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**Report of the Standing Committee on
International Control (STACTIC)
1-3 July 2008
Nuuk, Greenland**

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Report of the Standing Committee on International Control (STACTIC)
(FC Doc. 08/5)

1-3 July 2008
Nuuk, Greenland

1. Opening of the Meeting (Chair: Mads Nedergaard, Denmark in respect of the Faroe Islands and Greenland))

The Chairman opened the meeting at 10:00 am at the Cultural Centre Greenland, Nuuk, Greenland and welcomed representatives of Canada, Denmark (in respect of the Faroe Islands and Greenland), the European Union (EU), France (in respect of St. Pierre-et-Miquelon), Iceland, Japan, Norway, Russia, the United States and the NAFO Secretariat to the STACTIC intersessional meeting. (Annex 1)

No opening statements were made.

2. Appointment of Rapporteur

Brent Napier (Canada) was appointed rapporteur.

3. Adoption of Agenda

The Chair introduced the agenda and opened the floor to comments.

The representative of the EU proposed the inclusion of an agenda item on the Omega gauge, time permitting, and the Chair indicated the item would be placed under agenda item 9. *viii Possible Amendments to the Conservation and Enforcement Measures.*

The Representative of Norway sought clarification as to the placement of the various STACTIC Working Papers (08/02, 08/03, 08/04, 08/05, 08/06, and 08/07) tabled by the NAFO Secretariat at the meeting. The NAFO Secretariat proposed placement for each and the agenda, as attached, was adopted. (Annex 2).

4. Compilation of fisheries report for compliance review (2004-2007), including review of Apparent Infringements

The Chair introduced the agenda item and asked the NAFO Secretariat to make a presentation on the compilation and 2007 annual compliance review process.

The NAFO Secretariat began the presentation of the STACTIC W.P. 08/3 with a brief background detailing the evolution of the compilation of fisheries reports and the compliance review process. This background was followed by an explanation of the populated compliance (C-tables) and report tables (R-tables) that dealt with Contracting Party reporting obligations and vessel compliance. Finally, the NAFO Secretariat went on to explain some graphical representations of several (key) trends, derived from the 2004-2007 compilation of fisheries reports, intended to stimulate discussion on possible methods of presenting the available compliance information.

The Chair thanked the NAFO Secretariat for its work and reminded Contracting Parties that work on the revised compliance review process was ongoing and open to improvement.

The Representative of the EU echoed the Chair's appreciation for the work done by the NAFO Secretariat but noted that it had reviewed the EU information included in the 2007 compilation tables and had some corrections to provide. The Representative of the EU also observed that the trends displayed in the presentation provided some interesting insight into the activity in the NAFO Regulatory Area, specifically pertaining to decreasing vessel and effort and relative increase in inspections. In this context, the Representative of the EU suggested that a broad discussion should be undertaken to determine, based on the trends, what compliance objectives NAFO should be focusing on and how they could be achieved in the most cost-effective and efficient manner.

The Chair requested that the Working Group, consisting of participants from Canada, the EU, Denmark (in respect of the Faroe Islands and Greenland), and the United States, reconvene to work with the NAFO Secretariat to review the compilation tables, and proposed trend presentation, in preparation for the annual compliance review that would be conducted/presented at the NAFO Annual Meeting September 2008.

The Representative of the EU pointed out that the NAFO Secretariat had requested, under this agenda item, clarification on whether apparent infringements concerning stowage plans were considered serious and compliance on closed area regulations on Vulnerable Marine Ecosystems (VME's) should be included in the compliance review. He offered that stowage plan apparent infringements should not be considered serious, as the stowage plan itself was simply a tool intended to facilitate inspections and that the true serious infringements were related to misreporting. On the issue of VME's, it was suggested that this should eventually be included in the compliance review, but indicated that it may be premature at present as there was still a need to establish criteria.

The Representative of Canada supported the opinion provided by the Representative of the EU on stowage plans, citing that a problem with a stowage plan may serve as an indication of other, more serious infringements, but that Canada was not treating the stowage plan infringements themselves as serious. Respecting VME's, the Representative of Canada noted that while not currently the case, at some point VME's, and specifically Article 15 – *Coral Protection Zone*, should be included in the compliance review, such is the case for seamounts identified in Article 14 – *Area and Time Restrictions*. The Representative of Norway supported the Canadian position.

The NAFO Secretariat noted that the compliance tables would be altered to reflect the clarification provided by the Representatives of Canada and the EU.

The Chair suggested that the issue of VME's, as it relates to compliance, should be referred to the Fisheries Commission to seek guidance on the issue but noted that further discussions on this issue could take place in the context of the annual compliance review during the NAFO Annual Meeting.

The agenda item was closed.

5. Review of IUU List pursuant to NAFO CEM Article 52.3

The Chair opened agenda item 5 and asked the NAFO Secretariat to speak on the issue.

The NAFO Secretariat introduced STACTIC W.P. 08/2 and detailed the changes (removals and additions) to the NAFO IUU list. Afterwards, the NAFO Secretariat sought clarification as to whether or not it was NAFO's intention to base its provisional list on the provisional list (A-list) of NEAFC.

The Representative of the EU noted that NEAFC was scheduled to meet and would be reviewing flag State applications for removal of vessels currently on the NEAFC IUU list (B-list).

The Chair remarked that there was no further information related to vessels on the NAFO IUU list and indicated that the NAFO IUU list would be further revisited at the Annual Meeting to take into account any changes that may occur on the NEAFC B-list.

The Representative of Norway opposed the notion that NAFO should base its provisional list on the NEAFC A-list as it was up to only the relevant organization to address the issue with the flag State and went on to indicate that the NEAFC Scheme, at present, only allowed for the transmission of the B-list to NAFO. This position was strongly supported by the Representative of the EU, who indicated that this would be a duplication of efforts that lead to confusion during respective investigations into the vessels status. These positions were supported by the Representative of Iceland, who also voiced concerns over delays in the adoption in NAFO of a vessel on the NEAFC IUU list and noted the need to avoid future delays.

The Chair acknowledged the positions and reflected on the fact that the 30 days protest period (Article 51.3 d) in NAFO may contributed to delays. The Representative of the United States remarked that the 30 day period was required to assure due process and to allow for parties to address the issue.

It was agreed that there were no changes required to the NAFO IUU list and that NAFO would not base its provisional list on the provisional list (A-list) of NEAFC

6. Port State Measures

The Chair introduced the agenda item and requested that Norway present its paper on Port State Measures.

The Representative of Norway provided a brief background on the evolution of its port state control discussion paper and reiterated the four basic principles (prior notification, flag State confirmation, port State authorization and transparency) that Norway felt were necessary to ensure a workable scheme. After this brief introduction, the Representative of Norway explained how proposed changes were characterized into four separate categories; changes required to the existing scheme, replacement provisions, changes in the Non-Contracting Party Scheme and required forms/annexes.

The Representative of the EU thanked Norway for the proposal and expressed support for a scheme that borrowed from other schemes but was adapted for NAFO. The Representative of the EU went on to indicate that he agreed with the four principles, as outlined by Norway, and suggested to add simplicity as a fifth, but cautioned against moving too quickly, particularly as IUU activity is not a major problem in the NAFO context. He reiterated the need to have a broader discussion on elements such as the observer scheme, electronic logbooks and joint inspections.

The Representative of the United States commented that it was important to ensure the scheme was consistent with what the FAO will adopt and wanted to ensure the scope did not cover vessels carrying catch that had already been landed. The Representative of the United States also wanted to ensure that nothing within the scheme would compromise a Contracting Party's right to allow port entry in cases where it was intending on taking enforcement action.

The Representative of Denmark (in respect of the Faroe Islands and Greenland) supported the EU points and urged Contracting Parties to keep it simple.

The Representative of Canada wanted to ensure, above all, that Fisheries Commission recovery plans, such as the Greenland halibut rebuilding plan, would not be in any way compromised by this scheme.

After the initial reading of the discussion paper, it was decided that due to the complexity of the issue, the Norwegian proposal would serve as a working draft that would become a STACTIC discussion paper (Annex 3). It was agreed that the STACTIC discussion paper would incorporate all the various Contracting Party positions and text suggestions. Once advanced as far as possible, the STACTIC discussion paper would be presented to Fisheries Commission.

