4 e). Additional Enforcement Measures.

A proposal was presented to the meeting in Working Paper 95/16, which has been considered through five (5) revisions (W.P. 95/16, Revision 5). The meeting decided to present this proposal to the Fisheries Commission (Annex 7).

In addition, the following considerations were expressed through the meeting:

The asterisked note under PART I.D.2 in square brackets remains to be discussed.

Japan considered that incidental catch of the species for which an "Others" quota had been fully utilized should be allowed to be retained on board under the same rules as for moratorium species.

There was considerable discussion on the issue of discards. The joint Canada-E.U. proposal allows continuation of the existing derogation for Canada from the general requirement to discard fish in specified circumstances. Several delegations proposed that other Contracting Parties with a prohibition against discarding in their national waters also be included in the derogation applying to Canada and set out in the asterisked note on page 3 of the proposal (STACTIC Working Paper 95/16, Revision 2). This proposed amendment to the working paper was strongly opposed by the EU delegation because, unlike Canada, these other Contracting Parties applying a discard ban in their own waters do not have corresponding management measures applicable in the Regulatory Area, such as closed areas in the event that too many small fish are taken. Further, such a solution is likely to result in discriminatory effects for some Contracting Parties and inconsistencies in the NAFO conservation and enforcement regime. Although for that reason no final agreement could be reached and the asterisked note on page 3 contains square brackets, STACTIC agreed that the working paper was otherwise technically complete as a package of amendments consistent with the existing NAFO discard rule.

The recommendation of STACTIC is to have the Fisheries Commission:

- i) Decide on the requests of other Contracting Parties to be included in the derogation applying to Canada as set out in the asterisked note on page 3 of the working paper;

- ii) Adopt the proposals in the working paper as amended to reflect that decision;
- iii) Refer to STACTIC and the Scientific Council the task of examining and advising whether NAFO should move to a no discard policy and, if so, of developing such a policy.

4.16 **Agenda Item 4 f). Mesh Size.**

A proposal was presented to the meeting in Working Paper 95/20, which has been considered through three (3) revisions (W.P. 95/20, Revision 3). The meeting decided to present this proposal to the Fisheries Commission for adoption (Annex 8).

STACTIC recommends referring to the Scientific Council the question of whether it is necessary to establish a mesh size for capelin and, if so, the appropriate mesh size to be established.

4.17 **Agenda Item 4 g). Dockside Inspections.**

A proposal was presented to the meeting in Working Paper 95/17, which has been considered through four (4) revisions (W.P. 95/17, Revision 4). The meeting decided to present this proposal to the Fisheries Commission (Annex 9).

In addition, the following considerations were recorded at the meeting:

Russia raised the question of the measurement of fish size, particularly in the case of processed fish.

Korea and Japan placed a reservation on PART.VII.1(i); they wished to study this element of the proposal further.

It was generally agreed that if France, on behalf of St. Pierre et Miquelon, were not to become a Contracting Party of NAFO this could raise problems in regard to this proposal.

4.18 **Agenda Item 4 h). Effort Plans and Catch Reporting.**

A proposal was presented to the meeting in Working Paper 95/18, which has been considered through four (4) revisions (W.P. 95/18, Revision 4). The meeting decided to present this proposal to the Fisheries Commission (Annex 10).

In addition, the following considerations were recorded at the meeting:

Iceland pointed out that if it fished Greenland Halibut it would be under the "Others" category and it could be difficult to draw up effort plans as other Contracting Parties might have exhausted the quotas.

Canada noted that, given the sensitivity of the Greenland halibut issue, it would be useful for all Contracting Parties to prepare fishing plans, even if they fish from the "Others" quota.

4.19 Agenda Item 4 i). Major Infringements.

A proposal was presented to the meeting in Working Paper 95/9, which has been considered through four (4) revisions (W.P. 95/9, Revision 4). The meeting decided to present this proposal to the Fisheries Commission (Annex 11).

4.20 Agenda Item 4 j). Follow-up on Apparent Infringements.

A proposal was presented to the meeting in the Working Paper 95/10, which has been considered through three (3) revisions (W.P. 95/10, Revision 3). The meeting decided to present this proposal to the Fisheries Commission for adoption (Annex 12).

5. Pilot Project for Observers and Satellite Tracking

- 5.1 A proposal was presented to the meeting in Working Paper 95/11, which has been discussed through four (4) revisions (W.P. 95/11, Revision 4). The meeting decided to present this proposal to the Fisheries Commission (Annex 13).

In addition the following considerations were recorded at the meeting.

- 5.2 Russia, Iceland and Cuba were concerned about the necessity of installing satellite tracking systems, the level of surveillance envisaged and the costs involved. They therefore wished to study this element of the proposal further.

