EU Proposal

Terms of reference for a PECMAC working group on PSC inspection guidelines and enforcement

The NEAFC Scheme of Control and Enforcement establishes Port State Control measures for foreign fishing vessels. These measures apply to the use of ports of Contracting Parties by fishing vessels with catch on board of fisheries resources that have been caught in the Convention Area and that have not been previously landed or transhipped at a port. Annex XVIII on Port State inspections procedures requires that the entire discharge or transhipment is monitored by the inspectors. However, if a Port State does not have sufficient inspections means, the entire operation cannot be monitored. Although insufficient inspection means may allow the Port State to comply formally with the benchmarks in Article 25 of the Scheme, this does not ensure proper port state control over operations, as required by the Port State Measures Agreement.

Moreover, in the recent years a generalised practice of issuing warnings for serious infringements has emerged. Although issuing a warning could be an appropriate sanction in certain specific circumstances, a generalised use of this type of sanctions may lead to a situation where certain infringements in the NEAFC are not subject to dissuasive, proportionate and effective sanctions. Over time, this could potentially undermine the good compliance levels in the NEAFC and increase the number of infringements. More information needs to be provided to PECMAC in those cases where the Contracting Parties decide to issue a warning.

Therefore, a working group under PECMAC should be established in line with international relevant instruments such as the Agreement on port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing and the Model scheme on port state measures to combat illegal, unreported and unregulated fishing. The working group shall:

- Analyse Port State inspection procedures (Annex XVIII of the Scheme) with regard to the requirement relating to the monitoring of the entire landing and transhipment operations.
- Analyse the information to be included in the PSC3 Form and to study the compatibility with available electronic inspection reports being used by the Contracting Parties.
- Analyse the compliance with benchmark levels of inspections provided by Article 25 of the Scheme and propose measures to be adopted with regard to those Contracting Parties not meeting those benchmark levels.
- Analyse the risk assessment approach followed by the Contracting Parties relating to the port inspections and its reflection in terms of inspected vessels broken down by flag Contracting Parties.
- Analyse the practice of issuing warnings in the context of the flag State performance assessment and the rationale behind those cases.