The agenda item was deferred to the next STACTIC meeting.

7. Issues arising from the FC Intersessional Meeting requiring deliberation by STACTIC

The Chair introduced the agenda item and informed representatives that this issue stemmed from the 2008 Fisheries Commission intersessional (April 31-May 7, 2008) where STACTIC had been instructed to deliberate on the impact the removal of two existing 3L provisions (Article 14.1 and 14.2) could have on the 3L shrimp fishery.

The Representative of Canada provided a presentation (Annex 4) outlining the economic motivators for the ongoing compliance issue within the 3L shrimp fishery. The presentation also included a range of compiled compliance information and multi-year vessel cases that all strongly suggested misreporting between the 3L and 3M shrimp fisheries. Based on the available compliance information, it was the opinion of the Representative of Canada that the removal of existing compliance measures was premature and in fact, other such measures should be considered to address the ongoing misreporting issue.

The Representative of the EU acknowledged that there may be a misreporting issue but questioned what additional measures could be considered to address the issue. The Representative of Canada indicated that some thought should

be given to this issue and reiterated that, in the absence of new provisions, there should be a continuation of the existing provisions.

The Representative of Iceland suggested that one possible avenue to explore to address this issue might be enhanced communication of catches and strict reporting requirements. In the same vein, the Representative of Norway offered that daily reporting through electronic logbooks might be another option.

The Representative of Denmark (in respect of the Faroe Islands and Greenland) remarked that there were already strong measures such as observers and frequent inspections.

The Chair noted that discussions on this issue had been exhausted but recommended that Contracting Parties reflect on possible provisions to address the misreporting issues and STACTIC could entertain discussion on this subject at a later date.

Also under this agenda item the NAFO Secretariat took the opportunity to provide a briefing on the initiatives, working group, adopted NCEM measures (to be included in the 2009 NCEM publication) and related timelines respecting NAFO's response to UNGA Resolution 61/105, point 83 – RFMOs take action to regulate bottom fisheries and adopt and implement measures not later than 31 December 2008.

The Chair thanked the NAFO Secretariat for the briefing and closed the agenda item.

8. Lloyd's Register

The Chair opened the agenda item and asked the NAFO Secretariat to provide an update on the issue.

The NAFO Secretariat introduced STACTIC W.P. 08/4 and provided an update on the trial usage of the Sea Web service of the Lloyd's Register. Although not persistently called upon, the NAFO Secretariat found the service extremely helpful when required, particularly with respect to verifying information regarding IUU vessels.

The Chair indicated that, based on the NAFO Secretariat's findings, the service could be considered a useful tool. The Representatives of the EU and Canada supported the NAFO Secretariat's proposal for a three year continuation of service, to be re-evaluated in 2011.

The Chair noted that there was consensus on the continuation of the service and the agenda item was closed.

9. Possible Amendments of Conservation and Enforcement Measures

i. Product labelling by species/stock area (Article 22)

The Chair opened the agenda item and requested that the Representative of the EU introduce STACTIC W.P. 08/8.

The Representative of the EU provided a brief background on the issue and indicated that the EU proposal was intended to correct an oversight stemming from the adoption of FC Doc. 06/12 as one of a package of measures. The Representative of the EU maintained that the original intention of this measure was to prevent misreporting of shrimp catches but was inadvertently written in a way where it could be interpreted to apply to all species.

The Representative of Canada noted that data captured under this measure has proved to be a valuable compliance and inspection tool and, given that it has been in effect for two years, it no longer poses a significant burden on industry or vessel masters who have been operating under this condition.

The Representative of the EU reiterated that the provision was intended to address shrimp compliance issues and he did not see the logic of maintaining it as there was little operational benefit and it created a burden on industry. The Representative of Canada noted the Representative of the EU's concerns but maintained the position that the provision represented a useful compliance tool.

The Chair remarked that discussions on this item had concluded and that this item would be deferred to the next STACTIC meeting.

ii. Strengthening ropes, bags, topside chafers

The Chair introduced the agenda item and opened the floor to comments.

The Representative of the EU reminded Contracting Parties that there was agreement at the 2007 STACTIC meeting in Lisbon to the fact that large-mesh (modified Polish-type) topside chafers, permitted in Annex XV of the CEM, were not consistent with conservation practices and should be prohibited. He did however note that the other two types of topside chafers identified in Annex XV (ICNAF-type and multiple flap-type) did not represent a similar threat to conservation and should be permitted.

The Representative of Canada voiced his preference to ban all topside chafers in Annex XV, as outlined in the Canadian proposal (STACTIC W.P. 07/11), however agreed to revise the proposal to secure consensus.

The Chair noted that Canada would provide a revised proposal and deferred the issue to the next STACTIC meeting.

iii. Automated COE/COX comparison between NAFO and NEAFC reports

The Chair opened the agenda item and invited the Representative of Iceland to provide a synopsis of the issue.

The Representative of Iceland reminded Contracting Parties of the Icelandic working papers that were submitted on this issue (STACTIC W.P. 06/23 and 07/25) and of the conclusion that action was required to improve the accuracy of information within the NAFO database, as was being contemplated in NEAFC.

The Representative of the EU supported Iceland's conclusion and questioned whether the NAFO service provider (Sirius IT) could be called upon to provide support in this matter. Iceland supported this position. The Chair instructed the NAFO Secretariat to work with the service provider on this issue and noted that work with NEAFC would also be required to advance this issue.

The Chair noted that NAFO Secretariat would work with the service provider to explore options and report back to STACTIC on this issue. The item was deferred to the next STACTIC meeting.

iv. Record of start/end coordinates for fishing activity

The Chair called upon the Representative of Canada to provide a briefing on the status of STACTIC W.P. 07/18.

The Representative of Canada recalled that the EU had clarification issues with the proposal, specifically regarding whether fixed gear was also covered by the proposal. The Representative of Canada advised that the EU was informed of the intended implication of fixed gear after the meeting and questioned whether there were still areas that required clarification. The Representative of the EU responded that the proposal, if applicable to all tows, was excessive and must be limited to trial tows. The Representative of Canada agreed to redraft the proposal to reflect only trial tows.

The Chair noted that Canada would provide a revised proposal and deferred the issue to the next STACTIC meeting.

v. Vessel Monitoring System (Article 25.1)

The Chair opened the agenda item and requested that the NAFO Secretariat introduce STACTIC W.P. 08/7.

The NAFO Secretariat provided the basis and summary of the proposal which called for shorter VMS reporting intervals, from two hours to one hour, and the inclusion of speed and course information.

The Representative of France (in respect of St. Pierre-et-Miquelon), supported the proposal, citing that this was already its domestic practice. The Representatives of Canada, and Denmark (in respect of the Faroe Islands and Greenland) concurred with France (in respect of St. Pierre-et-Miquelon) on the same grounds. The Representative of Russia also supported the proposal, indicating that it would be beneficial to harmonize with NEAFC to make things simpler for vessel masters.

The Representative of the EU indicated that it was not needed in the current context but it may have some future merit in relation to VME's.

The Representative of Iceland supported the proposal and noted that NEAFC had agreed to move to 1hour reporting intervals, primarily to address VME issues. He elaborated that cost and workload issues that first existed are no longer concerns with advances in related technologies.

The Representative of the United States fully supported the proposal and noted that this scientific request should be honoured and VME provisions scheduled to be implemented in 2009 will require this provision.

The issue was deferred to the next STACTIC meeting.

vi. Clarification of Article 12.1.e (Gear Requirements) and Annex I.A (Quota Table)

The Representative of Russia withdrew his concerns on this issue, however Denmark (in respect of the Faroe Islands and Greenland) indicated that there was a linkage issue and agreed to draft a proposal to address the problem.

The Chair noted that Denmark (in respect of the Faroe Islands and Greenland) would provide a revised proposal on this issue and deferred the issue to the next STACTIC meeting.

vii. Clarification on Article 26.1.e (Communication of Catches)

The Chair noted that this was an editorial exercise, and with the consensus of Contracting Parties, instructed the NAFO Secretariat to make the necessary change. The NAFO Secretariat agreed and will incorporate the proposed change.