Russia also required time to study the observer coverage element of the proposal but stated that it would give its views at the forthcoming meeting of the Fisheries Commission.

- 5.3 The European Union and Canada explained that the proposed 100% observer coverage and 35% satellite surveillance constituted one of the cornerstones of the agreement under discussion. The EU pointed out that the proposed scheme was a pilot scheme and would fall to be discussed at the 1997 NAFO meeting; the cost of placing one extra person on a vessel was minimal; and the International Maritime Organization would oblige all vessels over a certain length to install satellite systems within a few years in any case.
- 5.4 Canada pointed out that in the NAFO Regulatory Area stocks, quotas and the number of vessels fishing were at historical lows. It took the view that this was therefore the ideal time to introduce a pilot scheme of this nature, allowing the stocks to regenerate while incurring a minimal cost.
- 5.5 The EU and Canada stated that, notwithstanding the last sentence on page 5 of the proposal, the Fisheries Commission will in 1997 be completely free to establish whatever permanent scheme it will deem appropriate at that time.
- 5.6 Japan was concerned that the provisions under PART VI.A.3d) could put commercial confidentiality at risk. It wished to study this item further but would give its views at the forthcoming meeting of the Fisheries Commission.

- 5.7 Norway expressed that it was prepared to consider a certain increase in observer coverage. It further welcomed the proposed pilot project on satellite tracking. Participation from Norwegian vessels would however have to be on a voluntary basis as this could not be made compulsory under existing national law.
- 5.8 Norway suggested that NAFO have a database to store and provide access to information on control measures but that this could be examined in September 1997 when the question of a permanent system would be discussed. The EU supported this suggestion.
- 5.9 Japan and Korea considered that they should not be obliged to place observers on board their vessels, but rather that it should be sufficient for them to make an effort to do so. Japan thought that more time was needed to evaluate this issue.
- 5.10 Iceland proposed to exempt the shrimp fishery from the requirement for 100% observation coverage because it was not subject to quotas. In general other means of improving the control of fisheries should be tried before imposing 100% observer coverage.
- 5.11 The EU pointed out that observation was not only necessary to control quotas but also mesh size and other technical measures.
- 5.12 Canada noted that the existing pilot project had not had much of a deterrent effect and, in response to comments that a lot of time was needed to establish an observer program, noted that the EU had produced a large number of trained observers in a very short time and already had 100% observer coverage of its vessels in the Regulatory Area. The Canadian Government had made it clear that there need be no costs for those NAFO members that could not afford observers, as Canadian Government observers would be provided for those NAFO members at Canada's expense. A dispensation for small fleets would therefore not be necessary. Further discussions were continuing on the issue of costs.
- 5.13 Canada appealed to all Contracting Parties to approach the issue with an open mind so that their problems could be solved to increase deterrence and allow NAFO managed stocks to rebuild.

6. Adoption of Report

The Committee reviewed and adopted the Report as a draft text at its closing session on 12 May 1995. The Representatives agreed that the draft text will be open for further comments by Contracting Parties until (including) 17 May 1995. With regard to any such comments, the principal agreement was reached that those should not contradict with the accord(s) recorded in the draft report. The comments will be incorporated in the final report, which will be forwarded in due course to the Fisheries Commission.

7. Other Business

There were no other questions discussed under this item.

8. Adjournment

The Special Meeting of STACTIC was adjourned at 1730 hrs on 12 May 1995.

Annex 1. List of Participants

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Dr. L. I. Chepel, Executive Secretary

T. Amaratunga, Assistant Executive Secretary

B. Cruikshank, Senior Secretary

Annex 2. Agenda

1. Opening of the Meeting (D. Bevan, Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Proposals to Amend the NAFO Conservation and Enforcement Measures
 - a) Inspections
 - b) Transmission of Information from Inspections
 - c) Increase in Inspection Presence
 - d) Improvements to Hail System
 - e) Additional Enforcement Measures
 - i) minimum fish size Greenland halibut
 - ii) applicability of discard rules in NRA
 - iii) special rules for fish products e.g. processed length equivalents
 - iv) on board production of fish meal and similar products
 - v) further measures to protect juvenile fish e.g. area/seasonal closures
 - f) Mesh Size
 - g) Dockside Inspections
 - h) Effort Plans and Catch Reporting
 - i) Major Infringements
 - j) Follow-up on Apparent Infringements
5. Pilot Project for Observers and Satellite Tracking
 - a) Observers
 - b) Satellite Tracking
 - c) Report on Pilot Projects
6. Adoption of Report
7. Other Business
8. Adjournment

Annex 3. Inspections

Proposal¹

NAFO CONSERVATION AND ENFORCEMENT MEASURES

Amend PART IV. 2. (ii) and insert a new point (iii):

- (ii) To ensure objectivity in the realization and distribution of inspections between the Contracting Parties, the number of inspections carried out by the vessels of a Contracting Party on vessels of any other Contracting Party shall, as far as possible, reflect the ratio of the inspected Party's fishing activity to the total fishing activity in the Regulatory Area, per quarter, measured on the basis of, inter alia, the level of catches and vessel days on ground and shall also take into account compliance records.
- (iii) The Executive Secretary shall draw up an annual report on the objectivity in the realization and distribution of inspections between the Contracting Parties.

