

# Report of the **Second Meeting of the Permanent Committee on Control and Enforcement**

**London– 17<sup>th</sup> - 18<sup>th</sup> October 2001**

## **1. Opening by the chairman, H. Koster (EU)**

The chairman opened the meeting at 10 am. All Contracting Parties were present, except Poland, and he welcomed all delegations. He asked if any Contracting Party wished to make a general statement. No Contracting Party wished to do so.

## **2. Appointment of rapporteur**

The Secretariat was appointed rapporteur.

## **3. Adoption of the Agenda**

The agenda was adopted, as drafted.

## **4. Rule of Procedures for PECCOE**

The Committee agreed to continue to work according to the original terms of reference and experience gained, without establishing strict rules of procedure. These could be adopted when the Committee had more experience. In the course of the meeting it was, however, acknowledged that it was necessary to organise the circulation of discussion papers and proposals. It was felt that papers should be circulated one month in advance. This should be a rule of procedure for PECCOE. The Secretariat will circulate papers to members of PECCOE preferably in electronic format.

The Secretariat asked if it was possible to have contact persons in PECCOE, with responsibility for distributing papers to delegations at the same time as papers were sent to heads of delegations. The Committee generally agreed this idea

**Actions arising: PECCOE recommends to the Commission that** the in the terms of reference of PECCOE adopted at the 19<sup>th</sup> Annual Meeting (Document AM 19/44) the following rule shall be inserted in paragraph 3:

3. j. Any proposals by Contracting Parties or other papers to be considered by the Committee shall be forwarded to the Secretariat not less than 30 days before the Meeting and immediately be circulated to Contracting Parties.

Contracting Parties will appoint contact persons to receive documents to be considered by PECCOE.

## **5. Running the Fisheries Monitoring Inspection and Surveillance Communication System (FMISCS)**

The chairman suggested that a non-legal document describing the whole system would be helpful, and charged the Secretariat with the task of drafting a comprehensive document describing how the system has been implemented on a technical level. Such a document would clarify notably all decisions taken by informatics experts to make the system function in accordance with the Scheme. In

that document NAF will also be described in detail as well as procedures on how to protect the NAF and how to manage codes.

**Documents:**

**PE 01/17 rev.2-** Data and reports to be communicated to Contracting Parties by the Secretariat in the Framework of the Inspection and Surveillance and NCP schemes. Proposal by the EU.

**PE 02/15** Secretariat's Comments to Proposal by the EU

**PE 02/16** Letter from ICES regarding Access to NEAFC's Database.

**5.1 New tasks of the Secretariat.** Norway asked about the Secretariat's comment on the amended EU proposals. The Secretariat indicated that they had made written comments, which had been circulated. It would look also into the amended EU proposal. The point was made that the Secretariat has to assess which methods have to be used, and the costs. The idea of using a website for some information was raised several times.

The Committee then looked in detail into the proposed new tasks.

Global Catch Reports It was mentioned that collecting catch data on ICES rectangles could be a problem, because this could not be done before logbooks were available.

Notification of means of inspection It was suggested that this information should be transmitted to all CPs, even if information is also available on the website.

VMS position reports. There was general agreement that the forwarding of these reports was essential for planning inspection and control. The Secretariat has to consider technical problems (Immarsat capacity etc.) and find out what is possible without clogging the system. It was noted that sticking to six hourly reporting intervals would reduce volume dramatically. Twenty four hours advance reporting of the intention to undertake inspection was thought appropriate to obtain real time information on vessel positions.

Surveillance reports. Agreed

Compulsory inspection presence It was suggested that information on numbers of vessels from a Contracting Party exceeding 10 should be flagged automatically and also be possible on the website. More frequent reporting called for automation. The proper sharing of the burden of inspection should also be kept in mind. The question was raised whether catch by Contracting Parties was available in the NEAFC database. The Secretariat responded that Annex V reports were not satisfactory. Only three parties report on x.25. At present there is no element of quota control in the scheme. Therefore there is no accumulation of catch data and no processing of catches by flag states. There is anyway a delay of one month and 10 days for REP and JUR reports. Experience shows that coverage is not adequate. It was agreed to examine the catch report in more detail.

