PART III

Report of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

28th Annual Meeting, 18-22 September 2006 Dartmouth, Nova Scotia, Canada

1. Opening by Vice-Chair

The Vice-Chair, Mr. Gene Martin (United States) opened the meeting at 14 30 hrs on Monday September 18, 2006. The meeting was attended by representatives from Canada, Denmark (in respect of the Faroe Islands and Greenland), European Union, Iceland, Norway and the United States of America.

2. Election of the Chair

In December 2005, the former STACFAC Chair (Nadia Bouffard) resigned due to a position change. Canada nominated Mr. Gene Martin as Chair and this motion was seconded by Norway and adopted by acclamation. The delegate from European Union nominated Jeff MacDonald as Vice-Chair and delegates approved this nomination.

3. Appointment of Rapporteur

Ms. Marie-Eve Rouleau (Canada) was appointed rapporteur.

4. Adoption of Agenda

General Council recommended that the IUU List was added to the agenda under item 6bis. This recommendation was approved by the STACFAC delegates and the agenda was adopted as modified.

5. Joint NAFO and NEAFC scheme to promote compliance by NCP vessels (continued discussion on Norwegian proposal – STACFAC WP 04/8)

Norway presented the informal discussion paper that was originally introduced in 2004. There was a general consensus among participants that NAFO and NEAFC should recognize the IUU List elaborated by the other body. Since all members of NEAFC are members of NAFO, it was understood that it may be easier to start this project in NAFO. There was a discussion regarding whether to implement a joint scheme by a Memorandum of Understanding (MoU) between the two organisations or through the convening of a joint meeting.

Norway tabled a proposal (Annex 7) of a MoU that would institute reciprocal recognition by contracting Parties of NAFO and NEAFC of the IUU List in each organisation. In this paper, Norway also presented how the Scheme to promote compliance by NCP vessels contained in NAFO's Conservation and Enforcement measures (CEM) could be amended to implement a joint scheme. Several Contracting Parties supported the concept of amending the articles of the CEM to allow the possibility of recognition of the NEAFC IUU List. There was concern raised, however, that such an amendment may not be appropriate under authorities established in the Convention. After further deliberations, Contracting Parties agreed to move forward with developing the concept of recognizing the NEAFC IUU List by amending the CEM scheme. Contracting Parties volunteered to draft the proposed amendments which are contained in Annex 5. Several Contracting Parties concluded that the draft amendments adequately addressed the concerns previously raised by delegates.

6. Review of 2006 information on activities of non-Contracting Party vessels in the Regulatory Area.

Canada indicated that a joint patrol formed by Canada and EU sighted 5 NCP vessels which are flagged to Georgia. These vessels were sighted by a Canadian patrol vessel at the end of July in division 1F. These vessels have been sighted in the NRA in past years fishing under other names and flags. The vessels were presumed to be fishing oceanic redfish. Based on information provided by Canada and EU, the names of the vessels were as follows:

1. Carmen, former Ostovets
2. Eva, former Oyra
3. Isabella, former Olchan
4. Juanita, former Ostroe
5. Ulla, former Lisa, Kadri

Canada specified that on the last report of the aerial surveillance, these vessels were still present but were not engaged in fishing activities.

No other Party has sighted NCP vessels in the NAFO Regulatory Area.

6bis. IUU List

Delegates first evaluated the letter sent to Georgia by the Secretariat which indicated that the five vessels were placed on a Provisional IUU List and whether the Scheme to promote compliance by non-Contracting party vessels was followed. In general, delegates agreed that the procedure was followed correctly by the NAFO Secretariat and made the following recommendations to the Executive Secretary who was present at the meeting.

