



**NEAFC
PERMANENT COMMITTEE ON CONTROL AND ENFORCEMENT**

3 and 4 October 2006, 10.00 – Tallinn

**PERMANENT COMMITTEE ON CONTROL AND ENFORCEMENT
3 and 4 October 2006 – Tallinn**

**DRAFT SUMMARY RECORDS
3 October 2006 10 am to 5:40 pm**

The summary records are intended only for the convenience of participants in the meeting and will only be distributed to participants. They are the sole responsibility of the rapporteur and have not been approved. As the summary records are used as basis of the report of the meeting, corrections and comments to the rapporteur will be appreciated.

1. Opening

The Chairman, Mr Martin Newman, EU, opened the meeting welcoming everybody. All Contracting Parties were present. He informed the meeting about a reception taking place at 6 pm at the invitation of the Estonian Ministry of Environment. He drew attention to the interest of the press in this meeting and suggested that it would be up to individual participants to make a decision if they wanted to deal with the press.

Item closed

2. Appointment of the rapporteur

The Secretariat was appointed rapporteur

Item closed

3. Discussion and adoption of the Agenda

The Icelandic representative wanted the pilot project bullet point under item 4 moved up. He also informed about NAFO's interest in comparing COE and COX messages. This item was added as a bullet point under item 11. This was agreed.

The Chairman noted that the main purpose of this meeting was getting agreement on the text of a consolidated in order to be able to make a proposal to the Commission in November. This priority may make it necessary to discuss other matters only superficially.

Item closed

4. Questions relating to the implementation of recommendations

- Article 11 Pilot Project

The Icelandic representative introduced PE 2006/02/06 describing their experience with the pilot project. This has led them to make a proposal for changing time limits for entering or exiting the Regulatory Area. It amounts to introducing new subparagraphs e-h into Article 10. (PE 2006/02/07).

The Chairman suggested this was further discussed when going through the new consolidated Scheme. This was agreed

- Scheme of Control and Enforcement

The Chairman asked the individual Contracting Parties to report on their activities under the Scheme.

The EU representative presented PE 2006/02 27. He noted the same number of infringements as last year on a smaller number of inspections. The hours of surveillance had increased considerably.

The Norwegian representative noted that one Norwegian vessel appeared on the list of serious infringements. He admitted that this may be a result of the fact that for some time Norway had not been in a position to submit notification and authorisation electronically. The EU representative would have expected that Norwegian authorities would report back and inform about this. The Norwegian representative informed that they had seen this as an observation of a communication failure rather than an infringement. The Secretariat asked if this was still the problem of the vessel not having any documents on board. The EU representative informed that they had checked the NEAFC database and had not found the vessel there. The Secretariat drew attention to the fact that if the call sign is not used there may be problems getting information out of the database. The Norwegian representative accepted that there had been a misunderstanding.

The representative of Denmark (in respect of the Faroe Islands and Greenland) noted that a Greenland vessel was also the list. This was also a case of lack of communication of the relevant notification to the NEAFC database. The representative of the Russian Federation noted it was a case of malfunction of the Russian VMS that the vessel Ivan Torney had not been notified. The EU representative once again made the point that these observations were sent to the Contracting Parties which should investigate and report back under Article 24.

The representative of the Russian Federation informed that Russia had not carried out any inspection activity in the Regulatory Area. The Chairman reminded delegates that there was still an obligation to report under Article 24.

The Norwegian representative introduced PE 2006/02/09. One non-CP Georgian flagged vessel, AVIOR, had been inspected, no infringement was noted. In PE 2006/02/12 38 observations were reviewed including eight infringements of which five were serious.

The Icelandic representative informed that the two Icelandic vessels reported for transshipment were fully authorised. The receiving vessel from another Contracting Party had not been authorised, but this was not the problem of the Icelandic vessels.

The Norwegian representative said that their interpretation was that Norwegian vessels and skippers were expected to check if a receiving vessel was authorised. The Icelandic representative did not interpret the Scheme in the same way and noted the technical problems, because cargo vessel has no side numbers. The EU representative informed that they had experienced these technical problems and had had to create a parallel register. This had not happened until after the alleged infringements.

The Secretariat suggested these problems be described when preparing the overall compliance report. This was agreed. The Norwegian representative tended to agree with the Icelandic representative and found a difference in transshipping to a vessel of another Contracting Party compared with transshipping to a flag of convenience vessel. The EU representative felt that the Scheme was not crystal clear on the requirements of receiving vessels. This should be clarified. The Chairman noted that this could work in both directions. Should not both donor and receiver vessel check notification and authorisation? The Icelandic representative assumed that the EU representative was referring to authorisation in Article 3. The EU representative noted that a cargo vessel is considered a fishing vessel if transshipping. The Secretariat noted the difference between notification and authorisation. A vessel receiving transshipment of herring would have to be authorised for herring. Otherwise the database would issue a warning. The Icelandic representative questioned if a transshipment report really needed such authorisation for transshipment. He also referred to the Icelandic proposal for allowing transshipments and fishing on the same trip.

