

PART II

Report of the Standing Committee on International Control (STACTIC)

**32nd Annual Meeting
Halifax, Nova Scotia, Canada
September 20-24, 2010**

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

The Chairman opened the meeting at 14:00 hrs at the World Trade and Convention Centre, Halifax, Canada and welcomed representatives of Canada, Denmark (in respect of the Faroe Islands and Greenland), Iceland, the European Union (EU), France (in respect of St. Pierre-et-Miquelon), Japan, Norway, Russia, the United States and the NAFO Secretariat to the STACTIC meeting.

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 noted that an item would be added under “Other matters” to address the instructions received from Fisheries Commission to reflect on possible changes to Article 17 – Conservation and Management of Sharks. He then opened the floor to further comments.

The Representative of Canada noted that, under agenda item 5 – Review and evaluation of NAFO Compliance objectives, that based on STACTIC WP 09/08 a standing section related to “Electronic/Satellite/Remote Monitoring” should be added as it was in previous agendas. The Chair noted the omission and added this item as agenda item 5 (d).

The Representative of Canada also noted his wish to have a second proposal (STACTIC WP 10/34) added under agenda item 9 b) as it related to product labeling. The Chair recognized the addition.

The representative of Denmark (in respect of the Faroe Islands and Greenland) signaled a desire to add an agenda item to accommodate a proposal concerning fishing for shrimp in NAFO Division 3L (Article 15.2.). The Chair acknowledged the request and indicated that this would be dealt with under “Other matters”.

The Chair remarked that STACTIC WP 10/33, related to the work of the Editorial Drafting Group (EDG), would be added under agenda item 8.

The Representative of the EU informed the Chair of the following new proposals and recommended agenda placement:

- STACTIC WP 10/9 (revised) Daily Communication of Catches under agenda item 9 h)
- STACTIC WP 10/29 Observer Scheme under agenda item 10
- STACTIC WP 10/30 Port State Control under agenda item 9
- STACTIC WP 10/31 At-sea Inspection Checklist under agenda item 5 b)
- STACTIC WP 10/32 Product Form Codes under agenda item 9

The Chair agreed to the EU’s proposed agenda amendments.

The Chair noted that the Icelandic proposal (STACTIC WP 10/21) regarding procedures to coordinate the weighing of landed catch would be discussed under agenda item 5a).

As a point of clarification, the Chair noted that an editorial error had been discovered and corrected in a proposal (STACTIC WP 09/21 revised 2) approved for submission to Fisheries Commission at the 2010 NAFO annual meeting.

The agenda, as amended, was adopted (Annex 1).

4. Compliance review 2009 including review of reports of apparent infringements

The Chair introduced the agenda item and requested that the representative of the Compliance Report Drafting Group (CRDG) make a presentation on the compilation of fisheries reports and the 2009 annual compliance review process (STACTIC WP 10/26).

The representative of the CRDG introduced the 2009 compliance review report and provided a brief explanation of the compilation process. She also sought STACTIC approval to explore a new approach to the compliance review process (outlined in STACTIC WP 10/38) that would be composed of two steps, the first being a more detailed discussion/report internal to STACTIC and the second a high level, executive summary that would be submitted to Fisheries Commission in the form of the Annual Compliance Report. The representative of Canada and the EU both supported the proposed approach.

The Chair thanked the CRDG for its work to date and directed it to continue working closely with the Secretariat to develop the new format in preparation for the 2011 NAFO intercessional meeting.

Prompted by comments from the CRDG, the Chair opened a discussion on practice of addressing the objectivity of inspections (STACTIC WP 10/18) independent from the compliance review report and the relevance of its current format given STACTIC's decision to abandon the objectivity of inspection formula at the 2009 NAFO Annual Meeting.

The representative of the EU noted that the NAFO CEM's currently contained provisions obliging the NAFO Secretariat to report on objectivity of inspections, however remarked that this concept was already covered within the existing compliance reporting process.

The representative of Canada supported the notion that the current compliance report included information pertaining to objectivity, and its placement within this report allowed for better correlation to the other elements of the compliance report.

The Chair noted that the issue of objectivity would hereafter be addressed within the compliance report.

Addressing the final issues under this agenda item the Chair introduced the outstanding working papers (STACTIC WP 10/1 revised, STACTIC WP 10/14 and FC Doc 10/8) and asked whether there were any updates/comments.

The representative of Iceland noted that, in one particular case, the final disposition of the apparent infringement did not seem to be commensurate with the magnitude of non-compliant behaviour and the corresponding enforcement effort required to address the issue.

The representative of the EU noted that it was the responsibility of each flag State Contracting Party to prosecute apparent infringements based on its domestic procedures, and further noted that vessels that exhibit this type of behaviour, and escape reasonable penalties, will be subject to closer scrutiny and monitoring.

The Chair noted that no other comments were made on this issue and the item was closed.

It was agreed that:

- *STACTIC would take a two phased approach to the compliance reporting process, as described in STACTIC WP 10/38.*
- *The NAFO Secretariat would assist the CRDG with ensuring the elements of the annual "Report on the Objectivity in the Realization and Distribution of Inspections Between the Contracting Parties" are incorporated within the compliance review process and that the objectivity formula previously utilized in relation to this report would be discarded.*
- *STACTIC WP 10/26 would be submitted to the Fisheries Commission for adoption.*

5. Review and evaluation of NAFO Compliance objectives

The Chair opened the agenda item and proceeded with each sub-item.

a) In-Port/Land based Monitoring

Port Inspection Checklist

The representative from the EU reiterated his statement from the May 2010 intersessional meeting that the purpose of the in-port checklist, presented as STACTIC WP 09/17, was to for use as a guide and was not intended to be compulsory. Thus, there is no redraft of this working paper as indicated in the report from the intersessional meeting. See item 5.b for further discussion on the issue of harmonizing the in-port and at-sea inspection process.

