

## **Recommendation XV: 2009**

**RECOMMENDATION BY THE NORTH-EAST ATLANTIC FISHERIES COMMISSION IN ACCORDANCE WITH ARTICLE 8 OF THE CONVENTION ON FUTURE MULTILATERAL COOPERATION IN NORTH-EAST ATLANTIC FISHERIES AT ITS ANNUAL MEETING IN NOVEMBER 2008 ADOPTED AMENDMENTS TO CHAPTER VI AND ANNEXES XV AND XVI OF THE “SCHEME OF CONTROL AND ENFORCEMENT IN RESPECT OF FISHING VESSELS FISHING IN AREAS BEYOND THE LIMITS OF NATIONAL FISHERIES JURISDICTION IN THE CONVENTION AREA” AS FOLLOWS:**

### **CHAPTER V - Port State Control of foreign fishing vessels**

#### **Article 20 - Scope**

The provisions in this chapter apply to landings or transshipments in ports of Contracting Parties by fishing vessels with frozen catch on board of fisheries resources caught in the Convention Area by foreign fishing vessels.

#### **Article 21 - Designated ports**

Contracting Parties shall designate ports where landings or transshipment operations are permitted. Each Contracting Party shall send to the Secretary before 1 February 2007 the list of such ports. Any subsequent changes to the list shall be notified to the Secretary at least fifteen days before the change shall come into force. The Secretary shall put the list of designated ports and any changes thereto on the NEAFC website without delay.

#### **Article 22 - Prior notice of entry into port**

1. Masters of vessels or their representative intending to call into a port shall notify the competent authorities of the port they wish to use at least 3 working days before the estimated time of arrival. However, a Contracting Party may make provision for another notification period, taking into account, *inter alia*, distance between the fishing grounds and its ports. In such a case the Contracting Party concerned shall without delay inform the Secretary, who shall put this information on the NEAFC website.
2. The notification referred to in paragraph 1 shall be accompanied by the form provided for in Annex XV with Part A duly completed as follows:
  - a) Form PSC 1, as referred to in Annex XV (A) shall be used where the vessel is landing its own catch;

- b) Form PSC 2, as referred to in Annex XV (B) shall be used where the vessel has engaged in transshipment operations. In such cases a separate form shall be used for each donor vessel.
3. Masters of vessels or their representative may cancel a prior notification by notifying the competent authorities of the port they wished to use no later than 24 hours before the notified estimated time of arrival in the port. However, a Contracting Party may make provision for another notification period for cancellation. The Contracting Party concerned shall without delay inform the Secretary, who shall put this information on the NEAFC website. The notification shall be accompanied by a copy of the original notification PSC 1 or 2 with the word "CANCELLED" written across part B.
4. The port State shall forward a copy of the form as referred to in paragraph 2 and 3 without delay to the flag State of the vessel, and to the flag State or States of donor vessels where the vessel has engaged in transshipment operations and to the NEAFC Secretariat who shall put it on the NEAFC website.

### **Article 23 - Authorisation to land or tranship**

1. The flag State of the vessel intending to land or tranship, or where the vessel has engaged in transshipment operations outside a port, the flag State or States of donor vessels, shall confirm by returning a copy of the form transmitted pursuant to Article 22 paragraph 2 and 3 with Part B duly completed, stating that:
  - a) the fishing vessels declared to have caught the fish had sufficient quota for the species declared;
  - b) the quantities of fish on board have been duly reported and taken into account for the calculation of any catch or effort limitations that may be applicable;
  - c) the fishing vessels declared to have caught the fish had authorisation to fish in the areas declared;
  - d) the presence of the vessel in the area of catch declared has been verified according to VMS data.
2. Landing or transshipment operations may only commence after authorisation has been given by the competent authorities of the port State. Such authorisation shall only be given if the confirmation from the flag State referred to in paragraph 1 has been received.
3. By way of derogation from paragraph 2 the port State may authorise all or part of a landing in the absence of the confirmation but in such cases shall keep the fish concerned in storage under the control of the competent authorities. The fish shall only be released to be sold, taken over or transported once the confirmation referred to in paragraph 1 has been received. If the confirmation has not been received within 14 days of the landing the port State may confiscate and dispose of the fish in accordance with national rules.