The Chairman proposed further reflection. The main problem is the lack of matching pairs of transshipment of donors and receivers. The Secretariat drew attention to difficulties with Contracting Parties reporting prospective and real transshipments. The Icelandic representative supported the EU representative and the representative of the Russian Federation suggested that warning that a receiving vessel was not notified should be handled at Secretariat levels. It was agreed to look into the matter of warnings in the database in general.

The Icelandic representative introduced PE 2006/02/18. No infringement had been detected. A Cyprus vessel had been reported participating in transshipment. This was reported as an infringement, but not a serious one for the Russian donor vessel. Surveillance activity in the Regulatory Area has been increased with a resulting increase in the number of sightings. The EU representative asked if the incident with

the Cyprus vessel had been reported to the EU. The Icelandic representative confirmed that this had been done made by e-mail.

The representative of Denmark (in respect of the Faroe Islands) introduced PE 2006/02/20 describing Faroese inspection activity. 30 vessels had been inspected in the Irminger Sea. No infringements had been observed. The representative of Denmark (in respect of Greenland) reported in PE 2006/02/24 that the Danish Navy had sent an aircraft into the RA, but the report was still not available.

The Secretariat introduced PE 2006/02/25, some parts of which are of interest of PECCOE, but most to AGDC, describing the performance of each Contracting Party with respect to the submission of messages. He asked for comments and corrections from Contracting Parties.

- Non-Contracting Party Scheme

The EU representative introduced PE 2006/02/28 on the surveillance of non-CP activity. He noted the large increase in port inspections. The Icelandic representative questioned why the B-listed vessel Carmen had received services in Poland. The EU representative noted that the vessel had arrived before Polish authorities had realised its status. The vessel had had its security certificate renewed. There was a legal discussion on what the term services included. The Chairman noted that these things happened before the prohibition of entering the port came into force and the problems faced by port authorities in retaining ships in port was discussed extensively in April. The Icelandic representative suggested that, judging from the time the vessel spent in Poland, it had received substantial services. The EU representative noted that there was scope for interpretation of the term services.

The representative of the Russian Federation reported that vessels on the IUU list had entered the port of Kaliningrad. The head of delegation of the Russian Federation and deputy minister has instigated investigations of these matters and the result will be reported to NEAFC. He also referred to the St. Nicholas that had indicated that it would be re-flagged to Russia. This information was not known to Russian authorities. He further made the point that the Russian ministry worked very seriously in order to be able to comply with NEAFC regulations. The Icelandic representative wanted confirmation from the representative of the Russian Federation that the vessels were in a Russian port. The representative of the Russian Federation confirmed that the vessels were in the port of Svetly and here they were investigated.

The Chairman noted that the vessels had indicated that they would spend the winter in Svetly. This was very serious.

The Norwegian representative had reported on non-CP activity already. The Icelandic representative reported on a Liberian fuel supply vessel and on transshipment activity far away from the fishing area, i.e. by the Polestar. He informed that the Polestar had been warned. The owners had reported transshipment activity that matched Icelandic observations. The EU representative confirmed that the owners of the vessel had given correct information. The EU representative noted that the cooperation between Contracting Parties on the Polestar case had been exemplary and this type of

cooperation should be continued. The Icelandic representative supported this and noted the international character of the cooperation.

The representative of Denmark (in respect of the Faroe Islands and Greenland) noted that in all cases non-Contracting Party vessel had denied boarding. He referred to the regrettable error in allowing the Dolphin on the B list to enter a Faroese port and receive services.

(Lunch 12:52 – 2:25 pm)

- IUU Lists A and B

The Secretariat introduced PE 2006/02/10 and 11. The EU representative asked if any flag states had responded to letters from the Secretariat. The Secretariat informed that letters had been sent out immediately, but only the Cook Islands had responded. The Icelandic representative noted that they had made interventions to the embassy of Panama in London with respect to Polestar. He noted that the whereabouts of vessels on the lists were not up to date and also there may be doubt about some names. The Secretariat referred to its event log on at the website and the change in the handling of issues stemming from the A- and B-lists. The EU representative suggested that communications to flag states be made by registered mail. He also drew attention to discussions in NAFO of IUU matters. This would be dealt with under item 6. The EU representative drew attention to an error in an IMO number.

He also informed that three Panamanian vessels had been discussed with respect to veterinary requirements in the EU. Panama had been contacted and this had led to Panama now rescinding its certification of Gran Sol, Fontanova and Iannis I. He suggested that a public B-list should be in the same form as the A-list i.e. including the date of entry to the list, but the list in the inspector's area could contain all information available. The Norwegian representative stressed that as much information as possible should be available, but could support the EU representative.