The representative of the United States noted that the elements in the checklist should be consistent with the elements provided for under similar FAO guidelines, the representative of the EU confirmed that the elements were fully consistent.

Procedures to Coordinate the Weighing of Landed Catch

The representative of Iceland presented STACTIC WP 10/21 touching on the key points of the working paper which provided an overview of the Icelandic system for weighing landed catch. The Chair thanked the representative of Iceland for the presentation and inquired as to how the minimum sample levels identified in the paper were determined. The representative of Iceland noted that research formed the basis for these thresholds.

The representative of the EU noted that a similar process was in place in the EU and remarked that this type of working paper was useful in further developing the concept of a more effective and reliable inspection scheme. The representative of Denmark (in respect of the Faroe Islands and Greenland) noted that other “best practices” type papers had been submitted by other representatives in the past and that it might be useful to make them more accessible. The Chair noted that the NAFO Secretariat maintains working papers, so it could track this information down as required. The representative of the EU supported this idea and suggested that a reference site could be created to make these papers more readily available. The Chair suggested that other representatives could provide information on relevant domestic practices, including those regarding procedures for weighing landed catch, to allow NAFO to draw from collective experiences and best practices, and possibly harmonize in the future.

Representatives were encouraged to provide information on relevant enforcement practices to allow STACTIC to benefit from the collective experiences. It was agreed that this issue could be revisited at subsequent meetings.

b) At-Sea Monitoring

At-sea inspection Checklist

The representative of the EU introduced STACTIC WP 10/31, a guidance document outlining a checklist for at-sea inspections. The representative of the EU explained that this was a non-compulsory checklist intended to act as a compliment to the port inspection checklist (STACTIC WP 09/17). He elaborated that in order to maximize the effectiveness of the NAFO inspection scheme, and in the interest of improving the cost/benefit ratio, representatives should reflect on how to work more strategically by focusing on the quality instead of the quantity of inspections.

The representative of Canada voiced support for the concept of minimum standards and guidelines for inspections, so long as the checklist was not overly prescriptive or limiting to the inspection process and still allowed the necessary degree of flexibility.

The Chair inquired as to whether this was based on domestic practices within the EU. The representative confirmed that the elements of the checklist were based on domestic practices.

The representative of Denmark (in respect of the Faroe Islands and Greenland) questioned whether this would form part of the inspection report. The representative of the EU indicated that this checklist was intended solely as guidance and it was not envisaged that it would form part of the inspection report.

It was agreed that this would remain an open item to allow STACTIC to reflect on Contracting Party experiences related to the utilization of the checklists.

Joint Patrols

To further discussions held during the 2010 STACTIC intersessional meeting, and in relation to STACTIC WP 09/15, which proposes procedures for joint inspections, the representative of Canada provided a brief summary of Canada's experiences with joint patrols in 2010. The following key points were enumerated:

- As of this meeting, four joint patrols were conducted (2 with the EU inspectors and 2 with inspectors from the United States) from 2 Canadian patrol vessels operating in the NRA in 2010;
- There were a total of 22 inspections conducted;
- Overall, the joint inspections worked well and were a positive experience;
- Given logistical issues future patrols should be identified in the December preceding the inspections;
- Medical (sea-going) and security clearances must be conducted and submitted well in advance of patrols;
- The ability to communicate effectively in the English language is essential for safety/planning purposes onboard Canadian vessels; and
- Inspectors should arrive sufficiently in advance of patrols to allow for comprehensive briefings and participation in patrol planning.

The representative of the EU thanked Canada for hosting community inspectors, citing that joint inspections provided an opportunity for Contracting Parties to participate in enforcement operations in the NRA when there were no National means available. He reiterated that more work was required on developing protocols/procedures to enhance further joint patrols and noted that the experiences garnered through this "pilot" would be beneficial in that regard.

The representative of Canada noted that those participating in the joint patrols should also be getting credit for having contributed to enforcement operations in the NRA. He also reminded representatives that those thinking of engaging in joint patrols must notify the Executive Secretary prior to deployment.

The representative of the United States also thanked Canada for providing a cost effective means of allowing greater participating in enforcement operations in the NRA and contributing to inspector capacity development. He agreed that joint patrol participants should be acknowledged for their contribution and relevant reports should be documented accordingly.

The representative of the EU noted that the concept of joint inspections should be expanded to include such things as port inspections. The representative of Canada supported this concept.

It was agreed that further reflection was required on the issue of joint inspection protocols and that this item should be revisited at subsequent meetings.

c) Aerial Surveillance

The Chair introduced this standing item on the STACTIC agenda to facilitate discussions related to aerial surveillance in the NRA. No working papers or were submitted under this item. However, the representative of Canada noted that Canada does operate an extensive aerial surveillance program in the NRA which accounts for approximately 295 patrols per year, some in a joint capacity with inspectors from other Contracting Parties. The representative of Canada further suggested that STACTIC should leave this agenda item open to allow for annual reporting of efforts in this regard.

It was agreed that this agenda item would remain open to allow representative to report on aerial surveillance activities and reflect on related issues.

d) Electronic/Satellite/Remote Monitoring

The Chair introduced this standing item on the STACTIC agenda to facilitate discussions related to electronic/satellite/remote monitoring in the NRA. No working papers or discussion items were submitted under this item. The representative of Canada noted that, in future, issues such as VMS and emerging electronic reporting provisions could be discussed under this agenda item.