Delegates reiterated the importance of the NAFO Secretariat sending the information to the NCP concerned in a timely manner. It is sometimes difficult to contact the Chair before sending the information. To correct this problem and clarify the wording of the Scheme, the Chair and Norway made some suggestions and delegates agreed to amend the following articles:

> 46.3 At the same time, the Secretariat, to the extent practicable, shall, in consultation with the Chair of STACFAC, advise relevant non-Contracting Parties of the vessels flying their flag that have been included in the Provisional List and provide the following information to the non-Contracting Party
>
> 47.5 The Secretariat shall place the IUU List on the NAFO website. This list shall include the name and flag state of the vessel and, where available, the IMO number, the previous name(s), the previous flag state(s), the radio call signal.
>
> 48 a) vessels appearing in the IUU List are not authorized to land, tranship, refuel or re-supply, except for reason of *force majeure* or, engage in fish processing operations or in any other activity in preparation for or related to fishing in their ports or waters under their jurisdiction.

Delegates also made recommendations to the Secretariat that the Provisional List be posted on the first page of the secure website to facilitate access to the information by all Contracting Parties. All relevant information such as correspondence or surveillance reports should be included as well.

Regarding the IUU List posted on the NAFO webpage, delegates recommended the Secretariat include direct links to the public IUU Lists of other Regional Fisheries Management Organisations (RFMO). The direct link will ensure that the information is accurate and correspond to the frequent modifications made by each RFMO. Delegates also recommended that the Secretariat add any information or links to such information received from the flag State of the IUU vessel or from the Contracting Parties in the additional information column.

Delegates also recommended that the Secretariat explore access to the Lloyds Registry in order to improve the compiling of information and its distribution to all Contracting Parties and RFMO. Delegates recommended that the Secretariat report to the next STACTIC meeting the feasibility of obtaining access to the Lloyds Registry and the advantages of such access.

Delegates next considered whether to move the vessels on the Provisional List to the IUU List. Given the repeated sightings of these vessels in NAFO and NEAFC Regulatory Areas and the fact that Georgia has not provided any substantive additional information to NAFO concerning these vessels within 30 days after the letter to Georgia was sent, Contracting Parties agreed to recommend to the General Council that these 5 vessels be moved from the Provisional List to the IUU List.

The Chair undertook the task to draft a letter to Georgia (Annex 6) regarding the establishment of the IUU List. The United States agreed to take the responsibility to demarche that letter to Georgia.

7. Review of 2006 information on landings and transhipments of fish caught by non-Contracting Party vessels in the Regulatory Area

No information on transhipments and landings of fish by Non-Contracting Parties in the NAFO Regulatory Area was presented for 2006.

There were however transhipment activities by Non-Contracting Party vessels sighted in the NEAFC Regulatory Area. NEAFC Secretariat has informed NAFO of transhipments occurring on the POLESTAR from known IUU vessels.
Canada indicated the excellent cooperation among the Contracting Parties and some non-Contracting Parties as the POLESTAR has still been denied permission to land despite known attempts to do so in Korea, Japan and Hong Kong. Iceland and Norway also made multiple contacts to avoid the landing of the POLESTAR.

The Chair noted these reports indicated that the scheme was successfully hindering the activities of IUU vessels and incurring higher costs to their activities.

8. Review of information on imports of species regulated by NAFO from non-Contracting Parties whose vessels have fished in the Regulatory Area

No information on imports of species was presented for 2006.

9. Reports by Contracting Parties on diplomatic contacts with non-Contracting Party Governments concerning fishing in the Regulatory Area

Canada presented information regarding its diplomatic contacts. It recalled that in September 2005, a letter was sent to Dominica which resulted in the de-registration of the IUU vessels. This year, Canada contacted Georgia on August 8 regarding the IUU vessels presently in the NRA. On August 16, the Maritime Transport Administration of Georgia sent a letter to the chartered companies of the boats asking them to remove their vessels or to contact NAFO to obtain a licence and quotas. Since then, no Contracting Parties received further information from Georgia.

Norway indicated that it concluded a bilateral fish control agreement with Morocco which includes the refusal to land from vessels listed in the IUU List in NEAFC. Norway encouraged Parties to develop such agreements.

