

**Fourth meeting of the
Permanent Committee Control and Enforcement PECCOE**

Lisbon, 3 – 4 October 2002

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1. Opening by the Chairman, H. Koster (EU)

The meeting was called to order at 10 am by the Chairman who welcomed representatives from all Contracting Parties. He welcomed the Inspector-General of the Inspeccão-Geral das Pescas of Portugal, Mr. Agostinho P. Marques, who addressed the meeting. The Chairman thanked Mr. Marques for his speech and for hosting the meeting. No delegation wished to make any comment at the outset of the meeting. A list of participants is given in Annex 1. Those documents available are given in Annex 2 and the agenda is included as Annex 3.

2. Appointment of Rapporteur

The Secretariat was appointed rapporteur.

3. Adoption of the Agenda

The Norwegian representative informed the meeting that Norway would withdraw from the Norwegian-Icelandic proposal. They were in bilateral discussions with Russia and the EU. He expressed a reservation with respect to agenda item 7 as this proposal had been presented so late that it should not have been included in the agenda under the rules of procedure. The Norwegian representative was willing, however, to discuss the issue, but doubted that it would be possible to reach conclusions at this meeting. There were no other comments on the agenda and no delegation indicated any wish to raise issues under any other business. The agenda was then adopted.

a) Running in the Schemes

Contracting Parties' reports on control and surveillance are given in Annex 4. The Chairman complimented Contracting Parties on submitting the information, which assists PECCOE's important

core activity. He urged Contracting Parties to start using electronic formats and ask the Secretariat for assistance with filling in the forms correctly.

The submissions were discussed in detail and some corrections and explanations given. Attention was drawn to the requirement for Contracting Parties to submit information on the handling of infringements reported for their vessels.

The reports contained detailed statistics on the activity of NCP vessels. The Chairman planned to use more time in future to examine the information offered more carefully as improvement in reporting of how infringements had been handled is needed.

The Icelandic representative asked about the electronic format of reporting. It had been circulated by the Secretariat to Contracting Parties in early June 2002 and has only been used by the EU. It will be made available on the NEAFC website.

4. 20th Annual Meeting mandate to PECCOE

a) Port State Control

The EU representative repeated its support for the establishment of a fully-fledged port state control system. The representative of Denmark (in respect of the Faroe Islands and Greenland) noted that such a system had been adopted in the NAFO area and could support the position of the EU representative. The Norwegian representative did not feel that the NAFO measures were an appropriate comparison because of the different character of the fisheries in the two convention areas. The non-Contracting Party Scheme has rules for port control, but the Norwegian representative felt that a similar system for vessels from CPs would be too onerous. The Icelandic representative shared the views of the Norwegian representative, but would like to see a framework for dealing with redfish landings in Icelandic harbours. The Norwegian representative could not commit Norway to 100 % coverage. The representative of Denmark (in respect of the Faroe Islands and Greenland) thought that, considering fisheries in the NEAFC areas are clean and without by-catch problems, 100 % coverage may not be necessary.

The representative of Denmark (in respect of the Faroe Islands and Greenland) could accept basing the reporting form on the NAFO form, but experience had shown that there was room for improvement. The Norwegian representative accepted the first part of the form, but - for the rest - he agreed with the representative of Denmark (in respect of the Faroe Islands and Greenland). He doubted the need for inspecting gear in port. This could not form the basis for prosecution, even if illegal gear was found. The representative of Denmark (in respect of the Faroe Islands and Greenland) noted that gear inspection was only necessary if there had been an apparent infringement. The Chairman concluded that there seemed to be consensus on the acceptance of a form. The representative of Denmark (in respect of the Faroe Islands and Greenland) volunteered to amend it as appropriate and would have this ready for the Annual Meeting. He saw room for computerising the form and perhaps linking it to the NAF. The Chairman noted that the information to be circulated was limited and could be extracted from the form as simply and concisely as possible. He also noted that there is still work to do on the form for inspections at sea. The EU representative informed the meeting that he had tabled a suggestion on this at the last PECCOE meeting.

The Chairman then turned to the importance of landings control as a tool to ensure that NEAFC measures are respected. He accepted that the number of landings could be much higher than in the NAFO area, so perhaps a lower percentage could be accepted in the NEAFC area. The Norwegian representative, as a starting point, would apply the same level of coverage for its own and other Contracting Parties vessels. The representative of Denmark (in respect of the Faroe Islands and Greenland) did not expect many landings in its area; the control burden would be with somebody else. He would like to see agreement on a percentage. He would also like to see a system making it possible to give another Contracting Party prior notice of intent to land. VMS may be used here.

