

**5th PECCOE meeting
London 8 – 9 October 2003
Venue: HMS President
Victoria Embankment**

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

The Chairman called the meeting to order at 10:35 am and welcomed representatives from Contracting Parties. All Contracting Parties were represented except Poland and Estonia. He appreciated the maritime surroundings and called for opening statements; there were none. He invited the Secretariat to inform the meeting about practical arrangements. A list of participants is given in document PE 05/02. Those documents available are given in PE 05/00.

2. Appointment of rapporteur

The Secretariat was appointed rapporteur.

3. Adoption of the Agenda

It was agreed to add one item to agenda item 4, covering proposals from Norway and Iceland. A new agenda item 7 was also added to cover possible amendments to the Scheme not mandated by the NEAFC Commission to PECCOE. Thus amended, the agenda was adopted.

4. Questions relating to the implementation of the Schemes

The Chairman asked the Secretariat to introduce doc. 05/09 on electronic contacts and doc. 05/18 on the compliance of communicating parties with the Scheme.

a) Scheme of Control and Enforcement

The Secretariat referred to doc. 05/18. There was not much change since last year. Estonia is now a Contracting Party, Finland is in the process of being automated, Lithuania and Poland are automated. There is, however, still ample room for improvement. The last part of the document describes how the Secretariat receives messages.

The Chairman asked the Secretariat to go through the detailed information in doc. PE 05/18 by communication party. This was done.

The Chairman wanted to make some conclusions. The system seems to work perfectly well and there are no technical problems. However, there are problems with some communication partners. Article 10 messages seem to be a problem. Faxes are still used, and that increases the workload of the Secretariat. This was not foreseen when establishing the Scheme. Everybody should comply with requirements for automatic transmission. This should be brought forward to the NEAFC Commission. He said that measures had to be brought into place to put pressure on Contracting Parties that did not comply with the stipulations of the Scheme.

b) Non-Contracting Parties' Scheme

The Secretariat introduced doc. PE 05/12 reviewing information on illegal fishing for regulated resources in the NEAFC Regulatory Area. It was noted that, based on estimates of the uptake of the cooperation quota of redfish, the Secretariat had recommended that the cooperation quota for redfish was closed. It was also noted that some of the vessels from non-cooperating non-Contracting Parties might be "pirate" vessels. The meeting learned that the landings of one Latvian vessel had been refused by the Netherlands. Later Latvia reported that the vessel in question had fished under the cooperation quota,

had met all requirements and had stopped fishing on 13 May. In fact Latvia had not stopped fishing on this date. It was noted that the Scheme did not allow for real management of the cooperation quota. The EU has tabled a proposal for improved management of cooperation quotas. They also had a paper with the details of the Latvian vessel and would circulate it. Russian inspectors had sighted two Lithuanian vessels, which had rejected courtesy boarding by Russian inspectors.

The Chairman concluded that there was significant activity by non-Contracting Parties in the NEAFC Regulatory Area. Cooperation between NAFO and NEAFC and their Contracting Parties is improving. The problem of pirate vessels had to be addressed, and the Scheme has to be amended.

c) **Proposals by Norway and Iceland**

The Chairman invited **the Norwegian representative** to present the proposals in docs. PE 05/03 and 04. The first document describes the lack of harmony in some codes between bilateral arrangements, the NEAFC Scheme and NAFO. Changes are only needed in the annexes, not in the articles of the Scheme. The proposal deals with entry and exit messages, manual messages and also proposes to make only one format mandatory for longitude and latitude instead of two as at present. It proposes that LT/LG should become the standard.

The Chairman noted that the Ad Hoc Working Group on Computerisation had discussed the technical aspects. The Secretariat reported that harmonisation and coordination of the NAF had been discussed extensively in the light of the proposals by Norway and Iceland. The Chairman wanted to restrict the discussion in PECCOE to the enforcement and control aspects. There was general support for the Norwegian proposal. It was stressed that the proposal to single out exit messages and manual messages had a bearing on control and enforcement. Draft legal text, which would substitute the present text in the Scheme, was prepared by Norway.