10. Reform of NAFO, in particular the possibility of merging STACFAC and STACTIC

Delegates agreed with the merger of STACFAC and STACTIC for the sake of efficiency and recommended such merger to the General Council. Delegates expressed their hope that STACTIC will be able to invest enough time in the discussions regarding IUU activities by non-Contracting Parties. Delegates recommended to the General Council to amend the Rules of Procedures and the CEM to represent the merging of the two standing committees.

11. Report and Recommendations to the General Council

STACFAC recommends to the General Council that:

1. the five vessels listed in the Provisional List be moved to the IUU List as presented in Annex 4;
2. a letter (Annex 6) signed by the President of NAFO be sent to Georgia to inform the authorities of the inclusion of the five vessels in the IUU List;
3. the General Council review and adopt the proposed amendments to 46.3, 47.5 and, if necessary, 48 a) of the CEM (listed under agenda item 6bis);
4. the General Council review and adopt the proposed amendments of the CEM as listed in Annex 5;
5. amendments to the Rules of Procedures and the CEM be adopted to reflect the merging of STACFAC and STACTIC;
6. the General Council review and approve the recommendations made to the Secretariat as listed under agenda item 6bis;

7. the Secretariat report to the next STACTIC meeting the feasibility of obtaining access to the Lloyds Registry and the advantages of such access;
8. the General Council review and adopt the proposed amendments of the CEM as listed in Annex 9, provided bracketed text is resolved.

12. Other Matters

STACTIC Chair in consultation of STACFAC Chair determined that STACTIC W.P. 06/32 (Revision 4) was more appropriately a STACFAC matter since it involves amendments to the Scheme to promote compliance by non-Contracting party vessels. Delegates agreed to add this item to their agenda. Some reservations were mentioned by delegates and bracketed text was provided. Delegates decided, due to time constraints, to recommend that the General Council review the amendments and take a decision regarding this matter or to defer this item to the next STACTIC meeting.

13. Adjournment

The Committee adjourned at 1230 hr on September 21, 2006.

Annex 1. List of Participants

Name	Contracting Party
Keith Lewis	Canada
Jeff MacDonald	Canada
Marie-Eve Rouleau	Canada
Martin Kruse	Denmark (in respect of Faroe Islands & Greenland)
Hermann Pott	EU
Kristjan Freyr Helgason	Iceland
Jan Pieter Groenhof	Norway
Gene Martin	USA
Deirdre Warner-Kramer	USA

Annex 2. Agenda

1. Opening by the Vice-Chair, Gene Martin (USA)

2. Election of Chair

3. Appointment of Rapporteur

4. Adoption of Agenda

5. Joint NAFO and NEAFC scheme to promote compliance by NCP vessels (continued discussion on Norwegian proposal - STACFAC W.P. 04/8)

6. Review of 2006 information on activities of non-Contracting Party vessels in the Regulatory Area

6bis. IUU List

7. Review of 2006 information on landings and transhipments of fish caught by non-Contracting Party vessels in the Regulatory Area

8. Review of information on imports of species regulated by NAFO from non-Contracting Parties whose vessels have fished in the Regulatory Area

9. Reports by Contracting Parties on diplomatic contacts with non-Contracting Party Governments concerning fishing in the Regulatory Area

10. Reform of NAFO, in particular the possibility of merging STACFAC and STACTIC

11. Report and Recommendations to the General Council

12. Other Matters

13. Adjournment

Annex 3. Provisional List (STACFAC WP 06/3, Rev. 3)

Find below the Provisional List of IUU Vessels for 2005 and 2006. All correspondence and other information related to IUU fishing is compiled in STACFAC W.P. 06/2. At this Annual Meeting STACFAC will for the first time elaborate a NAFO IUU list (black list). To enable STACFAC to do this work, the Secretariat has put together information received from Contracting Parties regarding sightings of NCP vessels in the NRA which are presumed to have undermined the NAFO Conservation and Enforcement Measures.