The agenda item was closed.

viii. Omega Gauge

The Chair introduced the agenda item and asked the Representative of the EU to speak on the issue.

The Representative of the EU indicated that the usage of Omega gauge will be adopted in the EU in September 2009 and encouraged Contracting Parties to consider the adoption in NAFO given the relative advantages of the automated gauge over conventional gauges.

The Chair encouraged the Representative of the EU to circulate trial and usage information to Contracting Parties and to submit a proposal for the next STACTIC meeting, if desired.

The Chair noted that this subject could be revisited at a later date.

ix. Inconsistency of Language in NAFO CEM Articles 14 and 15 (STACTIC W.P. 08/5)

The Chair provided a brief explanation of the issue and opened the floor to comments.

The Representative of the United States voiced support for using the same term in both sections and noted that different terms are used in various organizations. He also suggested that it would be useful to define the term for bottom contact gear consistent with the draft FAO technical guidelines on deep-sea fishing within the measures.

The Chair noted that the United States would provide a proposal on this matter and deferred the issue to the next STACTIC meeting.

10. Electronic Submission of Port Inspection Report

The Chair opened the agenda item and requested that the NAFO Secretariat provide a summary of the issue.

The NAFO Secretariat provided a brief background on the issue and sought guidance in relation to further work in this area. The Representative of the EU communicated his desire to advance this issue in a broader discussion on the NAFO compliance scheme, noting that it may be premature to proceed at this time, but added that initiatives that facilitate more efficient and effect work are welcome. The Representative of Canada indicated that a new Canadian Observer contract may create some opportunity to develop more electronic reporting.

The Chair encouraged Contracting Parties to work towards electronic submissions to ease paper burden and create efficiencies.

The Chair noted that this subject could be revisited at a later date.

11. Other matters

i) Election of Chair

The Representative of the United States proposed that Mads Nedergaard (Denmark in respect of the Faroe Islands and Greenland) be re-appointed as Chair.

There was consensus on the suggested appointment and Mads Nedergaard was re-appointed as STACTIC Chair.

12. Time and Place of next meeting

The next meeting of STACTIC will take place at the NAFO Annual Meeting, 22-26 September 2008 in Vigo, Spain.

13. Adoption of Report

The report was adopted by the representatives.

14. Adjournment

The meeting adjourned at noon on Thursday, July 3rd, 2008.

Annex 1. List of Participants

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Annex 2. Agenda

1. Opening by the Chair, Mads Nedergard (DFG)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Compilation of fisheries report for compliance review (2004-2007), including review of Apparent Infringements.
5. Review of IUU List pursuant to NAFO CEM Article 52.3
6. Port State Measures
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8. Lloyd's Register
9. Possible Amendments to Conservation and Enforcement Measures
 - i) Product labelling
 - ii) Strengthening ropes, bags, topside chafers
 - iii) Automated COE/COX comparison between NAFO and NEAFC reports
 - iv) Record of start/end coordinates of fishing activity
 - v) Vessel Monitoring System (Article 25.1)
 - vi) Clarification on Article 12.1.e (Gear requirements) and Annex I.A (Quota Table)
 - vii) Clarification on Article 26.1.e (Communication of Catches)
 - viii) Omega Gauge
 - ix) Inconsistency of Language in NAFO CEM Articles 14 and 15
10. Electronic Submission of Port Inspection Report
11. Other matters
 - i) Election of Chair
12. Time and Place of next meeting
13. Adoption of Report
14. Adjournment

Annex 3. Discussion Paper for New NAFO Regulations on Port State Control

A discussion paper for new NAFO regulations on port State control was presented by Norway at the intersessional meeting of STACTIC in June 2007. A revised version of the paper formed the basis for the discussions in STACTIC during the 2007 Annual Meeting in Lisbon. In the meeting it was decided that the next STACTIC intersessional meeting in July 2008 should focus primarily on the port State control. Norway undertook to present a second revision of the paper that would take into consideration comments provided by the Contracting Parties.

The draft provisions in the discussion paper are based on the following four basic principles that in our view are necessary to make a consistent Port State Control Scheme work:

1. Prior notification. The master of the vessel has to present a prior notification to the competent authorities.
2. Confirmation from the flag State. Released by the prior notification form which is sent by the port State to the flag State. The flag State confirms the legal status of the catch by answering yes or no to four questions. The form is then returned to the port State.
3. Authorisation to land or tranship. Such authorisation is given by the port State if the flag State has confirmed the legal status of the catch by answering yes to all four questions. No authorisations shall be given if this is not the case. By derogation an exception can be made, but the catch can not be released from storage before the required confirmation is given.
4. Transparency. The forms containing the prior notification, the confirmation and the authorisation are posted on the secure part of the website.

The North East Atlantic Fisheries Commission (NEAFC) introduced port State control on May 1, 2007 based on the above mentioned principles. The system is simple and has worked well since the introduction. Illegal landings have been stopped and the flow of information between the vessels, contact points and the NEAFC Secretariat is functioning well. The industry has welcomed the system since it provides the best guarantee possible at the time of landing that the catch is legally caught.

The level of inspection in the NEAFC Port State Control Scheme is set at 15 % of all landings. All inspections shall be documented by using a special form which is posted at the secure part of the website when completed.

By introducing the confirmation from the flag State, the system goes a bit beyond the provisions in the draft Global Agreement on Port State Measures currently being developed in Food and Agricultural Organisation of the United Nations (FAO). At the same time the system is simplified since the inspections can focus mainly on verifying the information provided in the prior notification. All other aspects, whether the vessel is authorised or not, what quota it has been allocated and so on, is dealt with by the flag State in the confirmation process.

Part I of the paper contains amendments to the existing CEM that are necessary as a consequence of introducing the new Chapter V.

Part II contains a complete text for a new Chapter V to replace the existing Chapter V dealing with inspections in port.

Article 44 contains the scope and the other draft articles define the role of the port State, the flag State, the master, the receiver of the catch and finally the role of the Executive Secretary. The intention of the draft scope is to cover all fish caught in the Regulatory Area the first time it is landed or transhipped in a port of a Contracting Party. Vessels flying the flag of the port State Contracting Party are covered. This is already the case in the existing CEM.

NAFO CEM already contains certain elements of port State control. These elements are pursued in the text presented. At the same time the text is drafted with the aim to set up a system that is as similar to the one established in NEAFC as possible. The experiences gained during the last year indicates that the established NEAFC Port State

Control Scheme is working well and that it is suited to be built on when developing new port State control regulations in other RFMOs.

All the Contracting Parties to NEAFC are also Contracting Parties to NAFO. A similar system in both organisations will simplify the operation of the systems in each Contracting Party. Vessels are operating in both areas, and may even do so on the same fishing trip. To have a similar system will be a real simplification for the masters since they can use the same prior notification form. The receivers of the fish would be provided with the same guarantee with respect to the legal status of the fish.

Part III focuses on provisions that will include prior notification in respect of non-Contracting Party vessels entering a port of a Contracting Party. If such vessels intend to land or tranship they will have to present a flag state confirmation before the operation can commence. In the draft Article 49 nr.1 the obligation to present the confirmation is placed on the master, not the flag State. Thereby the port State Contracting Party only exercises jurisdiction over vessels seeking access to its ports.

The scope of the draft FAO agreement also covers vessels targeted by Chapter VI. It is therefore necessary to amend the provisions in order to bring them in line with the draft agreement.

Part IV contains the necessary forms. The NEAFC port State inspection form PSC 3 has been amended to incorporate rules that are in force in NAFO. The prior notification forms PSC 1 (fishing vessels landing or transshipping its own catch) and 2 (vessels landing or transshipping fish caught by other vessels) used in NEAFC has been amended so that they can be used by both NAFO and NEAFC.

The prior notifications contain estimated amounts of fish on board. A landing declaration will contain the actual amount and is thus necessary as documentation.

Part I – Amendments to Chapter I, Conservation and Management Measures, and to Chapter II, Control Measures.

Article 6 – Shrimp in Division 3L, paragraph 4, to be deleted.

[Article 7 – Greenland halibut in Subarea 2 and Divisions 3 KLMNO, paragraph 6 item c, to be deleted.]