Representatives agreed to reflect further on possible topics of interest under this agenda item.

6. Review of IUU pursuant to NAFO CEM Article 57.3

The Chair opened the agenda item and asked the NAFO Secretariat to introduce STACTIC WP 10/20. The NAFO Secretariat presented the working paper and indicated that there had been no changes to the IUU lists since the last formal review at the 2010 STACTIC intersessional.

The representative of the EU provided an update on two vessels on the NAFO-NEAFC IUU list, indicating that they were possible candidates for de-listing. The Chair noted that these vessels were placed on the list by NEAFC and accordingly, they should be de-listed by the same organization.

The representative of Norway noted that, while NAFO should have the ability to de-list vessels, it was STACTIC's responsibility to ensure that there was proper documentation supporting removals.

The representative of the EU presented STACTIC WP 10/36, this paper introduces procedural text from the NEAFC *Scheme for Control and Enforcement* outlining eligibility elements for a delisting procedure.

The representatives noted that NAFO should be harmonized with NEAFC on this issue and recognized the practical basis for adopting these provisions.

It was agreed to submit STACTIC WP 10/36 (revised) to the Fisheries Commission for adoption.

7. Joint Inspection and Surveillance Scheme

The Chair remarked that a discussion had taken place on the issue concerning the trend of increased inspection rates on fishing vessels, as tabled at Fisheries Commission during the 2009 NAFO annual meeting. He was not aware of any further developments and opened the floor to comments.

The representative of the EU remarked that if there were no outstanding issues or papers that this agenda item could be deferred to another meeting. The Chair agreed with this view.

The agenda item was closed.

8. Editorial Drafting Group of the NAFO CEM (EDG)

The Chair asked that the EDG provide a progress report on the NAFO CEM editorial drafting initiative and referenced the associated working papers (STACTIC WP 10/27, STACTIC WP 10/28 and STACTIC WP 10/33).

The representative of the EDG provide a brief synopsis of STACTIC WP 10/27, which provided a summary of the groups efforts to date and outlined the proposed next steps. She indicated that phase 1 of the work, addressing the more minor and editorial issues, was nearly complete and that phase 2 would focus on re-ordering the articles/provisions into logical groupings and beginning to address/identify the more substantial issues.

In conducting its editorial work the EDG again identified issues requiring STACTIC guidance. The EDG introduced STACTIC WP 10/28 and sought direction on how to proceed with the issues listed in the working paper. The Chair echoed the sentiments of many of the representatives cautioning the EDG to work through the editorial issues, leaving the substantive issues to STACTIC for resolution. Each issue was reviewed and those items identified as possible substantive questions may be presented to Fisheries Commission for guidance after further reflection by STACTIC at its next intersessional (Annex 2).

As a final part of the work completed by the EDG, STACTIC WP 10/33 was presented. This paper proposed a draft table of contents for the existing annexes to group them in a more logical and thematic (e.g. annexes related to gear grouped together) order.

The representative of the DFG supported the ordering but suggested that the grouping proposed under the "reporting" theme could be separated into obligations of the Master and obligations of the Contracting Party. The representative of the EDG noted that the table of contents would be modified accordingly.

The representative of Canada applauded the EDG for its efforts, however questioned, with phase 1 nearly completed, whether Fisheries Commission guidance should be sought on the more substantive phase 2 components. The Chair advised the EDG to continue its work and focus on completing phase 1 in advance of the 2011 STACTIC intersessional.

It was agreed that:

- *The EDG would continue its work in order to provide a final editorial overview for consideration at the 2011 STACTIC intersessional.*
- *As phase 2 of the editorial review, the EDG would commence work on making suggestions for new measures to be submitted to Fisheries Commission at the 2011 NAFO annual meeting.*
- *The Fisheries Commission would be provided with a progress report on this initiative, noting the need for another year given the magnitude of the task.*

9. Possible revisions of NAFO CEM

a) Duration of an inspection

The Chair introduced the agenda item and reminded representatives that this working paper (STACTIC WP 09/20) had been deferred from the 2010 STACTIC intersessional to allow for further reflection. The representative of Denmark (in respect of the Faroe Islands and Greenland) indicated that he had consulted with industry and it was felt that (3) hours was sufficient, (4) hours could start to become a burden. The representative of the EU indicated that provisions existed within the NAFO CEM's that allowed for stays beyond three hours (e.g. Article 33.10).

The representative of Canada reiterated that given the complexity of inspection under the NAFO inspection scheme the extra hour would be useful and again noted that NEAFC currently had a provision for (4) hour inspections. The representative of Russia supported the Canadian proposal. The representative of the United States also supported the proposal, citing the usefulness of the extra time, especially in the context of joint patrols. The representative of Norway confirmed that the NEAFC *Scheme for Control and Enforcement*, Article 18.5, allowed for (4) hour inspections. Given this, representatives agreed, in the interest of harmonization, to adopt (4) hour inspection in NAFO.

After further reflection it was agreed to forward STACTIC WP 09/20 to the Fisheries Commission for adoption.

b) Product Labelling

The Chair opened the agenda item and noted that there were two Canadian working papers under this item (STACTIC WP 10/25 and STACTIC WP 10/34). The representative of Canada introduced STACTIC WP 10/25 and explained that this paper was a re-write to expand on concepts first introduced in STACTIC WP 09/23. It was explained that the rationale for establishing label standards was to facilitate the inspections process and was deemed necessary in light of operational experiences.