4. The port State shall notify without delay its decision whether or not to authorise the landing or transshipment to the Secretary by transmitting a copy of the form pursuant to paragraph 1 with Part C duly completed. The Secretary shall put this information on the NEAFC website without delay.

#### **Article 24 - Inspectors**

1. Inspections shall be conducted by authorised Contracting Party officials knowledgeable of Recommendations established under the Convention.
2. Prior to an inspection, the inspector shall present to the master of the vessel an appropriate identity document.
3. The Port State may invite inspectors of other Contracting Parties to accompany their own inspectors and observe the inspection of landings or transshipment operations of fisheries resources caught by foreign fishing vessels.

#### **Article 25 - Inspections**

1. Each Contracting Party shall carry out inspections of at least 15% of landings or transshipments in its ports during each reporting year.
2. Inspections shall involve the monitoring of the entire discharge or transshipment and include a cross-check between the quantities by species recorded in the prior notice of landing and the quantities by species landed or transhipped. When the landing or transshipment is completed, the inspector shall verify and note the quantities by species of fish remaining on board.
3. Inspectors shall make all possible efforts to avoid unduly delaying a vessel and ensure that the vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish is avoided.

#### **Article 26 - Obligations of the master of the vessel**

The provisions of Article 19 shall apply, as applicable.

#### **Article 27 - Inspection reports**

1. Each inspection shall be documented by completing a Port State Control inspection report (PSC 3) as set out in Annex XVI.
2. The inspection report may be commented upon and shall be signed by the inspectors and the master at the end of the inspection. A copy of the inspection report shall be given to the master of the fishing vessel.

3. A copy of each inspection report shall be transmitted without delay to the Contracting Party of the inspected vessel and to the flag State or States of donor vessels where the vessel has engaged in transshipment operations and to the Secretary. The original or a certified copy of each inspection report shall be forwarded on request to the Contracting Party of the inspected vessel.
4. The Secretary shall put copies of the inspection reports on the inspectors' area of the NEAFC website without delay.
5. The Secretary shall compile an annual report analyzing all reports received from Contracting Parties under this Chapter for presentation to PECCOE.



## B – PSC 2

PORT STATE CONTROL FORM – PSC 2											
<b>PART A: To be completed by the Master of the Vessel. A separate form shall be completed for each donor vessel. Please use black ink</b>											
<b>Name of Vessel:</b>		<b>IMO Number:<sup>1</sup></b>		<b>Radio Call Sign:</b>		<b>Flag State:</b>					
<b>Email Address:</b>		<b>Telephone Number:</b>		<b>Fax Number:</b>		<b>Inmarsat Number:</b>					
<b>Port of Landing or Transshipment:</b>											
<b>Estimated Time of Arrival:</b>		<b>Date:</b>		<b>Time UTC:</b>							
<b>Catch Information for Donor Vessels *A separate form shall be completed for each Donor Vessel*</b>											
<b>Name of Vessel</b>		<b>IMO Number<sup>1</sup></b>		<b>Radio Call Sign</b>		<b>Flag State</b>					
<b>Total catch on board – all areas</b>						<b>Catch to be landed<sup>2</sup></b>					
Species <sup>3</sup>	Product <sup>4</sup>	Area of catch			Conversion factor	Product weight (kg)	Product weight (kg)				
		NEAFC CA (ICES subareas and divisions)	NAFO RA (Sub Division)	Other areas							
<b>PART B: For official use only - to be completed by the Flag State</b>											
<b>The Flag State of the vessel must respond to the following questions by marking in the "Yes" or "No"</b>						<b>NEAFC CA</b>		<b>NAFO RA</b>			
						Yes	No	Yes	No		
a) The fishing vessel declared to have caught the fish had sufficient quota for the species declared											
b) The quantities on board have been duly reported and taken into account for the calculation of any catch or effort limitations that may be applicable											
c) The fishing vessel declared to have caught the fish had authorisation to fish in the area declared											
d) The presence of the fishing vessel in the area of catch declared has been verified according to VMS data											
<b>Flag State confirmation: I confirm that the above information is complete, true and correct to the best of my knowledge and belief.</b>											
<b>Name and Title:</b>				<b>Date:</b>							
<b>Signature:</b>					<b>Official Stamp:</b>						
<b>PART C: For official use only - to be completed by the Port State</b>											
<b>Name of Port State:</b>											
<b>Authorisation:</b>				<b>Yes:</b>		<b>No:</b>		<b>Date:</b>			
<b>Signature:</b>					<b>Official Stamp:</b>						
1. Fishing vessels not assigned an IMO number shall provide their external registration number											
2. If necessary an additional form or forms shall be used				3. FAO Species Codes – NEAFC Annex V - NAFO Annex II				4. Product presentations – NEAFC Appendix 1 to Annex IV – NAFO Annex XX (C)			