Amend PART IV. 4 - add as (iii) and (iv):

- (iii) No boarding shall be conducted without prior notice by radio being sent to (whether or not received by) the vessel, including the identity of the inspection platform.
- (iv) Each Contracting Party shall ensure that its inspection platforms are kept at a safe distance from fishing vessels and that its inspectors assigned to the Scheme respect the provisions thereof as well as any other applicable rules of international law.

Amend PART IV. 6. (i).

insert at the beginning of the first paragraph to read as follows:

Without limiting the capability of inspectors to carry out their mandate,

insert before the second paragraph:

When carrying out their inspection duties in conformity with Part IV of these Measures, NAFO inspectors shall take all appropriate precautions to avoid causing damage to packaging, wrapping, cartons or other containers and to the contents of same in order to ensure, to the extent practicable, that the quality of the catch on board is maintained.

Cartons and other containers shall be opened in such a way that will facilitate their prompt resealing, repacking and eventual restorage.

¹ new wording underlined and ~~deleted wording struck out~~.

Annex 4. Transmission of Information From Inspections

Proposal¹

NAFO CONSERVATION AND ENFORCEMENT MEASURES

Amend PART IV. 6.(i) - to provide for advance notification of apparent infringements, replace the last paragraph insert with the following wording:

In the case of an apparent infringement or a difference between recorded catches and the inspector's estimates of the catches on board, a copy of the inspection report with supporting documentation, including second photographs taken, shall be transmitted ~~as soon as possible~~ within 10 days to the responsible authorities of the Contracting Party for the inspected vessel, after the inspection vessel returns to port. In the case of other inspection reports, the original shall be transmitted within 30 days whenever possible, to a designated authority of the Contracting Party for the inspected vessel. A copy of every inspection report shall also be forwarded to the Executive Secretary.

Notwithstanding the notification of the inspection report, the duly assigned NAFO inspectors conducting the inspection shall prepare and transmit within 24 hours to the Contracting Party of the vessel a statement which shall constitute advance notification of the apparent infringement. A copy of this statement shall be transmitted

a) to the NAFO Executive Secretary and

- b) i) to an inspector of the Contracting Party of the inspected vessel present in the Convention Area or in a [State] [port] bordering this Area or
- ii) an inspector duly authorized by that Contracting Party present in the Convention Area or in a [State] [port] bordering this Area.

This statement shall quote the information entered under points 16 and 18 of the inspection report, cite the relevant NAFO Measures and describe in detail the basis for issuing the citation for an apparent infringement and the evidence to support the said citation.

Amend PART IV 6(i) - to provide information on suspected illegal practices add new paragraphs:

In the case where, in the course of an inspection, NAFO Inspectors make comments and observations in the inspection report, in particular under point 20 thereof, the said inspectors shall promptly prepare a written statement citing the relevant NAFO Measures, ~~and~~ describing the practices observed and substantiating the grounds for their suspicions. This statement shall be sent within 24 hours

¹ new wording underlined and ~~deleted wording struck out~~.

- a) to the Contracting Party of the inspected vessel,
- b)
 - i) to an inspector of that Contracting Party present in the Convention Area or in a [State] [port] bordering this Area or
 - ii) to an inspector duly authorized by that Contracting Party present in the Convention Area or in a [State] [port] bordering this Area and
- c) to the NAFO Executive Secretary.

The NAFO Executive Secretary and the designated authorities shall treat this information with the confidentiality required for the protection of individual data.

Annex 5. Increase of the Inspection Presence

Proposal¹

NAFO CONSERVATION AND ENFORCEMENT MEASURES

Amend PART IV. 3 - replace the second subsection to read:

Each Contracting Party having at any time [10] [20] or more vessels operating in the Regulatory Area shall deploy at least during that time one inspection vessel to this Area. Contracting Parties with less than [10] [20] vessels at any time shall cooperate in the deployment of inspection vessels.

Each Contracting Party shall have at least one inspector present in the Convention Area or in a [State] [port] bordering this Area during the time that its vessels are operating in the Regulatory Area, to receive and respond, without delay, to any notice of apparent infringements.