The representative of Norway was surprised to hear that this level of detail was required to address the issue but supported the proposal. The representative of the EU agreed with that labels should be of adequate size and constitution to facilitate inspections, however felt other text may be more effective. The representative of France (in respect of St. Pierre-et-Miquelon) also indicated that the emphasis should be readability and not on size standards.

The representative of Canada introduced the second working paper under this agenda item, STACTIC WP 10/34. This proposal called for the inclusion of labelling violations as serious infringements given the linkage to mis-recording. The representative of the EU supported the principle but felt another approach might be more effective in achieving the desired result. The representative of the EU agreed to work with Canada on a revised paper that would address both issues.

Based on discussion and consultation, Canada presented STACTIC WP 10/37. This paper merged the concepts found in the two earlier proposals. The new document amends Article 23 to further emphasize the need for legible labelling and also amends Article 24.2 to create a linkage between labelled product and the catches recorded in the daily production/fishing logbook.

It was agreed that STACTIC WP 10/37 would be submitted to the Fisheries Commission for adoption.

c) Verification of Authorization to Fish

The Chair noted that there were two working papers under this agenda item and asked the representative of Iceland to present STACTIC WP 10/16. The representative of Iceland explained that the purpose of this paper was to introduce the concept of a virtual inspector's portal that would contain the most updated electronic version of

relevant information (e.g. vessel registration, authorization to fish, research plans). He noted that this initiative could be developed in stages and other relevant information could be made available through the portal as the project developed. The portal would be a secure password protected site that could be accessed from sea.

The representative of Denmark (in respect of the Faroe Islands and Greenland) supported the concept but indicated some issues would need to be resolved (e.g. vague wording in Article 20 Vessel Register). The representative of Canada also supported the concept noting that a one-stop shop for inspectors would be desirable but that there still remains much design and development work to implement this initiative. He also noted that connectivity for all users would need to be addressed and indicated that while awaiting development of the portal, STACTIC WP 09/24 could be supported in the interim. The representative of Norway indicated that it has dispensed with the paper process and it would be undesirable to return to this practice. The representative of Iceland supported this position and noted that connectivity at sea was no longer an issue.

The Chair thanked the representative of Iceland for the paper and inquired as to the potential cost implications. The NAFO Secretariat indicated that they would welcome the opportunity to develop such a portal but indicated that there would be systemic and resource implications with respect to implementing this concept. The representative of Iceland indicated that NEAFC had implemented a lesser, but similar system and wondered if those experiences could not be exploited. He further elaborated that this system could be implemented in stages given the complexity. The NAFO Secretariat indicated that they had consulted with NEAFC on its system and discovered it had taken several years to complete the work in its entirety. The representative of Canada suggested that it might be useful if the NAFO Secretariat developed a workplan with options and cost implications for presentation to STACTIC. The representative of the EU supported the Canadian suggestion. The Chair directed the NAFO Secretariat to reflect further on this issue and report back to STACTIC at the next meeting.

It was agreed that the NAFO Secretariat would develop a working paper to present at the 2011 STACTIC intersessional meeting.

d) Shrimp Strengthening Bags

The Chair introduced the agenda item and asked Canada to explain the revisions to this working paper that was originally presented at the 2009 annual meeting as STACTIC WP 09/25. The representative of Canada introduced STACTIC WP 10/24 and noted that the changes requested during the 2010 STACTIC intersessional had been incorporated. The representative of the EU supported the proposal, but noted that the term “sorting grid/grate” should be used instead of “separator grate” to be consistent with what is found in the NAFO CEM’s. The representative of Denmark (in respect of the Faroe Islands and Greenland) made some minor wording suggestions in the interest of clarity.

Canada presented a revised working paper that incorporated these editorial changes, and it was agreed to forward this working paper to the Fisheries Commission for adoption.

It was agreed that STACTIC WP 10/24 (Rev.) would be submitted to the Fisheries Commission for adoption.

e) Retrieval of the net

The Chair opened the agenda item and asked Canada to elaborate on STACTIC WP 09/26. The representative of Canada remarked, based on an intervention by Norway, he now recognized that this proposal would make the provision contained with the NAFO CEM’s inconsistent with what was in place within the NEAFC *Scheme for Control and Enforcement* and agreed to withdraw the proposal, especially in light of the adoption of STACTIC WP 09/20 which aimed to harmonize NAFO and NEAFC measures.

The working paper was withdrawn and this item was closed.

f) By-catch requirements

The Chair opened the agenda item and invited the EU to explain the rationale for STACTIC WP 10/7. The representative of the EU explained that the bycatch provision, Article 12.1 d), adopted at the 2009 annual meeting is inappropriate and added a level of complexity to an already complicated bycatch regime and was, in his estimation, impractical to implement. The representative of Russia supported this position.

The representative of Canada noted that this provision was only just adopted last year by the Fisheries Commission, specifically in relation to newly re-opened fisheries that had been under moratoria. He indicated that this provision was consistent with existing management provisions.

The representative of the EU argued that this provision mixed the concept of fishing under a quota and fishing under by-catch tolerances and required fisheries managers to invent a date to halt fishing to avoid quota overruns. The representative of Norway remarked that the adopted provision was logical and that it was the obligation of the Contracting Party to manage within its quota. Elaborating further the representative of Norway indicated that depending on the available quota, and prevailing circumstances, a Contracting Party would have to choose between allocating the full quota, allocating only a partial quota to allow for some by-catch in other fisheries and finally not allocating any quota to provide for high by-catch rates in other fisheries.