Article 17 – add new paragraph 5 (moving all text from the existing Article 44 (6)):

The competent authorities of Contracting Parties shall, every two years, check each of their vessels, notified in accordance with Article 19, 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.

Part II - CHAPTER V, INSPECTIONS IN PORT, to be deleted and replaced by:

CHAPTER V

PORT STATE CONTROL

Article 44 – Scope

[Subject to the right of the port State Contracting Party to impose requirements of its own for access to its ports, this chapter sets out minimum standards for control that each port State Contracting Party shall apply if it permits landing or transshipment in its ports of fish caught in the Regulatory Area or fish product originating from such fish.]

[Text from the NEAFC Scheme: The provisions in this chapter apply to landings or transshipments in ports of Contracting Parties by fishing vessels with frozen catch on board of fisheries resources caught in the Convention Area by foreign fishing vessels. (as defined in NEAFC Article 1, f)]

The provisions apply to landing or transshipment of [frozen] fish that have not been previously landed or offloaded at a port.

This chapter also sets out the respective duties of the flag State Contracting Party and obligations of the master of fishing vessels seeking to land catch in a port of a Contracting Party.

[Article 44 bis Vessels flying the flag of the port State Contracting Party

In its capacity as a flag State, the port State Contracting Party shall:

1. Require that the master or the agent of a fishing vessel intending to land or tranship in port provides a prior notification in accordance with the provisions in Article 47 (1, 2 and/or 3).
2. Duly complete part B of the form as referred to in Article 47 (1, 2 and/or 3) and send a copy of the form to the Executive Secretary without delay.
3. Carry out inspections in accordance with the provisions in Article 45 (8, 9, 10, 11, and 12). A copy of the inspection report shall be sent to the Executive Secretary without delay.
4. Require that a landing declaration is issued in accordance with the provisions in Article 48. A copy shall be sent to the Executive Secretary without delay.

The provisions in this paragraph shall only apply to landing or transshipments of [frozen] fish caught in the Regulatory Area or fish product originating from such fish and only if has not been previously landed or offloaded at a port.]

Article 45 – Duties of the Port State Contracting Party

1. The port State Contracting Party shall designate ports to which fishing vessels may be permitted access for the purpose of landing or transshipment. It shall by [March 31 of each year] transmit to the Executive Secretary a list of these ports. Any subsequent changes to the list shall be notified to the Executive Secretary no less than fifteen days before the change comes into effect.
2. The port State Contracting Party shall establish a minimum prior notification period. The prior notification period should be 3 working days before the estimated time of arrival. However the port State Contracting Party may make provisions for another prior notification Period, taking into account, inter alia, distance between fishing grounds and its ports. The port State Contracting Party shall advise the Executive Secretary of the prior notification period.
3. The port State Contracting Party shall designate the competent authority which shall act as the contact point for the purposes of receiving notifications in accordance with Article 47 (1, 2 and/or 3), receiving confirmations in accordance with Article 46 (2) and issuing authorizations in accordance with paragraph 5. The port State Contracting Party shall advise the Executive Secretary about the competent authority name and its contact information.
4. The port State Contracting Party shall forward a copy of the form as referred to in Article 47 (1, 2 and/or 3) without delay to the flag State Contracting Party of the vessel and to the flag State Contracting Party of donor vessels where the vessel has engaged in transshipment operations.
5. Landing or transshipment operations may only commence after authorisation has been given by the competent authorities of the port State Contracting Party. Such authorisation shall only be given if the confirmation from the flag Contracting party as referred to in article 46 (2) has been received. Any cancellation and correction of authorized operations are not subject to further authorization and confirmation unless the flag State Contracting Party decides to confirm.

6. By way of derogation from paragraph 5 the port State Contracting Party may authorize all or part of a landing in the absence of the confirmation referred to in paragraph 5. In such cases the fish concerned shall be kept in storage under the control of the competent authorities. The fish shall only be released to be sold, taken over, produced or transported once the confirmation referred to in paragraph 5 has been received. If the confirmation has not been received within 14 days of the landing the port State Contracting Party may confiscate and dispose of the fish in accordance with national rules.
7. The port State Contracting Party shall without delay notify the master of the fishing vessel of its decision on whether to authorize the landing or transshipment by returning a copy of the form. Annex XXIV A or B, with Part C duly completed. This copy shall also be transmitted to the Executive Secretary without delay.
8. [Unless otherwise required in a recovery plan] The port State Contracting Party shall carry out inspections of at least [XX] % [1 out of 6] of all such landings or transshipments during the each reporting year. [The port State Contracting Party shall with regard to species covered by a recovery plan, inspect all landings. STACTIC shall evaluate on an annual basis, the overall effect of port State control measures in place and as appropriate propose changes to them including the level of inspections. This shall also apply with regard to species covered by a recovery plan.]
9. Inspections shall be conducted by authorized Contracting Party inspectors who shall present credentials to the master of the vessel prior to the inspection.
10. The port State Contracting Party may invite inspectors of other Contracting Parties to accompany their own inspectors and observe the inspection of landings or transshipment operations.
11. An inspection shall involve the monitoring of the entire discharge or transshipment in that port and the port State Contracting Party shall as a minimum:
 - a) cross-check against the quantities of each species landed or transhipped,
 - i. the quantities by species recorded in the logbook
 - ii. catch and activity reports, and
 - iii. all information [on catches] provided in the prior notification (PSC 1/2)
 - b) verify and record the quantities by species of catch remaining on board upon completion of landing or transshipment;
 - c) verify any information from inspections carried out pursuant to Chapter IV;
 - d) verify all nets on board and record mesh size measurements;
 - e) verify fish size for compliance with minimum size requirements.
12. Each inspection shall be documented by completing form PSC 3 (port State Control inspection form) as set out in Annex XIII. The inspectors may insert any comments they consider relevant. They shall sign the report and request that the master sign the report. The master may insert any comment he consider relevant and shall be provided with a copy of the report.
13. The port State Contracting Party shall without delay transmit a copy of each port State Control inspection report and, upon request, an original or a certified copy thereof, to the flag State Contracting Party and to the flag State of any vessel that transhipped catch to the inspected fishing vessel. A copy shall also be sent to the Executive Secretary without delay.
14. The port State Contracting Party shall make all possible efforts to avoid unduly delaying the fishing vessel and ensure that the vessel suffers the minimum interference and inconvenience and that unnecessary degradation of the quality of the fish is avoided.

Article 46 - Duties of the Flag State Contracting Party

1. The flag State Contracting Party shall ensure that the master of any fishing vessel entitled to fly its flag complies with the obligations relating to masters set out in this Chapter.
2. The flag State Contracting Party of a fishing vessel intending to land or tranship, or where the vessel has engaged in transshipment operations outside a port, the flag State Contracting Party or parties, shall confirm by returning a copy of the form, Annex XXIV A or B, transmitted pursuant to Article 45 (4) with part B duly completed, stating that:
 - a) the fishing vessel declared to have caught the fish had sufficient quota for the species declared;
 - b) the declared quantity of fish on board has been duly reported by species and taken into account for the calculation of any catch or effort limitations that may be applicable;
 - c) the fishing vessel declared to have caught the fish had authorization to fish in the areas declared; and
 - d) the presence of the vessel in the area in which it has declared to have taken its catch has been verified by VMS data.