The Chairman concluded that the meeting was unable to make final commitments on the level of inspections. He suggested that each Contracting Party submit reports on inspection practices vis-à-vis landings from the NEAFC Regulatory Area for the next PECCOE meeting. The Norwegian representative agreed and the EU representative suggested that both the legal situation (regulations) and the number of vessels involved should be considered. The Chairman suggested that the Norwegian representative and the representative of Denmark (in respect of the Faroe Islands and Greenland) draw up some questions that should be answered in these reports. These questions are found in Annex 5.

b) Evaluation of return (RET) messages and record number (RN) data element - PECCOE Mandate 2

The Chairman noted that there was no new development from the meeting of the Ad Hoc Working Group on the Computerisation of NEAFC. The Norwegian representative stressed the need for improving error codes, which is necessary to make return messages really informative. The Icelandic representative supported the use of return messages He would like to present a draft on possible new error codes, which had been discussed with the NEAFC database provider. They consider return messages essential. New protocols may also offer solutions to the problem. The EU representative was still reticent to acknowledge the usefulness of return messages. He was concerned that this would create large volumes of traffic, but was willing to look into possible solutions with new protocols.

The Chairman noted that, if we do not change anything, return messages are still compulsory. The Icelandic representative noted the practice between Norway, Iceland and Russia that return messages are only created when there is something wrong. He noted that NAFO had taken on return messages. The EU representative remarked that in NAFO return messages are optional.

No changes were proposed to the Scheme.

c) Control of Transshipment Operations in the NEAFC Regulatory Area

Agreement had been reached in the previous meeting on this issue and PECCOE is ready to recommend consequential amendments to the Scheme with an appropriate cover note. The amendments are found in Annex 6.

d) On Joint Fishing Operations in the NEAFC Regulatory Area

Agreement had been reached in the previous meeting on both issues and PECCOE is ready to recommend consequential amendments to the Scheme with an appropriate cover note. The amendments to the Scheme involve changes to Article 1, Article 3 Article 7, Article 10 and Annex VII 4. A change to Article 9 in the non-Contracting Party Scheme has been adopted. The proposed amendments are found in Annex 6.

There are slight changes compared to the text developed in London. Square brackets have been removed. The text was considered paragraph-by-paragraph and accepted. If no further comments are received by the Secretariat, this will be construed as consensus.

e) Conversion factors PECCOE Mandate 5

The Chairman referred to discussions in London at the previous meeting. Poland has submitted a correction to the information given in London (PE 04/03). The research underlying this would not be available before the Annual Meeting. The representative of Denmark (in respect of the Faroe Islands and Greenland) reported that Greenland is at present revising its conversion factors, as well as those related to NEAFC fisheries, and will be ready to report on the basis to the Annual Meeting. The changes were based upon technical studies, which may be made available to other parties. The Icelandic representative reported that they were also regularly reviewing their factors, but no new information would be forthcoming before the Annual Meeting.

The Chairman would like to see the actual technical studies. This would give an opportunity to evaluate if any factors were completely out of line. The Icelandic representative noted that if we would really like to make progress PECCOE may not be the right group; another group with a more technical background might have more success. The Chairman suggested that this matter could be discussed at the Annual Meeting if Contracting Parties were willing to bring their specialists, possibly with a working document sent out in advance. The representative of Denmark (in respect of the Faroe Islands and Greenland) doubted this would be productive, considering the technical and statistical nature of the exercise. The Norwegian representative thought that Contracting Parties had to analyse that document submitted by Norwegian and Russian experts with their own experts. The Norwegian and Russian representatives will inform their experts about the interest.

The Chairman once again stated that the Committee was not in the position to fulfil the mandate because of the lack of basic data, although some Contracting Parties are in the process of revising factors and will make the basis of these available to other parties. The issue should be kept on the agenda of the next meeting of the Committee.

5. PECCOE Mandate from the Extraordinary Meeting of 2002

a) Deletion of Article 8 of the Scheme

The Chairman noted the agreement that had been reached in London at the previous meeting.

The amendments to the Scheme were drafted (Annex 7). The Norwegian representative noted that in Annex V the words “stock area” are not clear. There was no definition of stock areas. He suggested that the ICES area was made optional. This was agreed.

b) List of IUU vessels

The EU representative suggested that PECCOE consider the draft recommendations by an ICCAT working group to the ICCAT Annual Meeting this year.