These tables can also be found on the NAFO member site: http://members.nafo.int/content/gc/stacfac/ncp-list.html

2006 Provisional List of IUU Vessels

Vessel Name (+known previous name)	*Current Flag State (known prev. Flag State)*	*Radio Call Sign (RC)*	*Registration Number (XR)*	*IMO Number*	*Sighting Information Summary*	*Charterer (Name & Address):*	*Additional Information*
Carmen (Ostovets)	Georgia (Dominica)	4LSK	M-01037	8522030	NAFO Div. 1F; sighted July 25, 2006	(Operated by): Trespann Ltd S.A. Apartado Postal 3-368, Zona 3 Panama City, Panama	
Eva (Oyra)	Georgia (Dominica)	4LPH		8522119	NAFO Div. 1F; sighted July 31, 2006	(Operated by): Trespann Ltd S.A. Apartado Postal 3-368, Zona 3 Panama City, Panama	
Isabella (Olchan)	Georgia (Dominica)	4LSH	M-843857	8422838	NAFO Div. 1F; sighted July 31, 2006	(Operated by): Trespann Ltd S.A. Apartado Postal 3-368, Zona 3 Panama City, Panama	
Juanita (Ostroe)	Georgia (Dominica)	4LSM		8522042	NAFO Div. 1F; sighted July 30, 2006	(Operated by): Trespann Ltd S.A. Apartado Postal 3-368, Zona 3 Panama City, Panama	
Ulla (Lisa, Kadri)	Georgia (Dominica)	unknown	unknown	8606836	NAFO Div. 1F; sighted July 23, 2006	(Operated by): Global Invest Ltd. Calle 1, Laloma Edificio Peach Tree, Apt. 3(A) Panama City, Panama	

2005 Sightings of NCP Vessels

Vessel Name (+ known previous name)	Current Flag State (know previous Flag State)	Call Letter	Registration Number	IMO Number	Sighting Information Summary	Owner (Name/Address)	Charterer (Name/Address)	Additional information
OKHOTINO	Unknown - prev. Dominica (2004-2005) Belize (until Feb. 2003)	J7AC2	50013	8522169	NAFO division 1F; multiple sightings (July – Aug. 31, 2005) Fishing	AB BOCYP FISHING LTD 284 Av. Makarios III Fortuna Court Block B Limassol Cyprus	PIRO-FISCH GmbH Alter Hafen Nord 210 ROSTOCK Germany D-18069	Bareboat charter; De-registered by Dominica Sept 14, 2005
OLCHAN	Unknown - prev. Dominica (2004-2005) Belize (until Feb. 2003)	J7AC7	50018	8422838	NAFO div. 1F; multiple sightings (July – Aug. 31, 2005)	AB BOCYP FISHING LTD 284 Av. Makarios III Fortuna Court Block B Limassol Cyprus	PIRO-FISCH GmbH Alter Hafen Nord 210 ROSTOCK Germany D-18069	Bareboat charter; De-registered Bareboat charter; De-registered by Dominica Sept. 14, 2005 by Dominica Sept 14, 2005
OSTROE	Unknown - prev. Dominica (2004-2005) Belize (until Feb. 2003)	J7AC5	50016	8522042	NAFO div. 1F; multiple sightings (July – Aug. 31, 2005)	AB BOCYP FISHING LTD 284 Av. Makarios III Fortuna Court Block B Limassol Cyprus	PIRO-FISCH GmbH Alter Hafen Nord 210 ROSTOCK Germany D-18069	Bareboat charter; De-registered by Dominica Sept 14, 2005
OSTOVETS	Unknown - prev. Dominica (2004-2005) Belize (until Feb. 2003)	J7AC3	50014	8522030	NAFO div. 1F; multiple sightings (July – Aug. 31, 2005)	AB BOCYP FISHING LTD 284 Av. Makarios III Fortuna Court Block B Limassol Cyprus	PIRO-FISCH GmbH Alter Hafen Nord 210 ROSTOCK Germany D-18069	Bareboat charter; De-registered by Dominica Sept 14, 2005
OYRA	Unknown - prev. Dominica (2004-2005) Belize (until Feb. 2003)	J7AC4	50015	8522119	NAFO div. 1F; multiple sightings (July – Aug. 31, 2005)	AB BOCYP FISHING LTD 284 Av. Makarios III Fortuna Court Block B Limassol Cyprus	PIRO-FISCH GmbH Alter Hafen Nord 210 ROSTOCK Germany D-18069	Bareboat charter; De-registered by Dominica Sept 14, 2005
LISA (PREV. KADRI)	Unknown – Dominica (2004-2005) Belize prior to Oct 2003	J7AG4	50052	8606836	NAFO div. 1F; multiple sightings (July – Aug. 31, 2005)	GLOBAL INVEST LTD. S.A. Calle 1, La Loma Edificio Peach Tree, Apt. 3-A Panama		Permanent; De-registered by Dominica Sept 14, 2005
PAVLOSK	Unknown – Dominica (2004-2005)	J7AJ1	50079	8326319	NAFO div. 1F; multiple sightings (July – Aug. 31, 2005)	CELEBURTON MARKETINGS LLC 2130 SW Beaverton Hillsdale Hwy Portland, Oregon 97225 USA		Permanent; De-registered by Dominica Sept 14, 2005