Article 47 - Obligations of the Master of a Fishing Vessel

1. The master or the agent of any fishing vessel intending to make a port call shall notify the competent authorities of the port State Contracting Party within the notification period referred to in Article 45 (2). Such notification shall be accompanied by the form provided for in Annex XXIV with Part A duly completed as follows:
 - a) Form PSC 1 , as referred to in Annex XXIV (A) shall be used where the vessel is landing or transshipping its own catch; and
 - b) Form PSC 2, as referred to in Annex XXIV (B), shall be used where the vessel has engaged in transshipment operations. A separate form shall be used for each donor vessel.
 - c) Both forms PSC 1 and PSC 2 shall be completed in cases where a vessel is intending to land both its own catch and catch that was received through transshipment.
2. A master or the agent may cancel a prior notification by notifying the competent authorities of the port they wished to use no later than [24 hours] before the notified estimated time of arrival in the port. However, a Contracting Party may make provision for another notification period and advise the Executive Secretary. The notification shall be accompanied by a copy of the original PSC 1 or 2 with the word “cancelled” written across it as indicated in Annex XXIV (C or D).
3. A master or the agent may correct the catch information indicated in the original PSC 1 or 2 by notifying the competent authorities of the port they wish to use. The notification shall be sent not later than [6] hours before the estimated time of arrival and be accompanied by a copy of the original PSC 1 or 2 with the new catch information included. The word “corrected” shall be written across it as indicated in Annex XXIV (E or F).
4. The master of a fishing vessel shall:
 - a) co-operate with and assist in the inspection of the fishing vessel conducted pursuant to these procedures and shall not obstruct, intimidate or interfere with the port State inspectors in the performance of their duties;
 - b) provide access to any areas, decks, rooms, catch, nets or other gear or equipment, and provide any relevant information which the port State inspectors request including copies of any relevant documents.

Article 48 - Landing declaration

The master of a fishing vessel[and the receiver] of the fish and/or fish products shall immediately after the landing or the transshipment is completed, duly complete and sign the landing declaration provided in Annex XXV. The landing declaration shall without delay be sent to the competent authorities of the port State Contracting Party.

The port State Contracting Party shall without delay send a copy [to the flag State Contracting Party of the vessel and to the flag State Contracting Party of donor vessels where the vessel has engaged in transshipment operations and] to the Executive Secretary.

Article 49 - Duties of the Executive Secretary

1. The Executive Secretary shall without delay post on the NAFO website:
 - a. the list of designated ports;
 - b. the prior notification periods established by each Contracting Party;
 - c. the information about the designated competent authorities in each port State Contracting Party.
2. The Executive Secretary shall without delay post on the secure part of the NAFO website:
 - a) copies of all PSC 1/2 forms transmitted by port State Contracting Parties;
 - b) copies of all landing declarations, PSC 4 form, transmitted by the port state Contracting Parties;
 - c) copies of all inspection reports, PSC 3 form, transmitted by port State Contracting Parties.
3. All forms related to a specific landing or transshipment shall be posted together.

Article 50 – Serious infringements

The following infringements shall be considered serious:

- a) preventing inspectors from carrying out their duties (Article 47 (2));
- b) landing or transshipping in a port not designated in accordance with the provisions of Article 45 (1);
- c) failure to comply with the provisions of Article 47 (1);
- d) landing or transshipping without authorization of the port State as referred to in Article 45 (5);
- e) failure to comply with the provisions of Article 48.

Such infringements shall be followed up according to appropriate national legislation.

The provisions in Article 41(1), (2) and (3) shall apply.

Part III – Amendments to Chapter VI, Scheme to promote compliance by non Contracting Party vessels with recommendations established by NAFO.

(New) Article 46 (2) bis (before renumbering)

Nothing in this Scheme shall be interpreted to prevent a port State Contracting Party from allowing a non-Contracting Party vessel entry into its ports for the purpose of conducting an investigation of, or taking appropriate enforcement action against, the vessel.

(New) Article 49 (before renumbering) – *Entry and inspection in port*

1. Masters of non-Contracting Party vessels intending to call into a port shall notify the competent authority of the port State Contracting Party in accordance with the provisions of Article 47. The port State Contracting Party shall forward without delay this information to the flag State of the vessel and to the Executive Secretary.
2. The port State Contracting Party shall prohibit the entry into its ports of vessels that have not given the required prior notice and provided the information referred to in paragraph 1. The vessel shall in any case not be allowed to enter the port unless a confirmation issued by the flag State in accordance with the provisions in Article 46 (2) is presented.
3. When a non-Contracting Party vessel referred to in Article 47 (1) enters a port of any Contracting Party, it shall be inspected by authorised Contracting Party officials knowledgeable of the Conservation and Enforcement measures (and this Scheme), and shall not be allowed to land or tranship until this inspection has taken place. Such inspections shall include the vessels documents, log books, fishing gear, catch on board any other matter relating to the vessels activities in the Regulatory Area. The inspection shall be documented by at least completing the inspection form provided in Annex XIII.
4. Information on the results of all inspections of non-Contracting Party vessels conducted in the ports of Contracting Parties, and any subsequent action, shall without delay be sent to the Executive Secretary who shall post the information on the secured part of the NAFO website and inform the flag State, relevant RFMOs and other Contracting Parties.

[(New) Article 49 bis (before renumbering) – *Follow up*

1. *Where, following inspection, there are reasonable grounds to believe that a vessel has committed a serious infringement, the port State Contracting Party shall promptly notify the flag State and the Executive Secretary, and shall prohibit landing, trans-shipping or processing of fish or fish products on board and use of port services, including, inter alia, refuelling and resupplying but not services essential to the safety, health or welfare of the crew.*
2. *The Executive Secretary shall promptly notify all Contracting Parties of the infringements.*
3. *Except for the flag State, no Contracting Party shall permit a vessel identified pursuant to paragraph 2 to enter its ports or to use any port services except those essential to the safety, health or welfare of the crew.]*

All articles in Chapter VI and VII must be renumbered accordingly.

Part IV – New annex XIII, XXIV, and XXV**ANNEX XIII to be deleted and replaced by:****Report on Port State Control inspection (PSC 3)**

A. INSPECTION REFERENCE. Please use black ink					
Landing	Yes	No	Transhipment	Yes	No
	Port State			Port of landing or transhipment	
Vessel name		Flag State		IMO Number ¹	
Landing/transhipment started		Date		Time	
Landing/transhipment ended		Date		Time	

B. INSPECTION DETAILS			
Name of donor vessel ²	IMO Number ¹	Radio call sign	Flag State

B 1. CATCH RECORDED IN THE LOGBOOK			
Species ³	Area of catch	Declared live weight kg	Conversion factor used

B 2. FISH LANDED OR TRANSHIPPED									
Species ⁴	Product ⁵	Area of catch	Product weight landed in kg	Con-version factor	Equivalent live weight kg	Diff (kg) between live weight declared in the logbook and the live weight landed	Diff (%) between live weight declared in the logbook and the live weight landed	Diff (kg) between Product weight landed and PSC 1/2	Diff (%) between Product weight landed and PSC 1/2

¹ Fishing vessels not assigned an IMO number shall provide their external registration number

² In case where a vessel has engaged in transhipment operations. A separate form shall be used for each donor vessel.

³ FAO Species Codes – NEAFC Annex V - NAFO Annex II

⁴ FAO Species Codes – NEAFC Annex V - NAFO Annex II

⁵ Product presentations – NEAFC Appendix 1 to Annex IV – NAFO Annex XX (C)

INFRINGEMENTS NOTED		
Article	Cite the relevant provision(s) violated and summarise pertinent facts	
FOLLOW UP, DESCRIPTION OF MEASURES TAKEN WITH REGARD TO INFRINGEMENTS NOTED		
Inspectors name	Inspectors signature	Date and place
D. OBSERVATIONS BY THE MASTER		
<p>I,the undersigned, Master of the vessel hereby confirm that a copy of this report have been delivered to me on this date. My signature does not constitute acceptance of any part of the contents of this report, except my own observations, if any.</p> <p>Signature: _____ Date : _____</p>		
E. DISTRIBUTION		
Copy to flag State	Copy to NEAFC Secretary	Copy to NAFO Executive Secretary