A Contracting Party may authorize inspectors from another Contracting Party to carry out their functions on its behalf.

¹ new wording underlined and ~~deleted wording struck out~~.

Attachment to Annex 5

Number of Fishing Vessels Engaged in Fishing Operations in the Regulatory Area in 1994-95

TABLE 1. Hail Reports up to 10 May 1995.

Contracting Party	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Canada	1	2	8	5	2							
EU	37	42	41	28	25							
Estonia	2	3	6	4	3							
Faroes	-	-	3	3	-							
Iceland	-	1	1	4	2							
Japan	1	1	2	2	-							
Latvia	-	-	1	-	-							
Norway	2	2	2	5	3							
Russia	-	-	2	14	6							
Total	43	51	66	65	41							

Table 2. Hail Reports for 1994.

Contracting Party	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Canada	1	-	4	5	5	5	2	4	3	1	-	1
Cuba	-	2	1	1	-	-	-	-	-	-	-	-
EU	34	38	51	53	43	37	34	40	31	36	37	33
Estonia	-	-	-	4	1	-	2	3	1	3	2	3
Faroes	5	6	5	5	6	2	9	3	7	6	2	4
Greenland	-	-	-	1	3	2	6	-	-	-	-	-
Iceland	-	1	1	-	-	6	4	8	4	2	2	1
Japan	1	-	2	2	1	1	1	1	-	1	-	2
Latvia	-	-	2	6	-	-	-	2	-	-	-	-
Lithuania	-	1	3	3	1	3	1	2	2	-	-	-
Norway	7	2	8	1	11	11	17	11	7	7	-	1
Russia	1	1	-	3	2	10	13	4	6	5	2	1
Total	48	49	78	84	73	77	89	78	61	61	45	46

Annex 6. Reporting of Catch on Board Fishing Vessels Entering and Exiting the Regulatory Area

Proposal¹

NAFO CONSERVATION AND ENFORCEMENT MEASURES

Amend PART III E. 1. - to read as follows:

- (a) each entry into the Regulatory Area. This report shall be made at least six (6) hours in advance of the vessel's entry and shall include the date, the time, and geographical position of the vessel and total round weight by species (3 alpha codes) on board in kilograms (rounded to the nearest 100 kilograms).

The total quantity of species for which the total round weight by species is less than one tonne may be reported under the 3 alpha code "MZZ" (marine fish not specified);

- (b) each exit from the Regulatory Area ~~and except as provided in (c), each movement from one NAFO division to another NAFO division.~~ This report shall be made prior to six (6) hours in advance of the vessel's exit from the Regulatory Area or entry into a NAFO division and shall include the date, time, and geographical position of the vessel and catch in round weight taken and retained in the Regulatory Area by species (3 alpha codes) in kilograms (rounded to the nearest 100 kilograms);

The total quantity of species for which the total round weight by species is less than one tonne may be reported under the 3 alpha code "MZZ" (marine fish not specified);

- (c) except as provided in (d), each movement from one NAFO division to another NAFO division. This report shall be made prior to the vessel's entry into a NAFO division and shall include the date, time and geographical position of the vessel;

- (d) EXISTING LETTER (c) BECOMES NEW LETTER (d)

- (e) each offloading for transshipment of fish while the vessel is operating in the Regulatory Area. This report shall be made at least 6 hours in advance and shall include the date, the time, and the geographical position of the vessel and total round weight by species (3 alpha codes) to be transhipped in kilograms (rounded to the nearest 100 kilograms).

4. Vessels equipped with devices which enable the automatic transmission of their position are exempt from the hail requirements set out in (c) and (d) above. Each Contracting Party whose vessels are so equipped shall notify the Executive Secretary of the names of those vessels in accordance with Part III.D. of the Measures. In addition, each Contracting Party shall transmit, to the NAFO Executive Secretary, on a real time basis, messages indicating movements within the Regulatory Area for its vessels equipped with satellite devices. The Executive Secretary shall transmit as quickly as possible such information to Contracting Parties with an inspection vessel in the NAFO Convention Area.

The Executive Secretary shall draw up lists of such vessels and circulate these to Contracting Parties with an inspection presence in the Regulatory Area.

Amend PART III - Annex I - HAIL SYSTEM MESSAGE FORMAT

Insert a new line G in paragraph 1.1 as follows:

G. The total round weight of fish by species (3 alpha codes) on board in kilograms rounded to the nearest 100 kilograms.

Existing line G in paragraph 1.1 becomes new line H

Replace paragraph 1.4 to read as follows:

- 1.4 Each exit from the Regulatory Area. These reports shall be made at least six (6) hours in advance of the vessel's exit from the Regulatory Area and shall contain the following particulars in the following order:
- A. Name of vessel,
 - B. Call sign,
 - C. External identification letters and numbers,
 - D. The date, the time and geographical position,
 - E. Indication of the message code: "EXIT",
 - F. The NAFO division from which the vessel is about to leave,
 - G. The catch in round weight taken in the Regulatory Area by species (3 alpha codes) in kilograms (rounded to the nearest 100 kilograms).
 - H. The name of the master.