Annex 4. IUU List

IUU List of Vessels for 2006

Vessel Name (+known previous name)	*Current Flag State (known prev. Flag State)*	*Radio Call Sign (RC)*	*IMO Number*	*Sighting Information Summary*	*Additional Information*
Carmen (Ostovets)	Georgia (Dominica)	4LSK	8522030	NAFO Div. 1F; sighted July 25, 2006	
Eva (Oyra)	Georgia (Dominica)	4LPH	8522119	NAFO Div. 1F; sighted July 31, 2006	
Isabella (Olchan)	Georgia (Dominica)	4LSH	8422838	NAFO Div. 1F; sighted July 31, 2006	
Juanita (Ostroe)	Georgia (Dominica)	4LSM	8522042	NAFO Div. 1F; sighted July 30, 2006	
Ulla (Lisa, Kadri)	Georgia (Dominica)	unknown	8606836	NAFO Div. 1F; sighted July 23, 2006	

Annex 5. Changes proposed in order to recognise NEAFC IUU-listed vessels through the NAFO CEM

Article 42:
New para 1 bis (para between existing para 5 and 6):
For the purposes of paragraph 1, recognizing the adjacent boundary of the NRA with the Convention Area of North East Atlantic Fisheries Commission (NEAFC); the existence of stocks that straddle the boundary between these areas; and the global nature of IUU vessel activities, a non-Contracting Party vessel that has been placed on the NEAFC IUU list is presumed to be engaging in fishing activities in the NRA and thereby undermining the effectiveness of Conservation and Enforcement Measures.

Changes with regard to existing para 2
Information regarding sightings or identifications as specified in paragraph 1….

Article 47:
New 5 bis (para between existing para 5 and 6)
The Secretariat shall transmit the IUU List and any relevant information regarding the list, including the reasons for listing or de-listing each vessel, to the Secretariat of NEAFC with a request to circulate this to all NEAFC Contracting Parties. The Secretariat shall also circulate the IUU List to other Regional Fisheries Management Organisations.

New 6 bis (para after existing para 6)
Upon receipt of NEAFC's IUU List and any relevant information regarding the list, the Secretariat shall circulate this information to the Contracting Parties. Notwithstanding paragraph 2, vessels that have been added to or deleted from the NEAFC IUU List that are flagged to non-Contracting Parties shall be incorporated into or deleted from the NAFO IUU List as appropriate, unless any Contracting Party objects within 30 days of the date of the transmittal by the Secretariat on the grounds that:

1. there is satisfactory information to establish that any of the requirements in paragraph 3 a) – d) have been met with regard to a vessel placed on the NEAFC IUU list, or
2. there is satisfactory information to establish that none of the requirements in paragraph 3 a) – d) have been met with regard to a vessel taken off the NEAFC IUU list.

In the event of an objection to a NEAFC IUU-listed vessel being incorporated into or deleted from the NAFO IUU List, such vessel shall be placed on the Provisional List. Article 46 shall not apply to vessels placed on the Provisional List pursuant to this paragraph.