ANNEX XXIV

PORT STATE CONTROL PRIOR NOTIFICATION FORMS

A – PSC 1

PORT STATE CONTROL FORM – PSC 1									
PART A: To be completed by the Master of the Vessel. Please use black ink									
Name of Vessel:		IMO Number: ¹		Radio Call Sign:		Flag State:			
Email Address:		Telephone Number:		Fax Number:		Inmarsat Number:			
Port of Landing or Transshipment:									
Estimated Time of Arrival:		Date:		Time UTC:					
Total catch on board – all areas							Catch to be landed ²		
Species ³	Product ⁴	Area of catch			Conversion factor	Product weight (kg)	Product weight (kg)		
		NEAFC CA (ICES subareas and divisions)	NAFO RA (Sub Division)	Other areas					
PART B: For official use only – to be completed by the Flag State									
The Flag State of the vessel must respond to the following questions by marking in the box "Yes" or "No"						NEAFC CA		NAFO RA	
						Yes	No	Yes	No
a) The fishing vessel declared to have caught the fish had sufficient quota for the species declared									
b) The quantities on board have been duly reported and taken into account for the calculation of any catch or effort limitations that may be applicable									
c) The fishing vessel declared to have caught the fish had authorisation to fish in the area declared									
d) The presence of the fishing vessel in the area of catch declared has been verified according to VMS data									
Flag State confirmation: I confirm that the above information is complete, true and correct to the best of my knowledge and belief.									
Name and Title:						Date:			
Signature:				Official Stamp:					
PART C: For official use only – to be completed by the Port State									
Name of Port State:									
Authorisation:		Yes:		No:		Date:			
Signature:		Official Stamp:							
1. Fishing vessels not assigned an IMO number shall provide their external registration number 2. If necessary an additional form or forms shall be used 3. FAO Species Codes – NEAFC Annex V - NAFO Annex II 4. Product presentations – NEAFC Appendix 1 to Annex IV – NAFO Annex XX (C)									

B – PSC 2

PORT STATE CONTROL FORM – PSC 2									
PART A: To be completed by the Master of the Vessel. A separate form shall be completed for each donor vessel. Please use black ink									
Name of Vessel:		IMO Number: ¹		Radio Call Sign:		Flag State:			
Email Address:		Telephone Number:		Fax Number:		Inmarsat Number:			
Port of Landing or Transshipment:									
Estimated Time of Arrival:		Date:		Time UTC:					
Catch Information for Donor Vessels *A separate form shall be completed for each Donor Vessel*									
Name of Vessel		IMO Number ¹		Radio Call Sign		Flag State			
Total catch on board – all areas							Catch to be landed²		
Species ³	Product ⁴	Area of catch			Conversion factor	Product weight (kg)	Product weight (kg)		
		NEAFC CA (ICES subareas and divisions)	NAFO RA (Sub Division)	Other areas					
PART B: For official use only - to be completed by the Flag State									
The Flag State of the vessel must respond to the following questions by marking in the "Yes" or "No"						NEAFC CA		NAFO RA	
						Yes	No	Yes	No
a) The fishing vessel declared to have caught the fish had sufficient quota for the species declared									
b) The quantities on board have been duly reported and taken into account for the calculation of any catch or effort limitations that may be applicable									
c) The fishing vessel declared to have caught the fish had authorisation to fish in the area declared									
d) The presence of the fishing vessel in the area of catch declared has been verified according to VMS data									
Flag State confirmation: I confirm that the above information is complete, true and correct to the best of my knowledge and belief.									
Name and Title:				Date:					
Signature:				Official Stamp:					
PART C: For official use only - to be completed by the Port State									
Name of Port State:									
Authorisation:		Yes:		No:		Date:			
Signature:				Official Stamp:					
1. Fishing vessels not assigned an IMO number shall provide their external registration number									
2. If necessary an additional form or forms shall be used									
3. FAO Species Codes – NEAFC Annex V - NAFO Annex II									
4. Product presentations – NEAFC Appendix 1 to Annex IV – NAFO Annex XX (C)									

C – PSC 1 CANCELLED

For information: "Cancelled" shall be written across in a 45° angle

PORT STATE CONTROL FORM – PSC 1									
PART A: To be completed by the Master of the Vessel. Please use black ink									
Name of Vessel:		IMO Number:¹		Radio Call Sign:		Flag State:			
Email Address:		Telephone Number:		Fax Number:		Inmarsat Number:			
Port of Landing or Transshipment:									
Estimated Time of Arrival:		Date:		Time UTC:					
Total catch on board – all areas							Catch to be landed ²		
Species ³	Product ⁴	Area of catch			Conversion factor	Product weight (kg)	Product weight (kg)		
		NEAFC CA (ICES subareas and divisions)	NAFO RA (Sub Division)	Other areas					
PART B: For official use only – to be completed by the Flag State									
The Flag State of the vessel must respond to the following questions by marking in the box "Yes" or "No"						NEAFC CA		NAFO RA	
						Yes	No	Yes	No
a) The fishing vessel declared to have caught the fish had sufficient quota for the species declared									
b) The quantities on board have been duly reported and taken into account for the calculation of any catch or effort limitations that may be applicable									
c) The fishing vessel declared to have caught the fish had authorisation to fish in the area declared									
d) The presence of the fishing vessel in the area of catch declared has been verified according to VMS data									
Flag State confirmation: I confirm that the above information is complete, true and correct to the best of my knowledge and belief.									
Name and Title:				Date:					
Signature:				Official Stamp:					
PART C: For official use only – to be completed by the Port State									
Name of Port State:									
Authorisation:		Yes:		No:		Date:			
Signature:				Official Stamp:					
1. Fishing vessels not assigned an IMO number shall provide their external registration number 2. If necessary an additional form or forms shall be used 3. FAO Species Codes – NEAFC Annex V - NAFO Annex II 4. Product presentations – NEAFC Appendix 1 to Annex IV – NAFO Annex XX (C)									

D – PSC 2 – CANCELLED

For information: "Cancelled" shall be written across in a 45° angle

PORT STATE CONTROL FORM – PSC 2									
PART A: To be completed by the Master of the Vessel. A separate form shall be completed for each donor vessel. Please use black ink									
Name of Vessel:		IMO Number:¹		Radio Call Sign:		Flag State:			
Email Address:		Telephone Number:		Fax Number:		Inmarsat Number:			
Port of Landing or Transshipment:									
Estimated Time of Arrival:		Date:		Time UTC:					
Catch Information for Donor Vessels *A separate form shall be completed for each Donor Vessel*									
Name of Vessel		IMO Number¹		Radio Call Sign		Flag State			
Total catch on board – all areas						Catch to be landed²			
Species³	Product⁴	Area of catch			Conversion factor	Product weight (kg)	Product weight (kg)		
		NEAFC CA (ICES subareas and divisions)	NAFO RA (Sub Division)	Other areas					
PART B: For official use only - to be completed by the Flag State									
The Flag State of the vessel must respond to the following questions by marking in the "Yes" or "No"						NEAFC CA		NAFO RA	
						Yes	No	Yes	No
a) The fishing vessel declared to have caught the fish had sufficient quota for the species declared									
b) The quantities on board have been duly reported and taken into account for the calculation of any catch or effort limitations that may be applicable									
c) The fishing vessel declared to have caught the fish had authorisation to fish in the area declared									
d) The presence of the fishing vessel in the area of catch declared has been verified according to VMS data									
Flag State confirmation: I confirm that the above information is complete, true and correct to the best of my knowledge and belief.									
Name and Title:				Date:					
Signature:				Official Stamp:					
PART C: For official use only - to be completed by the Port State									
Name of Port State:									
Authorisation:				Yes:	No:	Date:			
Signature:				Official Stamp:					
1. Fishing vessels not assigned an IMO number shall provide their external registration number 2. If necessary an additional form or forms shall be used 3. FAO Species Codes – NEAFC Annex V - NAFO Annex II 4. Product presentations – NEAFC Appendix 1 to Annex IV – NAFO Annex XX (C)									