Add new paragraph 1.5 to read:

- 1.5 Transshipment in the Regulatory Area. This report shall be made at least six hours in advance and shall contain the following particulars in the following order:
- A. Name of vessel,
 - B. Call sign,
 - C. External identification letters and numbers,
 - D. The date, the time and geographical position,
 - E. Indication of the message code: "TRANSFER",
 - F. The total round weight by species (3 alpha codes) to be transhipped in kilograms (rounded to the nearest 100 kilograms),
 - G. The name of the master

¹ new wording underlined and ~~deleted wording struck out~~

Annex 7. Additional Enforcement Measures

Proposal¹

NAFO CONSERVATION AND ENFORCEMENT MEASURES

Amend PART I, A Quotas

Delete in point 2 (lines 7 and 8) the wording which reads:

and the likely incidental catch for the remainder of the period referred to in paragraph 1,

Delete in point 3 paragraph (b) (lines 5 and 6) the wording which reads:

and the likely incidental catch for the remainder of the period

Delete the last part of point 3 paragraph (c) which reads:

except for incidental catches in directed fisheries for other stocks

Replace point 4 paragraph (b) by the following:

Unless otherwise provided in these Measures, in cases where a ban on fishing is in force or an "others" quota has been fully utilized or where no directed fishing is allowed, incidental catches of the species concerned may not exceed 1,250 kg or 5%, whichever is the greater.

Amend in point 4 insert new paragraph (d) to read as follows:

d) In cases where

- (i) a quota allocated to a Contracting Party from a stock listed in Schedule I is exhausted;
- (ii) an "Others" quota has been fully utilized; or
- (iii) a directed fishery is prohibited and the Fisheries Commission so decides;

incidental catches of the species concerned shall not be ground, processed to fishmeal, transshipped, landed, transported, stored, displayed or offered for sale, but must be returned immediately to the sea.

¹ new wording underlined and ~~deleted wording struck out.~~

Amend Part V, Schedule I, Appendix II (Quota table)

Insert new footnote 7 (the Fisheries Commission will decide, on a case by case basis to which stocks this footnote will apply.):

7. Part I Section A.4. paragraph d (iii) of the NAFO Conservation and Enforcement Measures shall apply.

Amend PART I.D.2 Minimum fish size to read as follows:

2. Undersized fish shall not be ground, processed to fishmeal, transhipped, landed, transported, stored, displayed or offered for sale, but shall be returned immediately to the sea.

[* Note: Notwithstanding the provisions of Part I.A.4 and D.2 of these Measures, Canadian [and ...] vessels fishing for principal groundfish, flatfishes, other groundfish and other fish with exception of capelin, as listed in part V, Schedule II, Attachment II, will abide (until further decision by the Fisheries Commission) by their equivalent national regulation which requires landing of all catches.]

Amend PART V - SCHEDULE VII Minimum Fish Size as follows:

<u>Species</u>	<u>Minimum Size</u>
Atlantic cod, <i>Gadus morhua</i> L:	41 cm
American plaice, <i>Hippoglossoides platessoides</i> (Fab)	25 cm
Yellowtail flounder, <i>Limanda ferruginea</i> (Storer)	25 cm
<u>Greenland Halibut, <i>Reinhardtius Hippoglossoides</i></u>	<u> </u>

Note : Fish size for Atlantic cod refers to fork length and for other species it is total length.

Amend PART II Gear Section B. Mesh Size

Amend paragraph 2 (c) to read as follows:

- c) ~~Except as provided in paragraph 3,~~ A Contracting Party shall prohibit vessels of that Party from taking in the Regulatory Area species listed in Part V, Schedule IV with nets having in any part of the net meshes of a size less than that specified in that Schedule, as measured wet after use by inserting into the meshes the appropriate gauge as described in Part V, Schedule V.

Delete point 3.

Point 4 becomes new point 3.

Annex 8. Mesh Size

Proposal¹

NAFO CONSERVATION AND ENFORCEMENT MEASURES

Part II - GearNew B - Meshes

A Contracting Party shall permit only the use of meshes which have 4 sides, equally long, of the same material, and 4 knots.

Re-number B,C,D into C,D,E.