Proportionality of inspection agreed

Follow up on infringement Agreed

Annual inspection report Agreed

Non compliance with the Scheme Agreed

Surveillance reports for Non CP agreed

Annual Report It was suggested that it would be beneficial to produce the Annual Report in a standard format. To this end a template has been agreed by PECCOE. It was agreed that the template should be available in Excel and circulated by the Secretariat.

It was agreed the Secretariat should make a proposal that would be vetted by the Ad Hoc Group on Computerisation of the Secretariat for this in a document that should also indicate the means of communication to be used and the scope for automatic procedures, including the use of the website.

PECCOE will come back to the question of advance notice of inspection vessels, raised by the EU. A draft proposal will be discussed at the next meeting of PECCOE.

**Actions arising:** The Committees agreed on the proposals for new tasks for the Secretariat originally tabled by the EU. The Secretariat will examine costs and methods and produce a proposal to meet demands. The Secretariat will be assisted in this matter by the Ad Hoc Group on Computerisation

**5.2 Confidentiality.** The EU-Commission deals with confidentiality by taking out information on vessel name and longitude, both in paper based records and electronic records. The Secretariat severs the connection between the individual vessels and the messages, but it is possible to query on flag, gear, area etc. The link is severed on 1 February for the year before. The Secretariat felt that this meets the requirements in the Scheme and maintains information in the database, which could be of importance to science and to the possibility of giving well founded descriptions of fishing activity in the Regulatory Area over time. It was noted that this should not lead to an exposure of Contracting Parties with very few vessels. The chair suggested confidentiality should be described in detail in the comprehensive document.

**Actions arising:** The way in which the rules on confidentiality in the Scheme are implemented, will be described in detail in the comprehensive document to be produced by the Secretariat.

**5.3 Request from ICES on access to the NEAFC database** In a letter of 16 March 2001 the General Secretary of ICES draws the attention to an ICES Council Resolution, which reads as follows: *“The General Secretary will contact NEAFC to get access to their database on catches of deepwater species on the same basis as for mackerel. These data would be of high value to the work of the Working Group on the Biology and Assessment of Deep-Sea Fisheries Resource”*.

It was agreed that PECCOE should adopt a policy and make a recommendation to the Commission on the request from ICES. It was obvious that information on individual vessels could not be produced, but if requests for data respected confidentiality there

should be no problem in giving scientists access to detailed data in the NEAFC database. Norway pointed out that detail was of importance for scientists. One possibility was that ICES approached individual flag states to get access to data.

**Actions arising:** PECCOE recommends to the Commission that the Secretariat liaises with ICES to make data from the NEAFC database available to scientists assessing deep-sea resources, without compromising the rules of confidentiality.

## **6. Review of joint international inspection and surveillance activities in the NEAFC Regulatory Area in the period 2000-2001-09-07**

### **Documentation:**

<b>PE 02/06</b>	Inspection Activity – EU
<b>PE 02/07</b>	Inspection Activity – Iceland
<b>PE 02/09</b>	Inspection Activity Report – Russian Federation
<b>PE 02/11</b>	NEAFC Secretariat's Information on Surveillance Activities
<b>PE 02/12</b>	NEAFC Secretariat's Information on Inspections
<b>PE 02/13</b>	Infringement Report – EU
<b>PE 02/14</b>	EU Information Paper – Review of NEAFC Inspection Campaign
<b>PE 02/17</b>	Report on Inspection Activities and Infringements by Norway

The Committee wanted to flag to the Annual Meeting all problems incurred in making inspection and surveillance activities as efficient as possible in the interest of conservation. Based on national reports and the reports of the Secretariat, it should be possible to get a full picture of the situation.