The Chairman noted that there was general consensus on the proposal. He asked if there was a need for a phasing in period for the changes. He suggested that PECCOE drafted a cover note indicating that the adopted text will replace the text in annex VII, 1, 3, 4, 5. The legal text was agreed. It was pointed out that the language was slightly different from the language used in NAFO and that consequential changes in the Scheme should also be taken care of. It was agreed to use the NAFO text and introduce consequential changes. The proposal will lead to changes in systems at national and Secretariat level. The Chairman asked how much time was needed for implementation. It was agreed that it should be possible to use the new codes by 1 May 2004 and all parties should have introduced them not later than 1 December 2004. The Chairman then asked for a volunteer to draft a cover note and scrutinise consequential changes. He suggested that Norway undertook the task. This was agreed.

The Norwegian representative then introduced their second proposal dealing with ways to cancel communications to NEAFC. They proposed a simple format for cancellation reports. It would mainly apply to exit reports. It was important that such reports should not delete earlier messages from the system, but record them as cancelled in the system, so it would be possible to reconstruct the history of a report. It should then be possible to send a correction message. The proposal is based on the use of record numbers as stipulated in the NEAFC Scheme. **The Norwegian representative** felt that cancellation messages should have been in the Scheme from the beginning. The cancellation messages fall into the two categories: mistakes that have to be corrected, and changes of decision about the period of remaining in the Regulatory Area.

The Chairman thanked Norway for the clear description of the problem. From earlier discussions, the sensitive problem was allowing masters to make corrections. National authorities should of course be able to make corrections. If consensus is not reached in PECCOE, the question could be referred to the NEAFC Commission.

Consensus was not reached on the proposal on cancellation messages. **The Norwegian representative** expressed surprise that other parties did not have this problem and asked for a review of the problem. It was agreed that the Secretariat should make an inventory and describe the problem.

d) Proposals from Iceland

He then invited **the representative of Iceland** to present doc. PE 05/06 - Changes to the Scheme, which included elements that had been presented to the last meeting of PECCOE and earlier. Iceland still saw a strong need for amendments to the time limits in certain fisheries to be fair to the industry. He hoped the increased understanding of the problem at the meeting in Lisbon meant that a solution could soon be found. The proposals also include changes to codes in line with the Norwegian proposal and an amendment to Article 16.

The Chairman asked **the representative of Iceland** to draft the legal text for the proposed amendments. He wanted to be able to report to the NEAFC Commission the positions of the Contracting Parties on the Icelandic proposal to make changes in the time limits in some fisheries. This had been discussed on several occasions and he felt that, if consensus could not be reached in PECCOE now, the question should be referred to the NEAFC Commission for decision.

There was general support for two elements of the Icelandic proposal, changes in codes and amendment to Article 16. It was agreed to accept the Icelandic proposal on Article 16 with slight amendments and without reference to confidentiality, which is already covered in the Scheme.

With respect to the proposal to reduce time limits when fishing across the borderline between the Regulatory Area and national zones from the same quota allocation on both sides of the line no consensus on changing the Scheme at present could be reached. **The representative of Iceland** indicated that he would be willing to run a pilot project very soon to try out ideas indicated at the meeting.

5. Review of inspection and surveillance

The Chairman asked the Secretariat to review the situation with respect to reporting under Articles 24 and 25. The Secretariat informed that two Contracting Parties - Poland and Estonia - had not responded; Estonia had recently joined NEAFC and Poland had no inspection activity and no Polish vessel had been inspected.

Article 24 stipulates that Contracting Parties describe the status of infringements with respect to their own flag vessels. Information on developments in the handling of cases of infringements should be submitted until the case has been resolved. Article 25 stipulates reporting on surveillance activity etc. The Chairman noted that clarification of the Scheme and amendments to procedures might be needed. The reporting form is not in the Scheme and can easily be changed.

The Chairman suggested that it should be reported as a great improvement that Contracting Parties had fulfilled the requirements and submitted information in the correct format.