Amend PART V - SCHEDULE IV as follows:

Authorized Mesh Size of Nets

<u>Species</u>	<u>M e s h Size</u>
a) All principal groundfish, flatfishes, and other groundfish <u>and other fish with the exception of capelin</u> as listed in part V, Schedule II, Attachment II.	130 mm
b) Short-finned Squid, illex illecebrosus (LeSueur)	60 mm
c) <u>Shrimps and prawns</u>	<u>40 mm</u>
d) <u>Capelin</u>	<u>11 mm</u>

delete note 1

Note 2: Until 1 January 1997, for nets made of polyamide fibres of the following tradenames:

caprolan
dederon
kapron

the equivalent minimum mesh size shall be 120 mm. Vessels using these materials shall have aboard certificates, which establish that the fibres in the net used correspond to the tradenames mentioned above.

new wording underlined and ~~deleted wording struck out~~

Annex 9. Port Inspections

Proposal¹

NAFO CONSERVATION AND ENFORCEMENT MEASURES

New PART VII - Port Inspections

1. (i) When, in the port of a Contracting Party, a port call is made by a vessel that has been engaged in fishing for stocks subject to these Measures, the Contracting Party whose port is being used shall ensure that an inspector is present and that, on each occasion when catch is offloaded, an inspection takes place to verify the species and quantities caught.
- (ii) The quantities landed by species and the quantities retained on board, if any, shall be cross-checked with the quantities recorded in logbooks, catch reports on exit from the Regulatory Area, and reports of any inspections carried out under this Scheme.
- (iii) Any information from inspections under Part IV of these Measures shall be verified.
- (iv) Inspections shall include verification of mesh size of nets on board and size of fish retained on board.
- (v) Results of port inspections shall be provided to other Contracting Parties on request and communicated to the Executive Secretary on an annual basis.
2. Contracting Parties shall, every two years, check each of their vessels, notified in accordance with Part III.D. of these Measures, to certify the correctness of the vessel's plans for fish rooms and other fish storage places. The master shall ensure that a copy of such certification remains on board to be shown to a NAFO inspector if requested.

¹ new wording underlined and ~~deleted wording struck out.~~

Annex 10. Effort Plans and Catch Reporting

Proposal¹

NAFO CONSERVATION AND ENFORCEMENT MEASURES

Amend PART III. D. Notification of Fishing and Processing Vessel - add new paragraph:

4. Each Contracting Party shall, for the first time by 15 June 1995 and thereafter annually before the vessels of that Contracting Party commence fishing for Greenland halibut, notify the Executive Secretary of the fishing plan for their vessels fishing for Greenland halibut in the Regulatory Area.

This fishing plan shall identify, inter alia, the vessels which are notified in accordance with Part III D of these Measures and which will engage in the Greenland halibut fishery. The fishing plan shall represent the total fishing effort to be deployed with respect to this fishery in relation to the extent of the fishing opportunities available to the Contracting Party making the notification.

By January 30 following each year for which a fishing plan has been notified, each Contracting Party shall transmit to the Executive Secretary a report on the implementation of this plan, including the number of vessels actually engaged in this fishery and the total number of days fished.

Amend PART V, Schedule I, Appendix II, (Quota Table for 1995) - replace footnote 6 by the following:

6. Each Contracting Party shall report catches by its vessels of Greenland halibut to the Executive Secretary every Tuesday for the week ending at 2400 hours on the previous Sunday.

¹ new wording underlined and ~~deleted wording struck out~~.

EXAMPLE MESSAGE

Weekly Catch Report of Greenland Halibut Transmitted by
Contracting Parties to the NAFO Executive Secretary

MESSAGE FORMAT

1. Name of Contracting Party
2. Indication of the message "GHL"
3. Week number
4. Quantity caught in kilograms (rounded to the nearest 100 kilograms)

Annex 11. Infringements

Proposal

NAFO CONSERVATION AND ENFORCEMENT MEASURES

AMEND PART IV - Scheme of Joint International Inspection and Surveillance

Insert new paragraphs 9 and 10 to read as follows:

9. The following apparent infringements shall be subject to paragraph 10:
 - i) misreporting of catches;
 - ii) mesh size violations;
 - iii) hail system violations;
 - iv) interference with the satellite tracking system;
 - [v)] [Conducting a directed fishery on a stock for which fishing is prohibited.]
 - vi) preventing an inspector or an observer from carrying out his or her duties.