Several Contracting Parties expressed their apprehensions about exploring the removal of this newly introduced provision, noting the need to further consult with their respective delegations.

It was agreed that:

- ***The Chair would report to the Fisheries Commission that, while it was recognized that this was a fisheries management issue, some STACTIC representatives expressed concerns that the implementation of this provision was problematic and may add confusion in the management of the fisheries.***

g) Chartering arrangements

The Chair opened this agenda item and requested the representative of the EU present STACTIC WP 10/8 concerning requiring that documentation be retained on board the vessel concerning the chartering arrangement. It was explained that the purpose of this working paper was to facilitate the work of at-sea inspectors in the short-term. This topic was also discussed in concert with the broad level discussion on electronic reporting, and the desire to move towards a more electronic means of documentation (see STACTIC WP 10/16 presented by Iceland) in the mid-to longer term.

The representative of Canada noted that the short-term solution was to require that this information be retained on board, while the long-term solution would be to have it available to Contracting Parties electronically, in real-time. The NAFO Secretariat noted that this information was currently available on the NAFO website. The representative of Canada further noted that not all Contracting Parties may have electronic capabilities on board their inspection vessels, and it may be useful to have a document on board to facilitate inspection. The representative from the United States remarked that the charter vessel should at a minimum carry a copy of the consent letter referenced under NAFO CEM Article 19.7. The Secretariat clarified that there are two consent letters, one from the Chartering Contracting Party and one from the flag State Contracting Party. It was agreed that both consent letters should be carried on board the vessel. The representative of the EU agreed to revise STACTIC WP 10/8 in light of these comments. Following presentation of this revised working paper, there was general agreement that STACTIC WP 10/8 (Rev 2) be forwarded to the Fisheries Commission for adoption.

It was agreed that STACTIC WP 10/8 Rev.2 would be submitted to the Fisheries Commission for adoption.

h) Communication of Catches

The Chair opened the agenda item and noted there were a number of proposals pertaining to this issue. The representative of Iceland introduced STACTIC WP 10/17, a discussion paper that provided clarification on report types and proper sequencing of messages. The Chair thanked Iceland for the paper and noted that this document would provide good context for subsequent discussion on reporting.

The representative of the EU provided a detailed summary and rationale for the EU's proposal on daily communication of catch (STACTIC WP 10/9). Representatives all agreed on the merit of adopting daily reporting, in the interest of both simplifying reporting requirements and to provide enhanced monitoring capability. A comprehensive discussion ensued on the benefits and systemic issues related to the elements of the proposal. The representatives, particularly those of Iceland, the EU and Russia were able to successfully merge multiple concepts and resolve the various technical issues to arrive at a modified proposal that was acceptable to all parties.

The representative of Iceland explained that regardless of the frequency of catch reports, the catch reported under the CA data element is always the catch taken since the last communication of catches.

It was agreed that new codes would be submitted to the AGDC for verification via the NAFO Secretariat.

The Chair remarked that the extent and breadth of the discussions reflected the complexity and importance of the issue and was pleased that STACTIC was able to advance this working paper.

It was agreed to submit STACTIC WP 10/9 (Rev.5) the Fisheries Commission for adoption.

i) Report on Infringements

As requested at the 2010 STACTIC intersessional, the NAFO Secretariat produced a draft template for an electronic notification form (STACTIC WP 10/19) that would be used by Contracting Parties to report on infringements. While there was general support for the proposed template, the representative of the United States noted that the field entitled “Second Sea Inspection” should have additional text indicating “as applicable”. The representative of Canada also supported the form, but noted the use of the term “confirmation”, under the “Second Sea Inspection” and “Port Inspection” fields, and remarked that this was not appropriate given that no such process existed within the NCEM’s. It was suggested that this text be removed and no example be provided. The representative of the EU noted that this term was simply intended to reflect the follow-up that occurs to an infringement, but acknowledged that “confirmation” was not appropriate.

The NAFO Secretariat noted the comments and provided a revised working paper that addressed the identified issues.

It was agreed to submit STACTIC WP 10/19 (Rev.) to the Fisheries Commission for adoption.

j) COX message and CANCEL report

The Chair opened this agenda item and asked the representative of Russia to introduce STACTIC WP 10/15. The representative of Russia indicated that there were two parts to this proposal. The first part was intended to facilitate inspections by adding a field OB (onboard) to the COX report that represents that actual catch on board the vessel (to account for any catch that was acquired or offloaded via transshipment). The second part was conceived to provide a means for allowing the cancellation of erroneous catch reports through the implementation of a “cancel” report.

The representative from the EU noted that the essence of the first part of Russia’s proposal, related to COX messages, was addressed within the EU proposal STACTIC WP 10/9 (Rev. 5) and could be removed from this proposal. The representative of Russia agreed with this suggestion.

The representative from the EU then noted his support for the “cancel” report concept, but expressed his view that this message should not come from the vessel Master, but rather the FMC. The representative from Canada echoed this sentiment, explaining that while he understood the need for the cancel report, he also recognized that this provision could be negatively exploited by vessel Masters. Accordingly, the representative of Canada supported the EU’s recommendation that the “cancel” reports should only be submitted from a Contracting Parties FMC.

The representative of Russia agreed to modify their proposal to address the comments of Canada and the EU. This revised proposal was later presented as STACTIC WP 10/15 (Rev). While there was general agreement that this proposal should be adopted, on the advice of the representative of Iceland, it was suggested that Russia should first submit this to the Advisory Group on Data Communication (AGDC) to facilitate harmonization between the linked NAFO and NEAFC systems.

