Proposal by PECMAC

Recommendation on introducing fall back procedure for masters of fishing vessels in article 14 of the Scheme

Background

Noting that the following is stated in the report from PECMAC (03) in 2018: “PECMAC will discuss and define procedures that the Master of the vessel should follow in case they do not receive a positive acknowledgment from the Secretariat”.

Further noting that in the report from the Annual Meeting in 2018 it is stated that: “In addition PECMAC also identified issues that should be considered by PECMAC at a later stage.” “The definition of procedures to be followed by the Masters of the vessels in case they do not receive a positive acknowledgement from the Secretariat”.

The fall back procedure for ERS provides that if a positive acknowledgment is not received from the Secretary, the master should resubmit an amendment report (paragraph 6). If the report cannot be submitted due to a technical failure than the master should contact the FMC, inform of the measure taken to resolve the failure and transmit the report by using alternative means (e.g. phone, fax, e-mail). This would ensure that the NEAFC Secretariat receives the reports despite the technical failure on board of the vessel (paragraph 7).

In order to ensure that the usage of the fall back procedure is temporary, the same restrictions for its usage are introduced in paragraph 8, as currently apply for VMS failures as set out in paragraph 3 of Article 11 of the Scheme.

As proposed by PECMAC and with reference to Recommendation 16:2018 and 19:2019 the Commission hereby adopts the following recommendation pursuant to Article 8 of the Convention:

Article 14 - Communication to the Secretary

1. Each Contracting Party shall implement an electronic reporting system. It shall be used to communicate messages containing the data received according to Articles 11, 12 and 13 to the Secretary without delay.
2. In the event of technical malfunction, reports shall be transmitted by the Contracting Parties to the Secretary within 24 hours of receipt or as otherwise agreed with the Secretary. These reports shall be communicated in accordance with Annex IV and the technical specifications in the Business Continuity Guidelines in the NEAFC Information Security Management System (ISMS).

3. Each Contracting Party shall ensure that the messages transmitted between the Contracting Party and the Secretary shall be in accordance with the data exchange formats and data communication systems set out in Annex IX.

4. The Master of the fishing vessel shall fulfil the reporting requirements set out in Articles 11, 12 and 13. Fishing activity reports referred to in Article 12 and 13 can only be considered accepted if a positive acknowledgment from the Secretary is received. The FMC shall without delay inform the master of the vessel of the status of the report received by the Secretary.

5. Each Contracting Party shall ensure that, if a master of a fishing vessel does not receive a positive acknowledgment on a fishing activity report from the Secretary, the master shall without delay make appropriate amendments and resubmit the fishing activity report to the FMC. If the master still does not receive a positive acknowledgment, or if it is no longer possible to amend or resubmit fishing activity reports due to time limits, the master of the fishing vessel shall contact the FMC to receive the necessary guidance on follow-up procedures, to ensure that the data referred to in Articles 12 and 13 is submitted.

6. Each Contracting Party shall ensure that the master of the fishing vessel is not able to submit the Fishing Activity report due to equipment failures or transmission failure, the master shall immediately notify the FMC about problems influencing the data exchange. Where appropriate, the master will inform the FMC of actions taken to resolve the failure. The FMC shall communicate the necessary follow-up procedures to the master, if necessary also to ensure that the data referred to in Articles 12 and 13 is submitted by using alternative means.

7. Each Contracting Party shall ensure that fishing vessels flying its flag have electronic reporting and recording systems fully operational at all times and that the information required by this Scheme is transmitted. In the event of a technical failure or non-operation of the electronic reporting and recording system on the board a fishing vessel, the system shall be repaired or replaced within one month. After this period, the master of a fishing vessel shall not be authorised to commence a fishing trip with a defective system. Where the system stops functioning and a fishing trip lasts more than one month, the repair or the replacement has to take place as soon as the vessel enters a port and the fishing vessel shall not be authorised to continue or leave the port to commence fishing activities without the system having been repaired or replaced.

8. The FMC may as a fall-back procedure, and after individual evaluation and validation, accept reports outside of time limits, correct or manually create reports. In all these cases it shall use the FMC marking when communicated to the Secretary as set out in Annex IX.

9. The Secretary shall make available as soon as possible the information received under this Article to other Contracting Parties with an active inspection presence in the Regulatory Area or for Port Inspection purposes in accordance with Article 25.

10. In the case of inspections at sea such information shall be provided when the
Secretary receives the report of surveillance entry referred to in Annex X(A), which may be sent up to 24 hours in advance of the entry of the surveillance craft into the Regulatory Area. If the surveillance craft does not enter the area within this period, a report of exit shall be sent as referred to in Annex X(B). All reports and messages communicated pursuant to Articles 11, 12 and 13 shall be treated in a confidential manner.

8. Without prejudices to paragraph 3 the Secretary shall immediately forward Port of Landing Reports to all Contracting Parties regardless of their “active inspection” status.