A modified version of the ICCAT recommendation was circulated (Annex 8). It should be seen in conjunction with the Scheme. The EU representative presented the paper. The Norwegian representative felt that, as it is easy to change ownership, it is important that the physical vessel is on the list. The Icelandic representative thanked the EU representative for the paper but disagreed with the Norwegian representative with respect to ownership. He felt that a permanent black listing of a physical vessel was disproportionate. The Icelandic representative did not have problems with the deadlines (dates) in the proposal. The representative of Denmark (in respect of the Faroe Islands and Greenland) considered keeping track of ownership is important. The EU representative noted that the proposal put an onus on new owners to demonstrate that the operation of the vessel had changed. He thought it worthwhile to operate a rolling list rather than a list fixed for one full year, opening up the possibility of IUU activity until the list is drawn up again. The Norwegian representative supported the idea of a rolling list. The EU representative envisaged that the Secretariat would maintain the list and it would be reviewed by PECCOE.

The Chairman concluded that the paper had been favourably received, but there was work to do to incorporate it in the Scheme and the NCP Scheme. This could not be done at this meeting, but it should be possible to have a paper before the next PECCOE meeting. The points raised in the discussion should be taken into account. The representative of the EU volunteered to draft such a document for the next meeting of PECCOE, circulated at least 30 days in advance.

6. Possible Control Measures Regarding Deep-sea Species

The Chairman asked the EU representative to introduce EU working document PE 04/04. The working document only deals with the control and enforcement element of the management of deep-sea species. Other aspects will be presented and discussed at the Annual Meeting in November. The EU representative noted that the concept of designated ports was an essential requirement in order to allow efficient monitoring of the fisheries. The working documents also set up a stricter regime on frequency of VMS reporting and on dealing with non-functioning transponders.

The Chairman noted that the deep-sea issue will be discussed at the Annual Meeting and, in light of this and the late arrival of the document, he did not expect Contracting Parties to commit themselves at this meeting. He felt, however, that it should be possible to have an open discussion and general observations on the control and enforcement problems involved.

The Norwegian representative was pleased to see one of the recommendations from the Bergen Meeting on deep-sea fisheries in June 2002 on increased frequency of VMS reporting in the document. He asked about the splitting of species into three lists. The EU representative said that it would be appropriate to examine this in the framework of the general discussion on deep-sea species. This has to do with creating specific measures for deep-sea species and the requirement for data acquisition programmes for some species.

The representative of Denmark (in respect of the Faroe Islands and Greenland) accepted the need for controlling deep-sea fisheries, but considered it more important to restrict access to these fisheries in order to limit capacity. The Norwegian representative thought it unavoidable for PECCOE to look into

by-catch rules. This was included in the EU working document. The Norwegian representative had problems with language like “retaining aboard certain species”.

The Chairman concluded that the best PECCOE could do under the circumstances was to advise the NEAFC Commission on the consequences to control and enforcement of choosing various management regimes and whether or not these would require amendments to the Scheme. The number of vessels and the fishing areas were also of interest. Mapping and description of the fisheries will show if all fisheries can be treated according to the same principles.

The Chairman had drafted some conclusions (Annex 9) based on the working document submitted by the EU representative and discussions at this meeting. He suggested this could be reported to the Annual Meeting. The Polish representative proposed changing the text to read deep-sea *species* vessel and deep-sea *species* fisheries. The Norwegian representative enquired if, assuming the proposal created a special fishery category, it would then be necessary for the vessel to go to port before starting other fishery. The Chairman answered that it was difficult at present to say how the effort applied in these fisheries should be controlled. It depended on the NEAFC Commission’s decision on what to control (catch, effort or both), which species and other factors.

The representative of Denmark (in respect of the Faroe Islands and Greenland) noted the importance of port control in the proposal. Would it mean that these fisheries should be 100 % controlled and would it be the same with vessels that caught these species as by-catch? The Icelandic representative indicated that he would support both a higher frequency of VMS and catch reporting.

The Chairman imagined that it might be necessary to meet during the Annual Meeting if control problems arise at that meeting. The representative of the Russian Federation tabled a note and took exception to the idea of designated ports.

7. The Norway/Iceland proposal to the 2nd PECCOE Meeting, October 2001

The Norwegian representative had withdrawn from the proposal at the beginning of the meeting .

The Icelandic representative made a presentation explaining the background to their proposal. He repeated the case for changes in Article 10 of the Scheme allowing vessels shorter entry and exit times, when nothing is to be gained with respect to inspection by waiting six hours. This is available from the presenter. The representative of Denmark (in respect of the Faroe Islands and Greenland) asked how the proposed automatic entry and exit messages would be created. The Icelandic representative responded that the FMC would create automatic messages.