10. Notwithstanding paragraphs 7 and 8 above:
 - i) If a NAFO inspector cites a vessel for having committed, to a serious extent, an apparent infringement as listed in paragraph 9 above, the Contracting Party of the vessel shall ensure that the vessel concerned is inspected within 72 hours by an inspector duly authorized by that Contracting Party. In order to preserve the evidence, the NAFO inspector shall take all necessary measures to ensure security and continuity of the evidence, and may remain on board the vessel until the duly authorized inspector arrives;

 - ii) Where justified, the inspector authorized by the Contracting Party of the vessel concerned shall, where duly authorized to do so, require the vessel to proceed immediately to a nearby port, chosen by the Master, which should be either St. Pierre, St. John's, the Azores [,Halifax, Las Palmas] or [,if a master does not choose one of these ports, to a port chosen by the Contracting Party of the vessel] [the home port of the vessel], for a thorough inspection [under the authority of the flag State] and in the presence of a NAFO inspector from any other Contracting Party that wishes to participate. If the vessel is not called to port, the Contracting Party must provide due justification in a timely manner to the Executive Secretary who shall make it available on request to any Contracting Party;

- iii) Where a NAFO inspector cites a vessel for having committed an apparent infringement as listed in paragraph 9 above, the inspector shall immediately report this to the Executive Secretary, who shall in turn immediately report, for information purposes, to the other Contracting Parties with an inspection vessel in the Convention Area;
- iv) Where a vessel is required to proceed to port for a thorough inspection pursuant to paragraph ii) above, a NAFO inspector from another Contracting Party may, subject to the consent of the Contracting Party of the vessel, board the vessel as it is proceeding to port, may remain on board the vessel as it proceeds to port and may be present during the inspection of the vessel in port;
- v) If an apparent infringement of the Conservation and Enforcement Measures has been detected which in the view of the duly authorized inspector is sufficiently serious, the inspector shall take all necessary measures to ensure security and continuity of the evidence including, as appropriate, sealing the vessel's hold for eventual dockside inspection.

Existing paragraph 9 of the NAFO Conservation and Enforcement Measures to be renumbered as paragraph 11.

Annex 12. Follow-up on Apparent Infringements

Proposal¹

NAFO CONSERVATION AND ENFORCEMENT MEASURES

Part IV - Scheme of Joint International Inspection and Surveillance

Insert new second sentence in paragraph 12 as follows:

12. Appropriate authorities of a Contracting Party shall consider and act on reports from inspectors of other Contracting Parties under the scheme on the same basis as reports from its own inspectors. Contracting Parties shall cooperate to follow up apparent infringements using all necessary evidence available from all sources, including evidence from other Contracting Parties as required for effective prosecution or administrative proceedings, subject to the rules governing the admissibility of evidence in domestic courts.

The provisions of this paragraph shall not impose any obligation on the appropriate authorities of a Contracting Party to give the report from a foreign inspector a higher evidentiary value than it would possess in the inspector's own country. Appropriate authorities of Contracting Parties shall collaborate in order to facilitate judicial or other proceedings arising from a report submitted by the inspector under the scheme.

Existing paragraph 14.(ii) and 14.(iii) to be deleted and incorporated in new paragraph 15.

15. a) Appropriate authorities of each Contracting Party shall report to the Executive Secretary by February 1 (for the period July 1-December 31 of the previous year) and September 1 (for the period January 1-June 30 of the current year) each year:
- i) the disposition of apparent infringements notified to it by a Contracting Party. The apparent infringements shall continue to be listed on each subsequent report until the action is concluded under the laws of the Flag State;
 - ii) differences that they consider significant between records of catches in the logbooks of vessels flying the flag of the Contracting Party and inspectors' estimates of catches on board the vessels.
- b) The report required in (a) above shall indicate the current status of the case (i.e. case pending, under appeal, still under investigation, etc) and any penalties imposed shall be described in specific terms (i.e. level of fines, value of forfeited fish and/or gear, written warning given, etc) and shall include an explanation if no action has been taken.

Existing paragraph 15 will be renumbered as paragraph 16.

¹ new wording underlined and ~~delete wording struck out.~~

Annex 13. Pilot Project for Observers and Satellite Tracking

Proposal

NAFO CONSERVATION AND ENFORCEMENT MEASURES

The existing Part VI - "Pilot Project for a NAFO Observer Scheme" of the Conservation and Enforcement Measures will be replaced with the following:

Part VI - Pilot Project for Observers and Satellite Tracking

In order to improve compliance with the Conservation and Enforcement Measures for their vessels fishing in the Regulatory Area, Contracting Parties agree to implement a Pilot Project to provide for properly trained and qualified observers on [all] vessels fishing in the NAFO Regulatory Area and satellite tracking devices on [35%] of their respective vessels fishing in the Regulatory Area.