**ANNEX XIV**  
**PORT INSPECTION FORMS**

<b>Report on Port State Control inspection (PSC 3)</b>					
Please use black ink					
<b>A. INSPECTION REFERENCE.</b>					
Landing	Yes	No	Transhipment	Yes	No
Port State			Port of landing or transhipment		
Vessel name		Flag State		IMO Number <sup>1</sup>	
Landing/transhipment started		Date		Time	
Landing/transhipment ended		Date		Time	
<b>B. INSPECTION DETAILS</b>					
Name of donor vessel <sup>2</sup>		IMO Number <sup>1</sup>		Radio call sign	
<b>B 1. CATCH RECORDED IN THE LOGBOOK</b>					
Species <sup>3</sup>		Area of catch		Declared live weight kg	

<sup>1</sup> Fishing vessels not assigned an IMO number shall provide their external registration number  
<sup>2</sup> In case where a vessel has engaged in transhipment operations. A separate form shall be used for each donor vessel.  
<sup>3</sup> FAO Species Codes – NEAFC Annex V - NAFO Annex II



<b>B. Otter Trawl details</b>			
NAFO Seal number		Is seal undamaged ?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Gear type			
Attachments			
Grate Bar Spacing mm.			
Mesh type			
Average mesh sizes (mm)			
Trawl part			
Wings			
Body			
Lengthening Piece			
Cod end			
<b>D. OBSERVATIONS BY THE MASTER</b>			
<p>I, .....the undersigned, Master of the vessel  .....hereby confirm that a copy of this report have been delivered to me on this date. My signature does not constitute acceptance of any part of the contents of this report, except my own observations, if any.</p> <p>Signature: _____ Date : _____</p>			
<b>E. INFRINGEMENTS AND FOLLOW-UP</b>			
<b>E1. NAFO</b>			
<b>E.1 A Sea Inspection</b>			
<b>Infringements resulting from Inspections inside NAFO R.A.</b>			
Inspection Party	Date of insp.	Division	NAFO CEM infringement legal reference
<b>E1 B Port Inspection Infringements results</b>			
<b>( a ) - Confirmation of Infringements found at sea inspection</b>			
NAFO CEM infringement legal reference		National Infringement legal reference	
<b>( b ) - Infringements found at sea inspection and not possible to be confirmed during the Port Inspection.</b>			
Comments :			
<b>( c ) - Additional infringements found during the Port Inspection</b>			
NAFO CEM infringement legal reference		National Infringement legal reference	
<b>E2. NEAFC INFRIGEMENT NOTED</b>			
Article	NEAFC provision(s) violated and summary of pertinent facts		

**Observations :**

Inspectors Name	Inspectors signature	Date and place

**F. DISTRIBUTION**

Copy to flag State	Copy to NEAFC Secretary	Copy to NAFO Executive Secretary