Annex 6. Letter to Georgia from the President of NAFO

Address (appropriate interlocutor, Georgia Foreign Ministry, Georgia Ministry of Agriculture, and Georgia Maritime Transport Administrator)

On behalf of the Contracting Parties to the Northwest Atlantic Fisheries Organization (NAFO) and further to our correspondence of August 11, 2006, we are writing to inform you that the following five fishing vessels flagged to Georgia have been placed on NAFO's Illegal, Unreported and Unregulated (IUU) List of fishing vessels: *Carmen (IMO # 852203), Eva (IMO # 852219), Isabella* (*IMO # 8422838), Juanita (IMO# 8522042), and Ulla (IMO# 8606836)*. This action was taken at NAFO's annual meeting (18-22 September 2006) as a follow-up to these fishing vessels being placed on NAFO's Provisional IUU List. Your government was informed in the letter from NAFO on August 11, 2006 (Attachment 1) that these vessels were being placed on the Provisional IUU list based on sightings of the vessels in the NAFO Regulatory Area by a Canadian patrol vessel. These vessels are presumed by NAFO to be undermining the effectiveness of the NAFO's Conservation and Enforcement Measures (see Attachment 1).

In the August 11 letter, you were requested to take measures in accordance with Georgia's applicable legislation to ensure that the vessels in question desist from any activities that undermined the effectiveness of the NAFO Conservation and Enforcement Measures. You were also asked to report to the NAFO Secretariat by September 10, 2006, of the results of any inquiries/measures Georgia has taken in respect of the vessels concerned. In a letter dated September 8, 2006, Georgia's Ministry of Agriculture informed NAFO that it was looking into this matter and would be sending results later. In the absence of any further information concerning remedial actions taken towards these vessels, NAFO Contracting Parties unanimously agreed to place them on the NAFO IUU list. You may be interested to know that all of these vessels have been previously sighted in the NAFO Regulatory Area flying the flag of other flag states and following notification by NAFO, these flag states de-registered the offending vessels.

As provided in Article 47 of NAFO's Conservation and Enforcement Measures, a vessel may be removed from the NAFO IUU List if the vessel's flag state provides certain information warranting the removal. As long as these vessels remain on the NAFO IUU List, they are subject to significant punitive actions by NAFO Contracting Parties, as outlined in Article 48, including the closing of ports to the vessels, the prohibition of transshipments to Contracting Party vessels, the prohibition on licenses to fish in waters of NAFO Contracting Parties and possible trade-related actions by Contracting Parties. In addition, the NAFO's IUU List is posted on a public web site of NAFO and Contracting Parties will share the list with other Regional Fisheries Management Organizations and other non-contracting parties so that such entities may take appropriate action against these vessels.

We trust that Georgia will take appropriate action against these vessels and look forward to receiving information concerning any such actions.

Sincerely,

David Bevan
President of NAFO

cc: other appropriate entities

Annex 7. On Cooperation with regard to Compliance by non-Contracting Party vessels (presented by Norway)

(STACFAC Working Paper 06/5 (Revised))

In order to improve effectiveness of the NAFO and NEAFC Schemes to promote compliance by non-Contracting Party vessels, it is suggested that NAFO and NEAFC Contracting Parties should mutually recognise IUU lists of NEAFC and NAFO respectively with regard to vessels flagged to neither NAFO nor NEAFC Contracting Parties.

This may be achieved either through an MoU between NAFO and NEAFC, or through a binding mechanism whereby the NAFO and NEAFC schemes are amended to allow IUU vessels of the other organisations to be placed on the IUU list of the other organisation through a decision mechanism of that organisation.

Attached are alternative proposals to achieve the stated objective.

Notes to the MoU alternative:

With such an MoU, under NAFO, it would likely be up to each state to apply the measures in accordance with the NCP scheme, article 48 – which places obligations on the Contracting Parties, and not on the organisations.

The decision making mechanisms of NAFO and NEAFC would not apply unless an explicit decision procedure for mutual recognition was provided for.