The Secretariat noted that the Cook Islands had made the point that the A-list as an observation list should not be in the public domain. The Chairman noted that the NAFO provisional list was not in the public domain. The EU representative thought that if it was made completely clear what the A-list represented there should not be a problem having the A-list in the public domain. The Norwegian and the Icelandic representatives concurred. The Icelandic representative also thought that all the details of the B-list vessels should be in the public domain, because that will be a warning for companies that would make business with the vessels.

It was agreed that the A-list should remain in the public domain, but not on how much of the detail on the B-list should be public. The Secretariat asked how to proceed with vessels on the A-list. It was observed that the Scheme sets out the procedure. The Icelandic representative suggested that the A-vessel list could contain a column informing on responses from flag states.

The EU representative asked the Secretariat about the Kabou and its IMO number. The Secretariat noted that it had no access to IMO numbers. These had hitherto been provided by Contracting Parties. It was noted that there had been a problem with the identity of Kabou (probably alias Joanna). The correct IMO number was essential as

the list was set up now. The Secretariat said in many instances the only information was an observation message string. Additional information should be provided in the text area of the message.

The Icelandic representative raised the question of cooperation with other RFMOs. It was proposed that be discussed later in connection with the NAFO document. It was then agreed that details on the A- and B- lists should remain as they are for the time being.

The Chairman went through the A-list and noted that it was rather variable. St. Nicholas could be re-flagged to Russia, but if that not happened it was a clear candidate for the B-list. The Icelandic representative questioned that it was right for a Contracting Party to reflag a vessel that is on the A-list, case pending. As matters stand the St. Nicholas should be moved on to the B-list. Although the owners have been cooperative with respect to the Polestar, it should be moved on to the B-list. The EU representative pointed out that the people on board the vessel did not cooperate and tried to hide what was going on. The Kabou was also a clear cut case. The Committee therefore should propose that these three vessels are moved on to the B-list. The EU representative had obtained information on IMO number and other details of Joanna/Kabou. The right information will be provided.

The Ocean Explorer had been exploiting orange roughy after this species had become a regulated resource. The Cook Islands had reacted immediately when this was brought to their attention. The EU representative felt that the vessel had fished in contravention of NEAFC regulations, so it was a candidate for the B-list. The representative of the Russian Federation concurred. The Icelandic representative thought that it should be noted that the flag state had reacted immediately.

The Chairman suggested that Contracting Parties reflect both on the listing of Ocean Explorer and the application of the Cook Islands. This should be carefully considered following the criteria set out in the non-CP scheme article 9 and 10.

The Icelandic representative was very concerned by the Rostock five activities and that they had been allowed into a Russian harbour. They would like more information and explanations on this matter. The representative of the Russian Federation promised to contact Moscow and report back on this tomorrow on the Rostock 5 which had now turned into the Kaliningrad 7.

Item left open

5. Review of compliance

- Contracting Parties
- Non-Contracting Parties
 - Experience gained with IUU B list vessels' use of "Force majeure"

Item kept open

6. Port State Control - new consolidated recommendation replacing the Schemes

The Chairman reviewed the history of drafting a port state control Scheme. It had been agreed to integrate this into the Scheme and at the same time also integrate the non-Contracting Party scheme. This made the whole approach more coherent. New text was all related to port state control, but in addition some peculiarities and superfluous elements had been removed. Moreover, the two proposals from the Icelandic representative had to be dealt with. He suggested that the Icelandic proposals were discussed as the Committee went through the Articles and dealt with at the appropriate places.

The Committee then went through the new text, PE 2006/2/03.

Chapter I

Article 1 Definitions: The representative of the Russian Federation asked if would not be logical to define cooperating non-Contracting Parties. The Chairman explained the reason why this had not been done.

Article 2 Scope : The Chairman explained that the general rule is the Regulatory Area, but in specific cases the Convention area applies.

Article 3 is on contact points and is a consequence of the port state control measures.

Chapter II Control measures

Article 4: The Icelandic representative presented its proposal as set out in PE 2006/02/8. He noted the difference between deep-sea fisheries and other fisheries. It was simply to delete 4.3. The EU representative accepted the economic argument in the proposal. He saw a specific problem in joint fishing operations. He had, however, problems supporting this proposal. The Norwegian representative concurred and noted that this was a text that came in 2003 after extensive and long discussions. He thought that NEAFC was ahead in control having this measure in place and it would be better to keep it in for the time being.

The Chairman concluded that there seemed to be no support for taking out this text. The Icelandic representative was disappointed and could not see the relevance of this measure; other tools were available to solve the problems.