The information in the papers presented is quite extensive. It is evident that there still are problems with some flag states over communicating automatically with the NEAFC database and thus that parts of the activity in the Regulatory Area are not covered by the NEAFC database and are therefore not as efficient a tool in the planning of inspections as it could be. One of the problems discussed at length concerns inspection of vessels which are not properly notified to the NEAFC Secretariat.

The chairman noted that much of the documentation is confidential and should not be made public. The Secretariat will, based on its own analysis of the database and the documentation presented by Contracting Parties at the meeting, make an updated assessment of how far the running-in procedure has progressed.

In discussing inspection results, three problems were mentioned: redfish fished by non-Contracting Parties in the Irminger Sea, missing transshipment reports and uncertainty about interpretation of how to report transshipments of herring in the Norwegian Sea as well as transshipping to non-Contracting Party vessels and trawl fishing in the closed area around Rockall.

**Actions arising:** PECCOE draws the attention of the Commission to the efficiency of conservation measures for redfish and haddock which may be less than assumed due to irregular fishing activities. Furthermore, PECCOE would point to uncertainty in

transshipment reports concerning herring in the Norwegian Sea and blue whiting and mackerel.

## **7. Review of non-Contracting Party fishing activities in the NEAFC R.A. in the period 2000-2001**

**PE 02/08** Report on Implementation of non-Contracting Parties Scheme – EU.

**PE 02/10** NEAFC Secretariat's Information on Observations of non-Contracting Parties Vessels.

Information indicates that the number of non-Contracting Party vessels had not increased, but a higher inspection presence gives higher numbers of sightings. Estonia has passed legislation to control fishing in the NEAFC Area. This led to some change of flag to Lithuania. The number of flag of convenience vessels (São Tomé and Belize) has remained around three to four.

Two port inspections of non-Contracting Party landings were reported, in the EU and the Faroe Islands. The Faroese authorities stopped the landing of one non-Contracting Party vessel ("Kadri", Belize) based on rules in the non-Contracting Party Scheme, which are implemented under Faroese law. Iceland reported on a non-Contracting Party vessels changing flag. The chairman said it was clearly prohibited to change flag and call signs in open sea under international maritime law.

It was noted that, at the vessel level, Estonian and Lithuanian vessels had refused clear requests from inspection parties to board the vessel. Estonia is the only non-Contracting Party reporting catches according to the Scheme. Japan reports positions according to the Scheme. Estonia is at the moment running trials on automatic reporting of positions.

It should also be noted that New Zealand is entering the area, Falkland Islands have indicated interest in sending a vessel into the NEAFC Area and lately Panama has enquired about regulations in the Regulatory Area. New Zealand has indicated willingness to comply fully with the requirements of the Scheme and use automatic procedures.

It was agreed that a paper from the Secretariat on the matter, including an estimate of possible catches based on sightings and catch information should be presented to the Commission at the Annual Meeting in 2001.

**Actions arising: The Committee draws the attention** of the Commission to the fact that non-Contracting Parties with a fisheries presence in the Regulatory Area, Estonia reports catches according to the Scheme, but does not notify vessels or send positions (but are running trials at the moment), Japan sends positions, but no information has been submitted by Lithuania.

## **8. Proposed recommendations from PECCOE to the 20<sup>th</sup> Annual Meeting mandated by the Commission**

**Documentation** Minor amendments PE 01/22 rev. 2 and annotations to the agenda.

**PE 02/04**-Amendment to the Scheme proposed by Norway

**PE 02/05**-Amendment to the Scheme proposed by the EU

**PE 02/18**-Discussion Paper 2 – Amendments to the Inspection and Surveillance Procedure – EC

**PE 02/19**-Discussion Paper 3 – Annual reports – Update of Text by the EC

**PE 02/20**-Discussion Paper 4 – Amendments to the Surveillance and Infringement Procedures by the EC

PECCOE had agreed on a number of amendments in February, but doubt was raised in EM 2001 if PECCOE really had agreed on all the amendments suggested and the matter was referred back to PECCOE with instructions to make clear recommendations to the AM in 2001.