The Secretariat noted that by far the most commonly reported infringement is that vessels are not notified or authorised. Often the vessels have documentation on board that they are notified, but the flag state has not transmitted the notification to the NEAFC database and infringement procedures are initiated, perhaps unnecessarily.

a) Reports from Contracting Parties

The Chairman then invited all inspecting and inspected parties to present their reports. The following observations can be made on infringements:

- ✓ Greenland: 1 vessel cited for no notification - under investigation - no inspection activity
- ✓ Faroe Islands 3 vessels cited for no notification and problems with the transponder - under investigation - no inspection activity
- ✓ Russia no infringements for Russian vessels - no infringements found by Russian inspection activity in the Regulatory Area
- ✓ Iceland no infringements for Icelandic vessels - no infringements found by Icelandic inspection vessels.
- ✓ Norway reported in ordinary text and not on the recommended form. The results of the inspections were 3 infringements (Russian). One missing notification, one underreporting and one not specified kg live weight on entry and transshipment.
- ✓ **The representative of the EU** noted that information on notification must be available to the inspection vessels, not only in the NEAFC database. In the EU one case had been closed with a fine while others had still not been finalised. Inspections of vessels had led to 34 apparent infringements cited which had been distributed to most Contracting Parties. He noted that this list should be matched with reports of the Contracting Parties involved. The report also contains statistics on surveillance activity and sightings of non-Contracting Party vessels.

The Chairman would allow Contracting Parties to amend their reports at this stage to be able to compile all relevant information under the obligations set out in Article 24 and 25 at this meeting.

Difference of opinions on interpretation of the Scheme should be discussed in PECCOE.

The Chairman once again expressed his appreciation of the improvement in reporting, but of course there was room for improvement.

The Chairman suggested taking a closer look at reported infringements. He accepted that some Parties had not included infringements in their national reports because they had not received the inspection reports in time. He wanted to clear obstacles to efficient procedures.

He then referred to the infringements reported by EU inspectors and asked for comments. **The Norwegian representative** noted that 12 of the 14 infringements reported for Norway referred to Article 5.2, no licence on board. He stated that the requirement to carry licence documents on board had been abolished between the coastal states in the North Atlantic several years ago. They contested the interpretation by the EU of Article 5.2 and did not accept these were cases of serious infringement. The two remaining cases were examples of missing NOT and AUT messages, perhaps because of

problems with transmissions and inspection vessels receiving the correct information in time from the database. This left one vessel, which had received a warning in writing from the Norwegian authorities for not informing about fishing in the Regulatory Area. He stressed that Norway had not received the inspection reports from the inspecting party in question and therefore was unable to react to the alleged infringements.

The Secretariat observed that the infringements should not be referred to Article 5.2 but to Article 4. There were practical problems in keeping the list of NOT and AUT up to date. There should be a distinction between infringement and serious infringement. Only the latter case required inspection reports to be sent to the flag state. The requirement for mailing reports made it impossible to meet the 72 hours deadline. Attention was drawn to the rules for notifying and authorising vessels in Article 4.

The Chairman then raised the question of notification and authorisation. He wondered whether the Scheme is too flexible and it may be more practical to notify vessels some time in advance of their entry into the Regulatory Area. It was suggested that using the website for automatic updates of notification could be another possibility. The Chairman stressed that automation was the basic idea of the NEAFC system, but practice in real life could be different.

He then went on to the question of the flag state receiving the original inspection report. It was possible to communicate inspection reports via fax or e-mail. Should the Scheme be clarified in this respect? **The representative of the EU** felt there should be internal review procedures, establishing crosschecks, to make sure that reports are properly submitted. Although receiving reports is not normally a problem, several Contracting Parties had experienced the problem.

The Chairman described the NAFO system, which had standing procedures for handling serious infringements; NEAFC had only had inspections for 3 years and still had to learn how to handle this correctly. The Chairman felt that there are ways to improve procedures, but wanted to proceed to more serious infringements like transshipments to non-Contracting Parties, missing logbooks and production logbooks. Could Contracting Parties agree that these infringements should automatically lead to recalling vessels to port? It was felt that this could be an efficient way to handle infringements but, in the light of earlier discussion, there were problems establishing facts in each case.