The Chairman complimented the Icelandic representative on a clear presentation, which he considered a new proposal. The Icelandic representative tabled it as a formal proposal.

The Chairman summed up: new items were two new messages, catch on entry and exit, automatic exit and entry reports, new time limits for switching zones and new possibilities for inspection. It is obvious that several amendments to the Scheme are envisaged. The representative of Denmark (in respect of the Faroe Islands and Greenland) pointed out that, as he had accepted a similar system in NAFO a fortnight ago, he could support the proposal. He would, however, call for the proposed system to be

similar in every detail to the agreed NAFO system. The Icelandic representative recapitulated the essential elements of the Icelandic proposal. The EU representative pointed out that the system adopted in NAFO was optional and circumstances could be different. He had reservations about the cost implications of increased frequency and considered the matter required further consideration and careful analysis. The Chairman thought it discriminatory if a derogation is linked to catch possibilities inside and outside national waters.

The Chairman concluded that there was a much clearer understanding of the proposal and more scope for accepting it, but that PECCOE was not in the position to come to any conclusion at this meeting. The way forward is to prepare concrete amendments to the Scheme. It may be necessary to involve the Ad Hoc Working Group on Computerisation on the new codes. The Icelandic representative did not think that anything would be detracted from the Scheme by allowing for the proposal, but was of course ready to discuss all problems with other Contracting Parties.

The Icelandic representative expressed appreciation of the Contracting Parties' better understanding of the problem and their positive attitude to finding a solution. The Chairman then suggested that, in circumstances where there are no inspection platforms in the area and weather conditions are bad, exemption from the 6-hour period should be permissible. A proposal paying heed to these concerns would be on the agenda for the next PECCOE meeting and the formal language to be inserted in the Scheme should be circulated in advance of the meeting.

8. Discussion on the future management of the North Atlantic Format

The Norwegian representative has looked into the NEMISCOS document and codes in general. He had noted that some codes are missing in the document and in some cases codes had been added and suggested that logbook codes should be kept separately. The Norwegian representative was willing to give its analysis of the document to the Secretariat. The Chairman thanked the Norwegian representative for scrutinising the document and stated that the amended NEMISCOS should be published on the NEAFC website. He summed up that the NEMISCOS document will be finalised and presented to the Annual Meeting.

The NEAFC Secretariat will be the registrar and make the information available to all parties. The representative of Denmark (in respect of the Faroe Islands and Greenland) considered a process of approval necessary before codes are included. There are many problems in using different codes and more effort should be put into harmonisation of the format. Differing codes cost money and effort. The Norwegian representative would like to see a monitoring group that tried to keep the format as simple as possible. NAF is not only a NEAFC format, so there should be a wider group responsible for taking care of NAF. NEMISCOS describes the NEAFC part very well, but does not cover bilateral use. It also suggested using the annexes to the Scheme in the document.

The Chairman felt that the solution is to deposit the format with FAO, but this has been seen as too inflexible for the time being. Reinventing codes should be avoided and therefore information is necessary. He thought that the AHWGC was the group to supervise this. This would not give the NAF any basis in the NEAFC Convention, but would be a practical and informal solution. The Norwegian representative asked if this was acceptable to NAFO. The Chairman thought the overlap in membership between the NARFMOs would make this acceptable and the group should be open to

other members of NAFO. At the end of the day a NAFO–NEAFC group could be envisaged. The group agreed with the Chairman’s conclusions.

9. Any other business

The Icelandic representative raised the question of agreeing on an electronic inspection report, which would make it easier to communicate information. He also noted that NEAFC had developed a completely new electronic control and enforcement system and it cost money.

The Chairman suggested that this should be on the agenda of the next meeting. He accepted the comment on development costs and the costs of changing the Scheme, but felt we still had to evaluate the cost-benefit of changes.

10. Adoption of the report

The Secretariat circulated the draft Summary Records for the first day at the meeting. Summary records for the second day were circulated on Monday 7 October and, based on these, a draft report would be prepared the following week.

11. Closure of the meeting

The Chairman closed the meeting by thanking all participants for their cooperation. He thanked the Portuguese authorities profusely for their hospitality and effort in organising the meeting. The Norwegian representative supported this and also thanked the Chairman for chairing the meeting in an efficient way. The Chairman wished everybody a safe journey home.