Chapter I

Article 1 - Definitions

For the purpose of this Scheme:

a. “Convention Area” means the waters of the Convention Area as defined in Article 1(1) of the Convention;

b. “Regulatory Area” means the waters of the Convention Area, which lie beyond the waters under the fisheries jurisdiction of Contracting Parties;

c. “fisheries resources” are those referred to in Article 1 (2) of the Convention;

d. “regulated resources” are those of the fisheries resources which are subject to recommendations under the Convention and are listed in Annex I;

e. “fishing vessel” means any vessel used or intended for use for the purposes of the commercial exploitation of fisheries resources, including fish processing vessels and vessels engaged in transhipment;

f. “foreign fishing vessel” means a fishing vessel flying the flag of another Contracting Party;

g. “non-Contracting Party vessel” means any fishing vessel engaged in fishing activities that is not flagged in a Contracting Party of NEAFC, including vessels for which there are reasonable grounds for suspecting them to be without nationality: [may be changed to h]

h. “fishing activities” means fishing, including joint fishing operations, fish processing operations, the transhipment or landing of fish or fish products and any other commercial activity in preparation for or related to fishing, [including inter alia, fish processing operations, packaging transporting, refueling or re-supplying]; [may be changed to g]

i. “transhipment operation” means the transfer, over the side, of any quantity of fisheries resources or products thereof retained on board, from one fishing vessel to another;

j. “joint fishing operation“ means any operations between two or more vessels where catch is taken from the fishing gear of one fishing vessel to another;

k. “port” means any place used for landing or for the provision of services in relation to, or in support of, fishing activities or a place close to the shore designated by a Contracting Party for transhipping of fisheries resources; [revisit this definition]

l. “the term “IUU” means illegal, unreported and unregulated fishing activities as referred to in paragraph 3 of the FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing.
CHAPTER V – Port State Control of foreign fishing vessels

Article 20 – Scope

The provisions in this Chapter apply to the use of ports of Contracting Parties by fishing vessels with catch on board of fisheries resources subject to recommendations established under the Convention that have been caught in the Convention Area by foreign fishing vessels and that have not been previously landed or transshipped at a port.

Article 2120A – Application of the FAO Agreement on Port State Measures

1. [The provisions of the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (hereafter referred to as the FAO PSMA) shall apply mutatis mutandis as a minimum standard for the Port State Control of foreign fishing vessels, without prejudice to additional provisions contained in Articles 21 to XY.]

[Port State Control of foreign fishing vessels shall be governed mutatis mutandis by the provisions relating to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (hereafter referred to as the FAO PSMA).]

[The provisions in this chapter shall be read in conformity with the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (hereafter referred to as the FAO PSMA), without prejudice to stricter provisions adopted by NEAFC.]

2. [Contracting Parties shall cooperate in the effective implementation of the FAO PSMA and in the exchange of relevant information relevant to the implementation of the Scheme].

3. A Contracting Party that is not a Party to the FAO PSMA shall adopt and implement measures consistent with the provisions of the FAO PSMA, and transmit to the Secretary Commission an annual statement of the actions they have taken in this respect. The Secretary shall circulate these statements to all Contracting Parties.

[The relevant parts of the FAO PSMA shall apply whether or not Contracting Parties are also Party to the FAO PSMA.]

1 [The full implementation of the FAO PSMA could be clearly highlighted by simply keeping those provisions of the Scheme that go beyond the ‘minimum standard’ set by the FAO PSMA. This is the legal drafting technique used in the NEAFC Recommendation establishing procedures for the settlement of disputes. Obviously CPs would concurrently implement their own port State measures as required by FAO]
Article 22 – Measures supplementing certain provisions of the FAO Agreement on Port State Measures

(Measures supplementing certain provisions of the FAO PSMA are laid down in Article 23 through Article XY.)

Article 23 — Article … to be further developed

Issues to be covered in Articles 23 through XY:

1. For the purpose of providing the information required pursuant to Article 8 of the FAO PSMA prior to entry into port, the Port State Control forms in Annex XV shall be used.