The Chairman concluded that there were parts of the Scheme that had not worked properly, for example the transmission of inspection reports. There were differences in opinion on interpretation, real time information on notifications and authorisation was a problem as was the efficient handling of serious infringements. He hoped that next year the reports would contain all relevant information according to Article 24 and 25 reported on the correct forms.

b) Conclusions to be included in the report to the Annual Meeting

There is still scope for improvement to make sure that the Scheme is properly implemented with respect to reporting. The Chairman suggested that PECCOE - as the result of analysis of the reports from Contracting Parties – reports to the Annual Meeting that, if there are flagrant cases where it is evident that a master has been engaged in very serious infringements to the NEAFC Control and enforcement scheme, flag states should be prepared to reroute the vessel and suspend authorisation. Lack of logbooks, illegal transshipment, lack of Article 10 reports (catch on entry, exit and weekly catch) should be considered flagrant violations. A total lack of messages should be considered serious, although a single missing report should not. Problems with the flow of information should be sorted out.

It was suggested that inspection effort should be better coordinated and plans for dispatching inspection platforms should be drawn up at the NEAFC level. The Chairman suggested that Contracting Parties make a commitment to draw up plans at a meeting of PECCOE next year. This should be on the agenda. Coordination of the inspection in 2004 has to be done through bilateral contacts.

6. 20th Annual Meeting mandates

a) Port State Control (mandate 1)

At a previous meeting some Contracting Parties wanted to copy the NAFO system wholesale, others wanted to concentrate on an appropriate reporting format. The Chairman invited **the representative of Denmark (in respect of the Faroe Islands and Greenland)** to introduce docs. PE 05/07 and 17. They contain improved versions of the NAFO form. **The representative of Denmark (in respect of the Faroe Islands and Greenland)** described the details of the proposed elements in the papers. It was noted that the frequency of reporting was not discussed within the papers.

Following a detailed discussion, it was agreed that **the representative of Denmark (in respect of the Faroe Islands and Greenland)** prepare a revised draft of the two papers.

The Chairman asked how the information should be used. Should the port state cite infringements and act on the information? But what information should be forwarded to NEAFC? A subset of the information could be available in NEAFC. The meeting was reminded that no decision had been made on the frequency of landings.. If the speed in exchange of information was an issue, electronic formats could be considered. At the PECCOE meeting last year in Lisbon, Norway and Denmark had made a list of questions with respect to port state control, but no Contracting Party had responded to these.

The Chairman concluded that, if NEAFC is to be credible, port inspection is essential. PECCOE supported the general thrust of the form with the amendments suggested. The form will not be finalised at this meeting. The Secretariat was asked to re-circulate the questionnaire and ask Contracting Parties to respond as soon as possible on the performance of inspections of vessels from the NEAFC Regulatory Area.

b) Evaluation of return (RET) messages and record number (RN) data elements (mandate 2)

The Chairman asked if there had been any change in positions. After some discussion the Chairman concluded that nothing seemed to have changed and PECCOE was not in a position to move forward.

c) Conversion factors (mandate 5)

The Chairman asked **the representative of Denmark (in respect of the Faroe Islands and Greenland)** to introduce doc. PE 05/16 on experiments aimed at establishing conversion factors for pelagic redfish. It was noted that there was a slight difference between the conversion factors in the NAFO Area (2.19) and Icelandic waters (2.08) and that the seasonal, geographical and national coverage in these experiments was limited. Earlier experiments had resulted in estimates close to Greenland's estimates. No other Contracting Parties had anything to report. These experiments are cumbersome but not to a degree that should prevent other Parties initiating experiments.

The Chairman urged other parties to report results. Without these, no conversion factors could be established with any certainty.

PECCOE expressed its appreciation of the analysis done by Denmark (Greenland) and noted the conversion factors established for pelagic redfish and urged other parties to undertake the same work to increase seasonal and geographical coverage.

7. Amendments to the Scheme not mandated

Agenda item covered under agenda item 4.

8. 2002 Extraordinary Meeting mandate

- Compilation of IUU lists

The Chairman invited **the EU representative** to present their proposal, doc. PE 05/05 with respect to this problem.