Article 5 Notification of fishing vessels. No change

Article 6 Vessel requirements. No change.

Article 7 Marking of gear. No change

Article 8 Labelling of frozen fish. New Article related to port control

Chapter III Monitoring of Fisheries

Article 9 Scope Taken out, superfluous

Article 10 Recording of Catch and Fishing Effort. Some smaller precisions of the present text. Agreed as amended

Article 11 Reporting of Catch and effort. No change The Secretariat drew attention to the change in catch reporting as agreed at the last PECCOE meeting. It will become possible for Contracting Parties to report directly into a facility on the secure part of the website. This could make Article 11 redundant. A specific

recommendation substituting the Article could be passed directly based on Article 9 of the Convention. The Chairman suggested taking out “in accordance with the specifications and format set out in Annex V and 11 2”. It was agreed to keep the Article as it is for the time being, and wait to see how the new system works. If the old system becomes redundant the case can be revisited.

Article 12 Vessel Monitoring System No change

Article 13 Communication of catches. Minor additions. The Icelandic representative proposed that his proposal in PE 2006/02/07 goes into this Article. The Committee was reminded that it was necessary to tidy up the reporting of catch and fishing days by including an explanatory note how this should be understood. The EU representative asked about the frequency of catch reporting in the Icelandic proposal. The Icelandic representative responded that in many cases the weekly reporting did not help inspectors. The Icelandic proposal was strengthening the system. The EU representative did not oppose the proposal, but just wanted some explanation. The Chairman asked if Article 13 was the appropriate place for the proposal. This was a mixture of catch reporting and inspection. The Icelandic representative explained the reasoning behind the proposal and the time limits and ways of communication between vessels and inspection platforms. The Norwegian representative expressed sympathy for the Icelandic proposal, but had had the same concerns as the Chairman about the number of actions to be taken to delay a vessel for inspection. He wanted some more time to reflect on the compatibility with measures in domestic waters. The Chairman wanted to introduce daily catches as an option. Vessels had to be notified and there were implication for other Articles to keep the logic of the Scheme. The Secretariat drew attention to the need for FMCs to understand what was implied. The Icelandic representative accepted that this could be rather complicated and would support as simple a solution as possible. The Chairman noted that vessels could opt for daily catch reports and information on this should be available on the Inspectors website. The communication between inspectors and vessel was very detailed. Other consequential changes may also be necessary. He concluded there was broad sympathy with the proposal, but he was not sure that all details were worked out. He wanted to leave it for now and reflect more on it. If there was a proposal which covered all angles it could be considered. Left open for now. The Icelandic representative appreciated the response and accepted the points made. They would look further into the matter and take into account the comments.

Article 14 Communication of transshipments. In a new article

Article 15 Communication to the Secretary sub-para 3 superfluous

Chapter IV Inspections at sea

Article 16 NEAFC inspectors. The EU representative suggested reinserting old Article 13 paragraphs 4 and 5 into this Article. The Norwegian representative did not see anything against this. The Chairman thought it not wise to go against this wish from a Contracting Party. It was agreed.

Article 17 Means of inspection. The Article was left unchanged.

Article 18 Surveillance procedure No change

Article 19 Inspection procedures Small changes.

Article 20 Obligations of the vessel master during the inspection procedure. Proposal in PE 2006/02/23 on boarding ladders reintroduced detailed descriptions of these ladders. This proposal will substitute and expand 20 a) and b). The EU representative agreed in principle, but would like to come back on the precise text. The Icelandic

representative pointed out that this had been agreed in another forum in Tallinn a year ago, so they were in favour in order to guard the safety of inspectors as far as possible. The Chairman concluded that there were no objections to the proposal at all, but delegates wanted just to go through the text once again. The EU representative pointed out that the reference in 20 f) should be to 31(5). The representative of the Russian Federation questioned the text in 20 e) any information or documents which the inspector deems necessary and also any area. The EU representative suggested inserting “for carrying out the inspection” at the end of d). The Chairman pointed out that this was fully described in article 19 2) so there could just be a reference to that in 20 d). This was agreed.

Meeting closed 5:34

7. Review of Attachment V of the Scheme of Control and Enforcement

8. Mandate from the 20th Annual Meeting

- Conversion Factors

9. Mandate from the 22nd Annual Meeting

- Lost and abandoned gear in the Convention Area

10. Mandate from the 24th Annual Meeting

- Setting up regulations for gillnets in the Regulatory Area

11. Management of the North Atlantic Format (NAF) and the Advisory Group on Data Communication (AGDC)

- NAFO COE and COX proposal

12. Any other business

- VDS Campaign 2005 and 2006 – JRC
- Community Fisheries Control Agency

- 13. Report to the 25th Annual Meeting**
- 14. Date and place of the next meeting**
- 15. Closure of the meeting**