IUU lists refers to non-provisional lists in both organisations.

Notes to the proposal for a binding mechanism:

Rights to object under relevant decision making mechanisms would apply as usual.

Relevant changes could also be made "unilaterally" in the NCP scheme of either NAFO or NEAFC. Relevant changes could otherwise be coordinated in a joint meeting of NAFO and NEAFC.

DRAFT 20.09.2006

MoU

between
Northwest Atlantic Fisheries Organisation (NAFO)
and
North East Atlantic Fisheries Commission (NEAFC)

On Cooperation with regard to Compliance by non-Contracting Party vessels

The Contracting Parties to NAFO and NEAFC, hereinafter the Contracting Parties,

Desiring to promote the long term conservation and sustainable use of the fishery resources of the North Atlantic area, and accordingly to encourage international cooperation and consultation with respect to these resources,

Committed to responsible fisheries as well as to combat Illegal, Unreported and Unregulated (IUU) activities,

Recognising that IUU activities undermine the efficiency of the relevant regulatory measures in the NAFO and NEAFC areas and the effectiveness of the relevant conservation and enforcement measures,

Desiring to improve effectiveness of the NAFO and NEAFC Schemes to promote compliance by non-Contracting Party vessels,

Hereby agree as follows:

1. The Contracting Parties shall mutually recognise IUU lists of NAFO and NEAFC respectively with regard to vessels flagged to neither NAFO nor NEAFC Contracting Parties.

2. To this effect,
    a. NAFO Contracting Parties undertake to apply relevant follow-up actions pursuant to Article 48 of the NAFO Control and Enforcement measures to non-Contracting Party vessels on the NEAFC B-list.
    b. NEAFC Contracting Parties undertake to apply relevant follow-up actions pursuant to Article 11 of the Non-Contracting Party Scheme of NEAFC to non-Contracting Party vessels placed on the NAFO IUU list.

3. NAFO and NEAFC secretariats shall, immediately after the adoption of the respective IUU list of NAFO or NEAFC, submit to the other organisation and all Contracting Parties the relevant information regarding such lists, including the reasons for listing or de-listing each vessel.

4. The above is without prejudice to a Contracting Party's right to implement these requirements in conformity with its international obligations and its national legislation, and without prejudice to the right of NAFO and NEAFC to retain or delete an IUU vessel from their respective lists independently of the other organisation.

Scheme adjustment

In the relevant NCP Schemes of NAFO and NEAFC;

1) add provisions to the effect that NAFO and NEAFC secretariats shall, immediately after the adoption of the respective IUU list of NAFO or NEAFC, submit to the other organisation and all Contracting Parties to both organisations the relevant information regarding such lists, including the reasons for listing or de-listing each vessel.

2) add provisions that the relevant decision making authorities of NAFO and NEAFC shall place such non-Contracting Party vessel listed in the other organisation on their IUU list, unless an explicit decision is made not to put it on.

add provisions that the relevant decision making authorities of NAFO and NEAFC shall take such non-Contracting Party vessel de-listed in the other organisation off their IUU list, unless an explicit decision is made to keep it on.

Annex 8. Letter from NAFO to Georgia (from STACFAC WP 06/2) and response from Georgia

Northwest Atlantic Fisheries Organization
P.O. Box 638 · Dartmouth · Nova Scotia · B2Y 3Y9 · Canada
Telephone (+1-902) 468-5590 · Fax (+1-902) 468-5538
Email: info@nafo.int · Website: www.nafo.int

In all correspondence
please refer to:

GFS/06-327

11 August 2006

Honourable Mr. Mikheil Svimonishvili
Minister of Agriculture of Georgia
41, Kostava str.
Tbilisi 0179
Georgia

Dear Mr. Minister:

I am writing to you on behalf of the Contracting Parties to the Northwest Atlantic Fisheries Organization (NAFO). NAFO has received information that the following five fishing vessels flagged to Georgia were sighted in the NAFO Regulatory Area and contacted by the Canadian patrol vessel *George R. Pearkes*: *Carmen*, *Eva*, *Isabella*, *Ulla*, and *Juanitaimo* (see Attachment 1). The vessels are suspected to having conducted unauthorized fishing operations in the NAFO Regulatory Area and thus undermined the effectiveness of the NAFO Conservation and Enforcement Scheme (Attachment 2). According to Article 42 of the NAFO Conservation and Enforcement Measures, the NAFO Secretariat has therefore included these vessels on a provisional list of IUU vessels.