It was agreed that NAFO Secretariat would submit the revised proposal on “Cancel” messages to the AGDC to solicit its views on how best to adopt the proposal for use in both NAFO and NEAFC.

k) Port State Control (pre-notification of arrival in port)

The Chair opened the agenda item and asked the representative of the EU to introduce STACTIC WP 10/30, a proposal that would enable a vessel to provide portion “A” of PSC 1 or 2 at the latest (1) day in advance of the estimated time of arrival instead of the current (3) days. It was noted that the pre-notification of the estimated time of arrival is still to be submitted (3) days prior to landing or transshipment. The representative of the EU noted that when the fishing grounds are in close proximity to a designated port the quantity provided (3) days in advance is likely an estimate as the vessel will continue fishing prior to entry. This creates the need to send a second form to amend the original PSC form. The representative of Japan supported the proposal.

The representative of Iceland indicated that, under Article 46.2, a derogation already exists that allows a port State to identify a different pre-notification period. He also noted that pre-notification exists to provide the opportunity to verify the catch with the flag State. The representative of Canada agreed with the Icelandic intervention, noting in

practice that Canada has permitted shorter pre-notification periods. The representative of Canada also indicated that pre-notification was necessary to allow for proper inspection planning.

The representative of Norway indicated that a similar scenario exists in Norway, where Russian vessels are active in fishing grounds that are in close proximity to port. He noted that, as in NAFO, the NEAFC measures provide Contracting Parties with the necessary flexibility to address this issue bilaterally.

The representative of the EU noted that this derogation was not compulsory and forced the need to negotiate bilateral arrangements, which creates an unnecessary administrative burden. The representative of Iceland noted that NAFO and NEAFC currently employed harmonized port State control schemes and changes to this article would affect this balance. The representative of Russia agreed with the Icelandic and Norwegian views and noted that the current port state control schemes were working well in both organizations.

The Chair encouraged Contracting Parties to work collaboratively in establishing practical pre-notification periods within the purview of the established Port State Control Scheme. After further reflection the EU agreed to withdraw STACTIC WP 10/30 based on the comments of the other representatives.

It was agreed that STACTIC WP 10/30 would be withdrawn and the agenda item was closed.

1) Product Form Codes

The Chair opened the agenda item and asked the representative of the EU to introduce STACTIC WP 10/32, a proposal calling for an amendment to the existing product form codes in the NAFO CEM's Annex XX (c). The representative of the EU noted that the existing codes within Annex XX (c) were insufficient to cover some of the product forms currently utilized in the NRA. The representative of Denmark (in respect of the Faroe Islands and Greenland) inquired as to the origin of these codes. The representative of the EU indicated that these were taken from established FAO 3-alpha codes and added that others could be added from the FAO list if necessary. The Chair noted the potential need to make similar changes in NEAFC to ensure ongoing harmonization of these codes.

The representative of Canada indicated that he had no issues with expanding the number of codes but questioned the technical implication of moving from a single alpha code to a 3-alpha code. The representative of Norway agreed that there could be data issues and suggested that this matter be tabled at the next meeting of NEAFC's AGDC. The Chair supported Norway's suggestion given the possible implications in NAFO and NEAFC.

It was agreed that the NAFO Secretariat would forward this issue to the AGDC.

10. Observers Scheme - NCEM Chapter VII and Article 28

The Chair noted that there were two working papers under this agenda item and asked the NAFO Secretariat to provide an overview of STACTIC WP 10/22, the preliminary evaluation of the effectiveness of implementation of Chapter VII. The NAFO Secretariat outlined the approach taken in conducting this evaluation and solicited comments and questions from the representatives.

The representative of the EU suggested that this agenda item be structure to deal with three items:

1. Evaluation of NAFO CEM's Chapter VII;
2. Identification of items to submit to the attention of the AGDC.
3. Observer Program discussion; and

The Chair noted the EU's suggested approach and opened the floor to comments.

The representative of the EU thanked the NAFO Secretariat for this factual report and expressed the view that it was clearly demonstrated that Chapter VII is in need of a major revision. He expressed the view that this item should be discussed within the broader context of full electronic reporting system in the AGDC. He asked the Chair to request that the AGDC to initiate a discussion on the electronic reporting system at its next session.

In the context of STACTIC WP 10/22, the representative from Canada inquired as to why only 13 out of 25 fishing periods under this alternative Observer scheme were found to be compliant. The representative of Denmark (in respect of the Faroe Islands and Greenland) offered practical explanations for some of the missing reports from his vessels. The Secretariat explained that compliance determination under this evaluation was based on an examination of individual vessel compliance with reporting requirements across all trips by that Contracting Party. The

representative from the United States questioned whether this was an appropriate means of determining compliance with these provisions.

The representative of Iceland provided some background on the evolution of NAFO CEM's Chapter VII and noted that compliance was to be assessed by reviewing both the reporting requirements, and the content of messages when an Observer was onboard a vessel and when an Observer was not onboard. He remarked that compliance to these provisions was not an issue for the AGDC.

The Chair acknowledge the general sentiment within STACTIC that the provisions contained with NAFO CEM's Chapter VII were not overly functional or effective and that they would soon be rendered obsolete by advances in electronic reporting, such as daily reporting. On this note, the discussion concerning the evaluation of the alternative Observer scheme was concluded.

On the issue of potential items that could be brought to the attention of the AGDC, the representative of the EU sought agreement by representatives to initiate a discussion in the AGDC on the implementation of a broader electronic reporting system, in the medium term, to promote a more reliable and effective enforcement scheme.