A. Observers

1. Each Contracting Party shall require [all] its vessels fishing in the Regulatory Area to accept observers on the basis of the following:
 - a) each Contracting Party shall have the primary responsibility to obtain, for placement on its vessels, independent and impartial observers;
 - b) in cases where a Contracting Party has not placed an observer on a vessel, any other Contracting Party may, subject to the consent of the Contracting Party of the vessel, place an observer on board until that Contracting Party provides a replacement in accordance with paragraph a);
 - c) no vessel shall be required to carry more than one observer pursuant to this Pilot Project at any time.
2. Each Contracting Party shall provide to the Executive Secretary a list of the observers they will be placing on vessels in the Regulatory Area.
3. Observers shall:
 - a) monitor a vessel's compliance with the relevant Conservation and Enforcement Measures. In particular they shall:
 - i) record and report upon the fishing activities of the vessel and verify the position of the vessel when engaged in fishing;
 - ii) observe and estimate catches with a view to identifying catch composition and monitoring discards, by-catches and the taking of undersized fish;
 - iii) record the gear type, mesh size and attachments employed by the master;

- iv) verify entries made to the logbooks (species composition and quantities, round and processed weight and hail reports).
 - b) collect catch and effort data on a set-by-set basis. This data shall include location (latitude/longitude), depth, time of net on the bottom, catch composition and discards;
 - c) carry out such scientific work (for example, collecting samples) as requested by the Fisheries Commission based on the advice of the Scientific Council;
 - d) within 30 days following completion of an assignment on a vessel, provide a report to the Contracting Party of the vessel and to the Executive Secretary, who shall make the report, available to any Contracting Party that requests it. [Copies of reports sent to other Contracting Parties shall not include location of catch in latitude and longitude as required under 3 b), but will include daily totals of catch by species and division.]
4. In the case where an observer is deployed on a vessel equipped with devices for satellite-based automatic remote position recording facilities, the observer shall monitor the functioning of, and report upon any interference with, the satellite system. In order to better distinguish fishing operations from steaming and to contribute to an a posteriori calibration of the signals registered by the receiving station, the observer shall maintain detailed reports on the daily activity of the vessel.
 5. When an apparent infringement of the Conservation and Enforcement Measures is identified by an observer, the observer shall, within 24 hours, report it to a NAFO inspection vessel using an established code, which shall report it to the Executive Secretary.
 6. Contracting Parties shall take all necessary measures to ensure that observers are able to carry out their duties. Subject to any other arrangements between the relevant Contracting Parties, the salary of an observer shall be covered by the sending Contracting Party.
 7. The vessel on which an observer is placed shall provide suitable food and lodging during the observer's deployment. Vessel masters shall ensure that all necessary cooperation is extended to observers in order for them to carry out their duties.

B. Satellite Tracking

1. Each Contracting Party whose vessels fish, or plan to fish, a minimum of 300 days per year in the Regulatory Area, [shall] [may]:
 - a) require 35% of its vessels fishing in the Regulatory Area to be equipped with an autonomous system able to transmit automatically satellite signals to a land-based receiving station permitting a continuous tracking of the position of the vessel by the Contracting Party of the vessel;
 - b) endeavour to test several systems of satellite tracking;
 - c) install at least one receiving station associated with their satellite tracking system;

- d) transmit to the Executive Secretary, on a real time basis, messages of movement between NAFO divisions (as per the requirements of the Hail System outlined in Part III. E of these Measures) for its vessels equipped with satellite devices. The Executive Secretary shall, in turn, transmit such information to Contracting Parties with an inspection vessel or aircraft in the Convention Area;
 - e) cooperate with other Contracting Parties which have a NAFO inspection vessel or aircraft in the Convention Area, in order to exchange information on a real-time basis on the geographical distribution of fishing vessels equipped with satellite devices and, on specific request, information related to the identification of a vessel.
2. Subject to any other arrangements between Contracting Parties, each Contracting Party shall pay all costs associated with the satellite tracking system.

C. Analysis

1. Each Contracting Party shall prepare a report on the results of the Pilot Project from the perspective of efficiency and effectiveness, including:
- a) overall effectiveness of the Project in improving compliance with the Conservation and Enforcement Measures;
 - b) the effectiveness of the different components of the Project;
 - c) costs associated with observers and satellite tracking;
 - d) a summary of observers' reports, specifying type and number of observed infractions and important events;
 - e) estimations of fishing effort from observers as compared to initial estimation by satellite monitoring;
 - f) analysis of the efficiency in terms of cost/benefit, the latter being expressed in terms of compliance with the Conservation and Enforcement Measures and volume of data received for fisheries management.
2. The reports shall be submitted to the Executive Secretary in time for their consideration at the September 1997 Annual Meeting of NAFO and, based on these reports, the Parties agree to establish a permanent scheme that will ensure that the degree of control and enforcement in the Regulatory Area provided by the Project, as indicated above, is maintained.