The Committee decided to assemble all the amendment in one paper PE 02/32 and submit this paper as a consensus recommendation to the Commission. The Committee used much time to make sure that there could be no doubt about what had been agreed. The agreed amendments include most of the original list and, in addition, some which had been agreed upon at the meeting. The recommendation is appended as ANNEX 1.

A number of other amendments were discussed at the first PECCOE meeting and at the Extraordinary Meeting without reaching any agreement. (Listed in PE 01/22 rev. 2.) New proposals were also introduced at the second meeting of PECCOE by Norway and the EU.

The Committee used much time to discuss these proposals, but did not reach agreement and they were referred to the next meeting of PECCOE. This does not reflect that Contracting Parties were against the proposals, but rather that there was a wariness of introducing changes without a very careful analysis and consideration of the consequences. Detailed minutes of the discussions are given in the Summary Records of the Second PECCOE Meeting, which have been circulated to participants at the meeting.

The Committee wanted to record in the body of the Report from the meeting that it had discussed the problem of 3-alpha-code for redfish. Most Parties favoured the use of REB, which is the appropriate code for *Sebastes mentella*. One party wanted to be able to count all catches of redfish against the quota allocations under the code RED and warned that reporting under the REB code may open a loophole, which was difficult to control. Indeed, since inspectors cannot positively identify REB kept on board, the master might be tempted to record part of the catch as RED which would not be counted against the quota.

**Actions arising:** The Committee recommends amendments given in Annex 1. be adopted by the Commission and that that the Commission calls for a third meeting of PECCOE not later than April 2002 to deal with outstanding matters.

## **9. Possible Amendments for which the Commission has to give PECCOE a mandate**

The items considered were conversion factors, port state control, return messages and record numbers as well as transhipments.

The Commission has to consider the report from the first PECCOE meeting on conversion factors and, based on that, give PECCOE clear mandate on how they want PECCOE to continue with this question. Does the Commission want harmonised factors based on scientific studies, or other more flexible ways yielding the same result? Round weight estimates independent of conversion factors were mentioned. As PECCOE experts may not always have sufficient political mandates, the 'political' choices triggered by a rather general mandate could not be handled at PECCOE level. PECCOE requests, therefore, the Commission to formulate clear questions to be replied to by PECCOE.

A scheme for planning port-state-control is needed both for vessels from Contracting Parties and non-Contracting Party vessels. PECCOE should ask for a clear mandate here also. The important point in port state control was to clarify procedures.

The Committee discussed at length the usefulness of return messages and record numbers. Suggestions were made to treat VMS messages (the bulk) in a different way. It was felt that although PECCOE has the mandate to make amendments to the Scheme this question was an important policy matter and an indication of the position of the Commission may be needed before embarking on proposing any changes to the Scheme in this respect

Finally, PECCOE considered that it would need a mandate for reinforcing the current provisions concerning transhipments. A major part of transhipments concerns the pumping of fish from the net of another vessel whilst the concept of transhipping in the Scheme relates to "transhipping over the side". Pumping of fish from the net of another vessel can be compared with pair trawling and should be considered as a joint fishing operation. A mandate should allow PECCOE to elaborate rules for these practices.

**Actions Arising: PECCOE recommends to the Commission** that PECCOE is given a mandate to develop proposals for amendments to the Scheme for conversion factors, port state control, return messages and record numbers as well as transhipments/joint fishing operations.

## **10. Any other business**

There was no other business

## **11. Adoption of the report**

After consultation with the chairman, the Secretariat will circulate the report in the week before the Annual Meeting.

## **12. Closure of the meeting**

The chairman thanked the participants for a constructive meeting and wished them a safe journey home.

31 October 2001