The Chair then requested that the EU present STACTIC WP 10/29, a discussion paper that suggested extensive changes to the current Observer scheme. The representative of the EU outlined the philosophy behind the discussion paper, reiterating the EU's position that the current Observer scheme was costly and ineffective.

The representative of Canada noted that Observers are an internationally recognized enforcement tool and that Canada currently operates an extensive Observer program, both domestically and within the NRA, which is viewed as an effective component in Canada's enforcement scheme. He suggested that, given the sentiments expressed by the EU, a possible way forward could be the establishment of a working group comprised of enforcement, science and fisheries management experts. The representative of the United States supported the Canadian comments.

The representative of the EU suggested the Scientific Council should be questioned on the usefulness of the compliance Observer program to scientific initiatives. The Chair noted the suggested and it was agreed that Scientific Council would be approached on this issue.

It was agreed that:

- ***Further reflection was required on NAFO CEM's Chapter VII, including how other electronic reporting provisions could be explored to replace the current scheme.***
- ***Scientific Council would be consulted on usefulness of Observer reports to its various initiatives and what, if any, negative scientific impacts could come from reductions/elimination of a scientific observer program.***
- ***STACTIC would continue to reflect on the merit and effectiveness of the current Observer scheme.***
- ***The NAFO Secretariat would forward a request to the AGDC to initiate a discussion on the electronic reporting system at its next session.***

11. Other matters

a) Contingency plans in the case of force majeure

The Chair noted that, given the infrequency of this issue there was no urgency in addressing this issue, but remarked that it would be prudent to develop procedures at some point.

The representative of Iceland voiced concerns that, in the absence of clear procedures, issues may be advanced in the absence of interested Contracting Parties being present. He recommended postponing discussion on important items in these cases. The representative of the United States acknowledged these concerns, but noted that this would not be an issue if the meeting was cancelled or postponed, it would only be relevant in cases were a meeting was convened with less than the usual compliment of Contracting Parties.

The representative of Canada noted that another international organization, the IMCS Network, was recently faced with the same situation and elected to cancel the meeting. He noted that circumstances would often dictate the appropriate action.

The Chair instructed representatives to reflect further on the issue so that a way forward could be determined.

It was agreed that STACTIC would reflect further on the issue and revisit it at the 2011 STACTIC intersessional meeting.

b) Conservation and Management of Sharks (Article 17)

The Chair opened the discussions, presented the NAFO Secretariat's compilation of information related to sharks and encouraged representatives to provide views related to compliance with the shark conservation and management provisions.

The EU remarked that, based on available information, sharks did not appear to pose a compliance concern in the NRA and noted information from the full NAFO Convention area may be useful for the purposes of this exercise. He noted that, based on the discussions under this agenda item it was clear that the reporting rules were not sufficient and work should be undertaken to improve the provisions.

The representative of the United States questioned whether Contracting Parties were complying with the reporting provisions of Article 17. The NAFO Secretariat confirmed that reports were being received from Contracting Parties pursuant to Article 17, although few references to sharks had been noted.

The representative of Canada reported that Canadian NAFO inspectors had witnessed only limited shark activity in the NRA and that there were no compliance issues of concern. He noted that sharks were occasionally captured inadvertently as bycatch, however in Canada's experience they were being discarded.

The representative of Denmark (in respect of the Faroe Islands and Greenland) noted that the reporting provisions linked with Article 17 were less than ideal for capturing information pertaining to sharks as they generally called for information pertaining to catch "onboard", and most sharks in the NRA were being discarded. She also noted that the provisions contained within Article 17 should also be reviewed and updated, as appropriate, to reflect advances in shark management.

It was agreed that:

- *Fisheries Commission would be advised that there were no identified compliance issues related to the provisions of NAFO CEM's Article 17.*
- *Representatives would reflect further on potential reporting improvements with the view to enhancing the provisions of Article 17.*

c) Article 15 – Area and Time Restrictions

The representative of Denmark (in respect of the Faroe Islands and Greenland) presented STACTIC WP 10/35 and explained that its purpose was to align the coordinates provided under NAFO CEM's Article 15.2 with the spirit of the provision. The representative of Norway indicated that it could support the concept if it indeed brought harmony between the spirit of the provisions and the coordinates. The representative of Canada supported Norway's view but noted that the proposed (3) coordinates would need to be verified to ensure they were consistent with the text of the current measures and encouraged adding additional coordinates to better reflect the 200 meter contour.

It was agreed that:

- *Further consultation is required to ensure the spirit of NAFO CEM Article 15.2 was respected.*
- *Denmark (in respect of the Faroe Islands and Greenland) will submit a revised working paper at the 2011 STACTIC intersessional meeting.*

d) STACTIC Working Papers submitted for adoption

The following table contains a list of STACTIC Working Papers forwarded to the Fisheries Commission for adoption:

STACTIC W. P.	TITLE
09/20	Discussion Paper on "Duration of Inspections"
09/21 (Rev. 2)	Discussion Paper on "Inspection Party Composition: Article 33 (4)"
10/8 (Rev. 2)	Discussion paper on "Chartering Arrangements" - NAFO CEM - Article 19
10/9 (Rev. 5)	Discussion paper on "Daily Communication of Catches" - NAFO CEM Article 27 + Annex X + Annex XXII
10/10	Discussion Paper on "Notification Requirements" NCEM Article 30
10/11 (Rev. 2)	Discussion Paper on "Report on Infringements" NCEM Article 42
10/19 (Rev.)	Template for "Report on Infringement" Form
10/23	PSC 3 Report Form
10/24 (Rev.)	Discussion Paper on "Shrimp Strengthening Bags"
10/26	Annual Compliance Review 2010
10/36 (Rev.)	Discussion paper on "Delisting procedure for IUU vessels"- NAFO CEM Article 57
10/37	Minimum Standards for Product Labelling under Article 23 and Labelling shall Accurately reflect Logbook Records under Article 24

12. Election of Chair

Representatives acknowledged the excellent work of Mads Nedergaard (Denmark in respect of the Faroe Islands and Greenland), who has served as STACTIC Chair for two consecutive terms, and thanked him for his professionalism during his tenure.