F – PSC 2 – CORRECTED

For information: "Corrected" shall be written across in a 45° angle

PORT STATE CONTROL FORM – PSC 2									
PART A: To be completed by the Master of the Vessel. A separate form shall be completed for each donor vessel. Please use black ink									
Name of Vessel:		IMO Number:¹		Radio Call Sign:		Flag State:			
Email Address:		Telephone Number:		Fax Number:		Inmarsat Number:			
Port of Landing or Transshipment:									
Estimated Time of Arrival:		Date:		Time UTC:					
Catch Information for Donor Vessels *A separate form shall be completed for each Donor Vessel*									
Name of Vessel		IMO Number¹		Radio Call Sign		Flag State			
Total catch on board – all areas						Catch to be landed²			
Species³	Product⁴	Area of catch			Conversion factor	Product weight (kg)	Product weight (kg)		
		NEAFC CA (ICES subareas and divisions)	NAFO RA (Sub Division)	Other areas					
PART B: For official use only - to be completed by the Flag State									
The Flag State of the vessel must respond to the following questions by marking in the "Yes" or "No"						NEAFC CA		NAFO RA	
						Yes	No	Yes	No
a) The fishing vessel declared to have caught the fish had sufficient quota for the species declared									
b) The quantities on board have been duly reported and taken into account for the calculation of any catch or effort limitations that may be applicable									
c) The fishing vessel declared to have caught the fish had authorisation to fish in the area declared									
d) The presence of the fishing vessel in the area of catch declared has been verified according to VMS data									
Flag State confirmation: I confirm that the above information is complete, true and correct to the best of my knowledge and belief.									
Name and Title:						Date:			
Signature:					Official Stamp:				
PART C: For official use only - to be completed by the Port State									
Name of Port State:									
Authorisation:		Yes:		No:		Date:			
Signature:					Official Stamp:				
1. Fishing vessels not assigned an IMO number shall provide their external registration number 2. If necessary an additional form or forms shall be used									
3. FAO Species Codes – NEAFC Annex V - NAFO Annex II 4. Product presentations – NEAFC Appendix 1 to Annex IV – NAFO Annex XX (C)									

Annex 4. Presentation by Canada on 3L Shrimp Issues

Background

- A total of 4175t of 3L shrimp is allocated in the NRA. Canada receives the balance of the 25000t TAC.
- For 2008, Contracting Parties are each allocated 278t in 3L. The EU, by virtue of Poland and Baltic State accession in 2005 have the equivalent of 5 shares or 1392t.
- Division 3M shrimp is managed on the basis of effort days.
- Total catches of 5906t of shrimp were reported from the NRA in the period January – March, 2008. The reported catch was 2206t from 3L (37.4%) and 3700t (62.6%) from 3M.
- Significant portions of NRA shrimp catch are transported through Canadian ports.
- 5478t was off-loaded and inspected in Canadian ports to May 31 in 2008 (870t reported 3L catch and 4610t reported 3M catch).

Shrimp Fishery in the NAFO Regulatory Area

- Vessel masters and industry experts acknowledge that 3L shrimp has a better count and color and have more value than 3M shrimp.
- Masters advise that 3L shrimp is 2-3 times the value of 3M shrimp on a per tonne basis.
- Catch rates in 3L are frequently 20-25t/day and higher. The catch rate in 3M is relatively stable at 10-12t/day.
- Canadian Inspectors observe, on average, catch rates in 3L that are 50% higher than those in 3M with periods (December to March) when it is significantly higher.
- Considering the difference in catch rates and value of the catch - an average fishing day in 3L can yield a five-fold value over a fishing day in 3M.
- There is an economic motivation to maximize 3L catch, particularly given escalating operating costs (i.e. fuel).
- Masters of shrimp vessel have indicated that in 2007, fuel costs accounted for 25% of the value of their gross product. In 2008, fuel cost is estimated at 40-45% of catch.
- During the periods that the 3L shrimp fishery occurs many vessels spend 40-60% of their fishing time in 3L. Reported catches from 3L are 25-40% of the total catch.
- Industry reports that 60% cooked product is typical of the 3L and not of the 3M fishery.
- During the period that 3L is open, the cooked product (higher value) reported from 3M for vessels inspected in Canadian ports is 60% of the total catch.
- During the period that 3L is closed, the cooked product from 3M is in the range of 20-30% of total catch.
- In 2008, individual vessel (s) have reported average catch as high as 44t/day in 3L.
- Catch rates for Canadian vessels in 3L (Canadian Fisheries Waters) are 20-30t/day. The fishery is conducted within 30nm of NRA fishery.
- In the January to March period of 2008, observed catch rates by Canadian inspectors in Division 3L were 800 - 1100 kg/hr.
- Inspection data shows that vessels fishing in 3L make an average of 3 tows a day. The average tow time is approximately 5 hours.
- Inspection data also shows that vessels fishing in 3M made 3 tows a day for an average of 6.7 hours per tow.

Other Observations

- Vessels report higher catches in 3M on days prior to or after being in 3L.
- Vessels frequently move between 3L and 3M (100-120nm round trip) even though reported catch rates for 3M are high and for 3L low.
- Vessels use weather as cover to avoid inspection while fishing in 3L.

Review of Vessel Reports

- A review of all sources of data in fishery, inspections, VMS, reported catch, fishing patterns, historical data and industry trends.
- Observations of Inspectors.
- Historical trends.
- Assessment of fishing activity based on hours fished on the fishing grounds.
- Discussion with vessel masters and industry representatives.

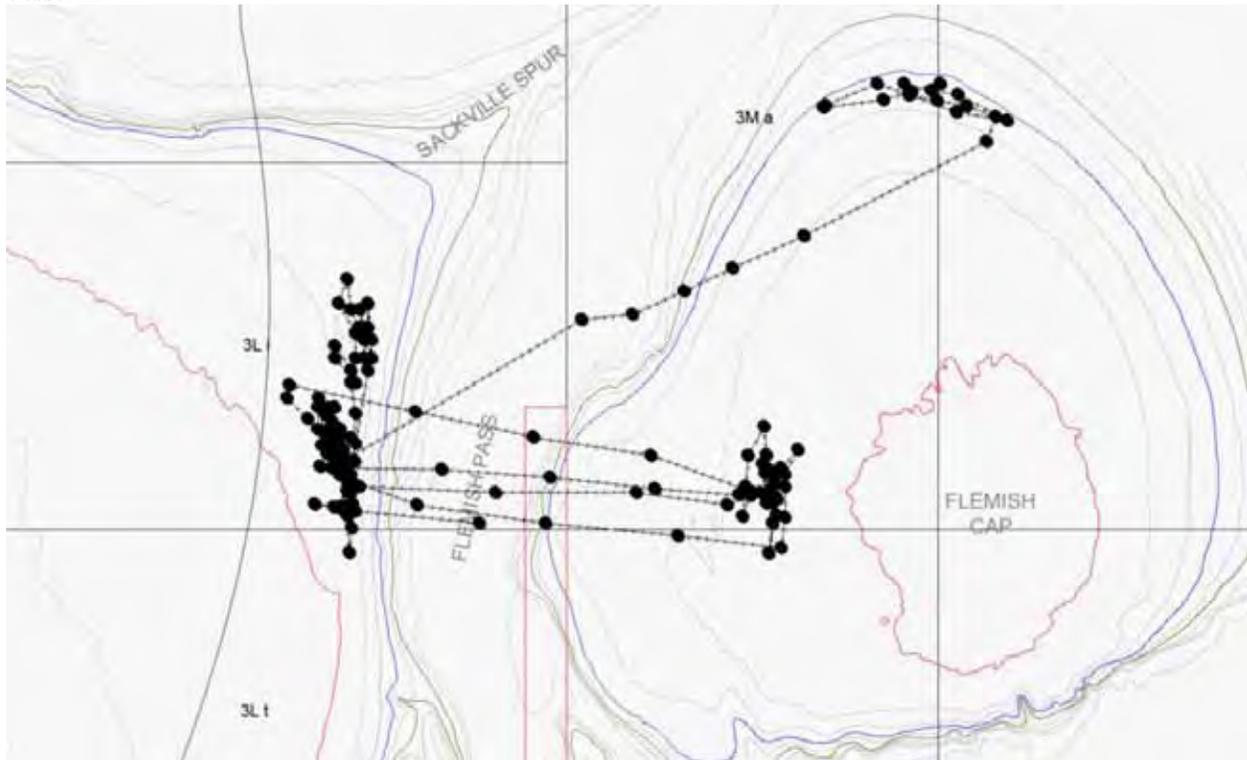
January – March Fishing Period (Vessel A)

January- March 2007

- Reported a catch rate of 7.0 t/day while fishing in 3L and 21t/day while in 3M.
- VMS data shows that the vessel was in the NRA a total of 3800 hours and 1340 of those hours or 35% in Division 3L.

January- March 2008

- Reported a catch rate of 6.3 t/day while fishing in 3L and 19.3t/day while in 3M.
- VMS data shows that the vessel was in the NRA a total of 315 hours and 198 of those hours or 63% of the time in was in Division 3L.
- Reported 25% of it's catch as coming from 3L.
- Based on an average catch rate of 0.8 -1.0t/hour for Division 3L the vessel was capable of catching between 160-198t during the time fishing in 3L compared to ~100t reported in logbooks.