You are hereby kindly requested to take measures in accordance with Georgia's applicable legislation to ensure that the vessels in question desist from any activities that undermine the effectiveness of the NAFO Conservation and Enforcement Measures. The NAFO regulations also require that you report to the Secretariat within 30 days from the date of this letter, i.e. by the 10 September 2006, on the results of enquiries and/or measures Georgia has taken in respect of the vessels concerned.

You are cordially invited to attend as an observer the next Annual Meeting of NAFO that will take place in Dartmouth, Nova Scotia, Canada, from the 18 to the 22 September 2006. At this meeting, the NAFO General Council and its "Standing Committee on Fishing Activities of non-Contracting Parties in the Regulatory Area" (STACFAC) will be considering recommendations with respect to the composition of the NAFO IUU List. Your attendance at the meeting will give you an opportunity to further respond to NAFO's request.

I thank you in advance for your earliest possible attention to these matters, and I look forward to your prompt reply on any information you have with regard to the activities of the five vessels mentioned above as well as any appropriate actions taken by Georgia regarding these vessels.

With my highest considerations,

Dr. Johanne Fischer
Executive Secretary

From: info
Sent: Fri 9/8/2006 8:00 AM
To: Johanne Fischer
Cc: Bev McLoon
Subject: FW: Ministry of Agriculture of Georgia
Attachments: Ministry of Agriculture

Dear Dr.Johanne Fischer,

Let me inform you, that the Ministry of Agriculture of Georgia received your official letter dated on 11 August 2006 regarding vessels flagged to Georgia which were conducting unauthorized fishing operations in NAFO regulatory area.

We are checking out this matter and we'll answer you the results in nearest days.

Thank you for cooperation,

With best regards,

Levan Chikovani
MINISTRY OF AGRICULTURE OF GEORGIA
Department of Cooperation with International
Organizations and Project Management
Deputy Head

Tel.: +995 32 931958
Mob.: +995 99 769004
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Annex 9. Proposal to modify the IUU measures

(STACTIC Working Paper 06/32 (Revision 4))

Background

The proposal modifies the article 48 concerning the follow-up of IUU vessels in order to ensure the coherence with the NEAFC measures.

Proposal to amend Article 48 "Follow-up action"

Article 48

The text of Article 48 is replaced by the following:

Contracting Parties shall take all the necessary measures **[to the extent possible in accordance with their applicable legislation]** with regard to vessels on the IUU List, including:

a) prohibiting fishing vessels, support vessels, refueling vessels, the mother-ships and cargo vessels flying their flag to assist [IUU vessels] **[vessels on the IUU List]** in any way, engage in fish processing operations or participate in any transshipment or joint fishing operations with vessels on the IUU List;

b) prohibiting the supply of provisions, fuel or other services to vessels on the IUU List.

c) prohibiting the entry into their ports of such vessels, except in case of force majeure;

d) prohibiting the change of crew, except as required in relation to force majeure;

e) refusing authorization of such vessels to fish in waters under their national jurisdiction;

f) prohibiting the chartering of such vessels;

g) refusing to entitle such vessels to fly their flag;

[h) prohibiting where traceable the imports of fish coming from such vessels;]

i) prohibiting the landing of fish coming from such vessels;

j) encouraging importers, transporters and other sectors concerned, to refrain from negotiating and from transshipping of fish caught by such vessels;

k) collecting and exchanging any appropriate information regarding vessels appearing on the IUU List with other Contracting Parties, non-Contracting Parties and other Regional Fisheries Management Organizations with the aim of detecting, controlling and preventing false import/export certificates regarding fish from such vessels.