Gene Martin (United States) was appointed Chair of STACTIC.

Stein-Åage Johnsen (Norway) was appointed as Vice-Chair.

13. Time and Place of Next Meeting

The Chair opened the agenda item and expressed a strong desire to take advantage of the cost savings and economies of having the STACTIC intersessional meeting take place in association with the NEAFC PECCOE and the AGDC meetings. The representative of Canada reiterated comments made during its opening statement in General Council that controlling costs for the NAFO Secretariat was important and Contracting Parties should keep this in mind when selecting a venue for the STACTIC intersessional meeting.

The representative of the EU also supported the view expressed by the Chair, however noted that should this proposal not be possible in 2011, Estonia was willing to host the next STACTIC intersessional, at a time and place to be determined. He also expressed a wish to continue conducting the meeting in the month of May to allow for adequate time in advance of the NAFO annual meeting.

The representative of Iceland agreed with the benefits to be derived from having the various meeting take place around the same time, in the same location. In the event that this was not possible however, he reiterated Iceland's view, expressed in STACTIC WP 9/16, that in the interest of cost savings and convenience, the STACTIC intersessional meeting should take place in either the NAFO facilitates in Dartmouth, or at a centrally located European venue.

It was agreed NEAFC would be engaged on this issue and that efforts would be made to conduct the STACTIC intersessional meeting in close coordination with the PECCOE and AGDC meetings. The default location will be at the NAFO Secretariat offices in Dartmouth, Canada.

14. Adoption of Report

The report was adopted by the representatives.

15. Adjournment

The meeting adjourned at 12:20 hrs on Thursday, September 23rd 2010.

Annex 1. Agenda

1. Opening by the Chair, Mads Nedergaard, Denmark (in respect of the Faroe Islands and Greenland)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Compliance review 2009 including review of reports of apparent infringements
5. Review and evaluation of NAFO Compliance objectives
 - In-Port/Land based Monitoring
 - At-Sea Monitoring
 - Aerial Surveillance
 - Electronic/Satellite/Remote Monitoring
6. Review of current IUU List pursuant to NAFO CEM Article 57.3
7. Joint Inspection and Surveillance Scheme
8. Editorial Drafting Group of the NAFO CEM (EDG)
9. Possible revisions of NAFO CEM
 - a) Duration of an inspection
 - b) Product Labelling
 - c) Verification of Authorization to Fish
 - d) Shrimp Strengthening Bags
 - e) Retrieval of the net
 - f) By-catch requirements
 - g) Chartering arrangements
 - h) Communication of Catches
 - i) Report on Infringements
 - j) COX message and CANCEL report
 - k) Port State Control (pre-notification of arrival in port)
 - l) Product Form Codes
10. Observers Scheme - NCEM Chapter VII and Article 28
11. Other matters
 - a) Contingency plans in the case of force majeure
 - b) Conservation and Management of Sharks
 - c) Article 15 – Area and Time Restrictions
 - d) STACTIC Working Papers submitted for adoption
12. Election of Chair
13. Time and Place of the next STACTIC Meeting
14. Adoption of Report
15. Adjournment

Annex 2. Outstanding Issues Presented by the EDG

The following determinations were made:

1. Under Article 14.1 (minimum fish size), should the 5 nautical mile move provision be changed to 10 nautical miles to be consistent with by-catch provisions?

Determination: Requires further reflection.

2. Does Article 14.3 (minimum fish size exemption since Canadian vessels required to land all catches) apply to any other CPs?

Determination: Requires further reflection.

3. Which protocol is being referred to under Article 15.8 (area and time restrictions)? The exploratory fishing protocol?

Determination: Requires guidance from Fisheries Commission/Scientific Council.

4. Which duties/responsibilities are transferred from chartering CP to flag state CP when a charter takes place (Article 19.5)?

Determination: Only those outlined in Article 19.5.

5. What is intent of including reference to bycatches in Article 19.11 (chartering arrangements), and to who's quota does such by-catch get counted against?

Determination: Contracting Party with the quota - as is the reporting practice. Representative of the EU questioned why chartering exists when quota transfer process in place – further reflection required.

6. Should chartering compliance report referenced in Article 19.13 be included in general compliance report generated by STACTIC?

Determination: Presented directly to Fisheries Commission as required, thus no need to incorporate into Compliance Report.

7. In Article 20.1, there is not clear definition for “operate.” For example, “...authorized to operate in the Regulatory Area...” Does this mean fishing, transiting, or both? EDG suggests that a definition be developed and incorporated into the definitions section of the CEMs.

Determination: Definition should be developed - requires further reflection.

8. A practical approach needs to be developed concerning “wet fish” under Article 23 (product labeling requirements)? Is it the will of STACTIC for the EDG to develop such an approach?

Determination: Canada agreed to draft a proposal on this issue.

9. The issue of whether all required documents should be available on board vessel to inspectors issue needs further consideration – taking into consideration Iceland is preparing a working paper on electronic methods of data exchange for the September 2010 STACTIC meeting.

Determination: Defer to Icelandic discussion paper on this issue.