Vessel A

- Vessel moved frequently from Division 3L to 3M.
- 5 trips from 3L-3M (~65nm each way) -and ~9 days in 3L and 5 days in 3M.

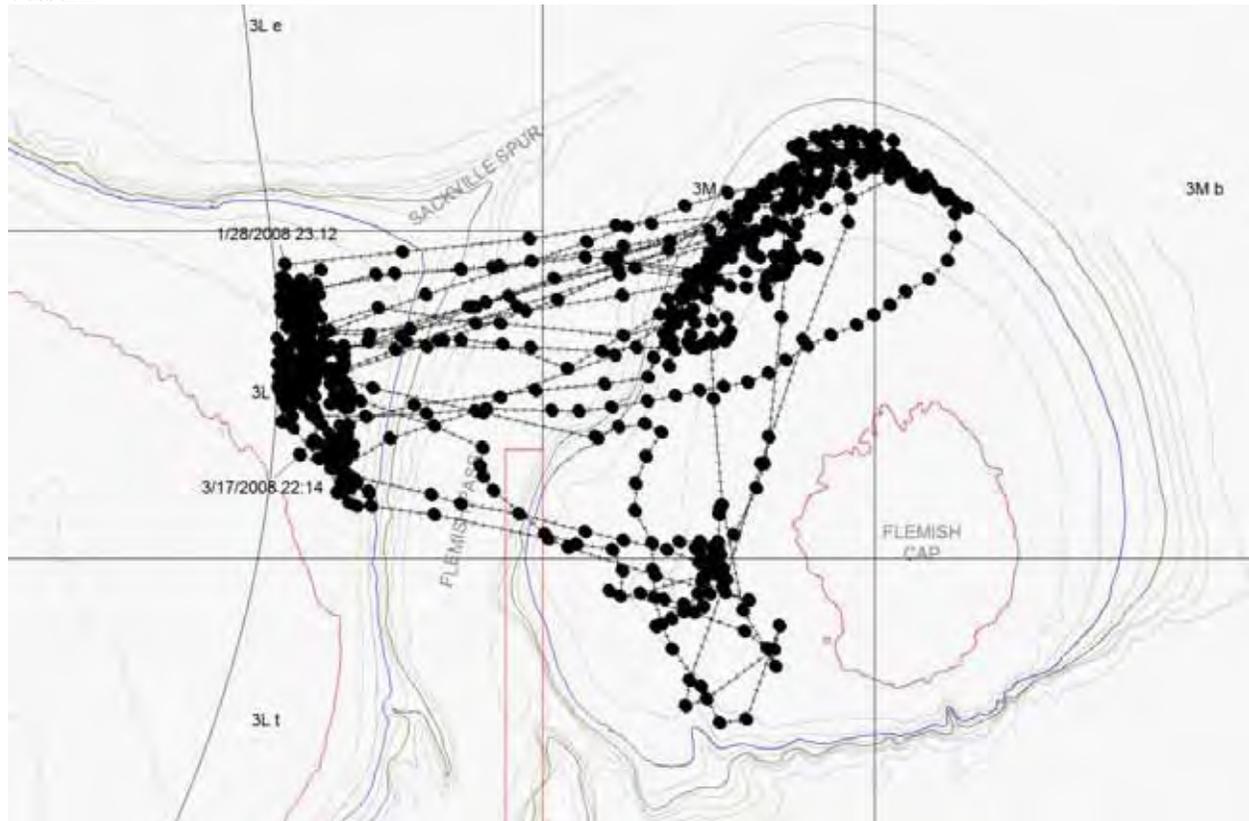
January – March Fishing Period (Vessel B)

2007

- Reported a catch rate of 10t/day while fishing in 3L and 18t/day while in 3M.
- VMS data shows that the vessel was in the NRA at total ~5735 hours of which 2058 hours or 36% of the time in Division 3L.
- Landed approximately 55% higher valued cooked shrimp product after fishing 3L (December– March) as opposed to 25% cooked product when fishing 3M only.

2008

- Reported a catch rate of 6.6t/day while fishing in 3L and 19.6t/day while in 3M.
- VMS data shows that the vessel was in the NRA at total 1600 hours of which 670 hours or 42% of the time in Division 3L.
- The vessel reported approximately 15% of it's catch as coming from 3L.
- Based on an average catch rate of 0.8 -1.0t/hour for Division 3L the vessel was capable of catching between 540-670t for the time in 3L as compared to ~270t reported in logbooks.

Vessel B

- Vessel moved frequently from Division 3L to 3M.
- 20 trips from 3L-3M (60nm each way) and ~35 days in 3L and ~38 days in 3M.

January – March Fishing Period (Vessel C)

2007

- Reported a catch rate of 9.0 t/day while fishing in 3L and 16.t/day while in 3M.
- VMS data shows that the vessel was in the NRA for ~1200 hours of which 750 hours or 60% of the time in Division 3L.

2008

- Reported a catch rate of 7.0t/day while fishing in 3L and 18.2t/day while in 3M.
- VMS data shows that the vessel was in the NRA for ~1580 hours of which 760 hours or 48% of the time in Division 3L.
- The vessel reported approximately 20% of its catch as coming from 3L.
- Based on an average catch rate of 0.8 -1.0t/hour for Division 3L the vessel was capable of catching in the range of 610-760t for the time fishing in 3L as compared to ~240t reported in logbooks.

January – March Fishing Period (Vessel D)

2007

- Reported a catch rate of 14t/day while fishing in 3L and 16t/day while in 3M.
- VMS data shows that the vessel was in the NRA for ~2500 hours of which 1200 hours or 48% of the time in Division 3L.

- The vessel reported approximately 44% of its catch in 3L.

2008

- Reported a catch rate of 9.0t/day while fishing in 3L and 20.6t/day while in 3M.
- VMS data shows that the vessel was in the NRA for ~1120 hours of which 600 hours or 53% of the time in Division 3L.
- The vessel reported approximately 37% of its catch in 3L.
- Based on an average catch rate of 0.8 -1.0t/hour for Division 3L the vessel was capable of catching between 480-600t for the fishing time in 3L as compared to ~180t reported.

January – March Fishing Period (Vessel E)

2007

- Reported a catch rate of 11t/day while fishing in 3L and 16t/day while in 3M.
- VMS data shows that the vessel was in the NRA for ~2150 hours of which 970 hours or 45% of the time in Division 3L.
- The vessel reported approximately 41% of its catch in 3L.

2008

- Reported a catch rate of 9.0t/day while fishing in 3L and 20.6t/day while in 3M.
- VMS data shows that the vessel was in the NRA for ~540 hours of which 300 hours or 45% of the time in Division 3L.
- Reported approximately 34% of its catch in 3L.
- Based on an average catch rate of 0.8 -1.0t/hour for Division 3L the vessel was capable of catching between 240-300t for the time in 3L as compared to ~100t reported catch.

Conclusions

- The rising cost of fuel has resulted in a significant increase in the cost of shrimp fishing in the NRA.
- 3L shrimp exceeds the value of 3M shrimp by 200-300%.
- VMS data shows at least 4300 hours of directed shrimp fishing (180 fishing days) by 5 sample vessels in 3L in the January-March period of 2008.
- The reported 3L catch per hour for 5 these vessels was ~0.35t/hour (890t in 2528 hours) and is inconsistent with catch rates experienced by other Contracting Parties and that observed by Canadian Inspectors.
- Given observed catch rates of 0.8-1.1t/hour and, based on at least 2528 hours, it is believed that in excess of 2500t of shrimp was caught in 3L in 2008.
- The relative value of 3L shrimp and high operating costs coupled with the latent days in 3M shrimp fisheries provides a high incentive to misreport.
- While not preventing misreporting, current measures related to number of Contracting Party flag state vessels and a closed season limit opportunities for additional misreporting of 3L catch.
- The current rules do not prevent any vessels or Contracting Parties from utilizing their full quotas.
- Removing any of the current measures for 3L shrimp is premature when misreporting may be occurring between 3L and 3M.
- Other measure must also be considered to deal with this issue.