The EU representative stressed that the proposal was in line with proposals put forward in ICCAT and NAFO. Two lists are being proposed: a provisional A-list with vessels that have been cited for infringements and a second B-list with vessels where infringements have been established. PECCOE should examine both lists with a view to removing vessels from the lists. The Secretary should make the lists available on a secure section of the NEAFC website. To solve the problems of monitoring cooperation quotas, arrangements analogous to NAFO's arrangements for "others" quotas are proposed. The follow up arrangements were not accepted in NAFO by US and Japan. Those NEAFC members that are also members of NEAFC did not seem to have problems with this approach. In the discussion there was a call for harmonised arrangements between NEAFC and NAFO.

Going through the proposal Article by Article a number of amendments to the text were suggested, accepted and included in a revised version of the document 05/05 rev.1, revised

It was accepted that the A-list was preliminary and should not be public. The Chairman indicated that the authorities should have access to all information. General public access is another problem, the legal consequences of revealing information had to be scrutinised. Just naming a vessel that had been engaging in fishing activities in the Regulatory Area may not be a problem.

The text as amended was adopted. The Chairman asked if Parties were ready to let the proposal go ahead from PECCOE to replace the current NCP Scheme with a cover note indicating that the proposal would replace the current Scheme after the objection period has been terminated. One Contracting Party would like to have a second scrutiny at home before adopting the proposal, also to secure harmonisation between NAFO and NEAFC, but there was general consensus on the proposal. Another Contracting Party thought that there was a need to have something in place to manage cooperation quotas next year.

9. Possible Control Measures Regarding Deep-sea Species

The Committee did not see any need to discuss this item at this stage. There are no special control measures in place for these fisheries.

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

The Chairman referred to doc. 05/10, NEMISCOS. In this document it is suggested that Contracting Parties notify NEAFC on domestic use of the codes. He did not consider the situation satisfactory. It was pointed out that there was a need to have a guardian of the format, considering the multiple user situation. There had been general agreement that the NEAFC Secretariat is the guardian. Reference was made to the ongoing work in NAFO and the need to involve NAFO at an early stage. There was a call for a stronger obligation to clear codes at some level before introducing new codes. An advisory technical group could be helpful. A proposal to create a group to oversee the format is one solution. Another possibility is to let the NEAFC Secretariat, with NAFO involvement, take care of the matter. The Ad Hoc Working Group on Computerisation, with some additional members, was a third possibility. There would not be a need for a Working Group to meet regularly; communication over the Internet may be quite adequate. The Chairman suggested adding non NEAFC members to the AHWG to take care of the problem.

The organisational question was not resolved and will have to be considered in more detail, but the ideas floated can form the basis for considerations. The main aim is to secure that IT systems can also speak together in the future. There was consensus that a solution had to be found in the not too distant future.

11. Any other business

There was none.

12. Report to NEAFC's 22nd Annual Meeting

It was agreed to circulate the summary record and accept comments over the next week. On the basis of this, the report to the Annual Meeting will be prepared.

13. Date and place of the next meeting

There is a possibility of having a meeting on 10 November in connection with the Annual Meeting if any Contracting Party so wishes. Apart from that, a regular meeting in October 2004 will be proposed at the 22nd Annual Meeting.

14. Closure of the meeting

The Chairman closed the meeting at 12.32 pm, thanked participants for all their contributions and wished everybody a safe trip home.

NEAFC
PERMANENT COMMITTEE ON CONTROL AND ENFORCEMENT
8 and 9 October 2003 - London

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11. Any other business
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13. Date and place of the next meeting

14. Closure of the meeting

PECCOE PARTICIPANTS

Chair: Koster, Harm

Secretariat

Hoydal, Kjartan

Neves, João

Partridge, Kate

Lewsley, Rachel

Denmark (in respect of the Faroe Islands and Greenland)

Kruse, Martin - Faroe Islands

Toftum, Jens Helgi – Faroe Islands

Joensen, Símun - Faroe Islands

Nedergaard, Mads - Greenland

Estonia

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European Union

Graberg, Lars - EC

Newman, Martin – EC

Mesquita, José – EC

Olivos, Cristina - EC

Renson, Patrick - EC

Assmann, Joachim – Germany

Bogelius, Anders – Sweden

Eliassen, Jorgen - Denmark

Galbraith, Philip - UK

Hobbins, Tom - Ireland

Mancebo, Margarida – Spain

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Parmar, Neeta – UK

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