(the PSC1/PSC2 forms as revised by the AHWPSC and the new PSC4 form developed by the AHWPSC)

2. The minimum level of inspection referred to in Article 12 (2) of the FAO PSMA is set at 5% of landings or transshipments in its ports during each calendar year.

3. For the purpose of producing the written report with the results of each inspection, referred to in Article 14 of the FAO PSMA, the Port State Inspection form in Annex XVI shall be used.

(the PSC3 form as revised by the AHWPSC)

Article 21 - Designated ports

Contracting Parties shall designate ports where landings or transhipment operations and provision of port services are permitted. Each Contracting Party shall send to the Secretary before 1 February 2007 the list of such ports. A nd any subsequent changes to this 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

(check for electronic procedures)

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 carrying its own catch;

b. Form PSC 2, as referred to in Annex XV (B) shall be used where the vessel has engaged in transhipment operations. In such cases a separate form shall be used for each donor vessel.

b-c. Form PSC 4, as referred to in Annex XV (C) shall be used where the vessel has been engaged in fishing activities in the Convention Area since its last port of call, but has no catch on board.
3. Masters of vessels or their representatives 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 provisions 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, 2 or 4 with the word “CANCELLED” written across part B. [check electronic procedures]

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 transhipment operations. The port State shall also forward a copy of the notification referred to in paragraph 3 to the NEAFC Secretary who shall put it on the NEAFC website [check electronic procedures]

**Article 23 - Authorisation to Landing, or transhipment and other use of ports**

1. The flag State of the vessel intending to land or tranship, or where the vessel has engaged in transhipment 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 (2 a) and 2 b) with Part B duly completed, stating that: [check for electronic procedures]
   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 transhipment 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. Landing, transhipment and other use of ports shall not be authorised if the port State receives clear evidence that the fish onboard was taken in contravention of applicable requirements of a Contracting Party in respect of areas under its national jurisdiction.

5. The port State shall notify without delay its decision whether or not to authorise the landing, or transhipment and other use of ports to the master of the vessel or his representative, to the flag State, to the relevant [coastal State(s)], where applicable and 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. [check electronic procedures]

**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 transhipment operations of fisheries resources caught by foreign fishing vessels.
Article 25 - Inspections

1. Each Contracting Party shall carry out inspections on the basis of risk management of at least 5% of landings or transhipments of fresh fish and at least 7.5% of frozen fish in its ports during each reporting year. These minimum levels for inspection shall be reviewed three years after entry into force of this provision, or earlier if a Contracting Party so requests. Each Contracting Party shall carry out inspections of at least 15% of landings or transhipments in its ports during each reporting year.

2. Inspections shall involve the monitoring of the entire discharge or transhipment 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 transhipment is completed, the inspector shall verify and note the quantities by species of fish remaining on board.

3. Inspections shall be conducted in a fair, transparent and non-discriminatory manner and shall not constitute harassment of any vessel.

4. Each Contracting Party shall ensure that inspectors examine all relevant areas of the vessel in order to verify compliance with relevant conservation and management measures. Inspections shall be conducted in accordance with the procedures laid down in Annex X.

5. Each Contracting Party shall make all possible efforts to facilitate communication with the master or senior crew members of the vessel, including where possible and where needed that the inspector is accompanied by an interpreter.

6. 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 transhipment 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 analysing all reports received from Contracting Parties under this Chapter for presentation to the Permanent Committee for Control and Enforcement (PECCOE).
CHAPTER VII – Measures to promote compliance by non-Contracting Party fishing vessels

Article 34 - Co-operating non-Contracting Party status

1. A non-Contracting Party which seeks the status of a co-operating non-Contracting Party shall submit a request to the Secretary by 30 September, accompanied by a report containing the following information:
   a. Full data on its historical fisheries in the NEAFC area, including nominal catches, number/type of vessels, name of fishing vessels, fishing effort and fishing areas;
   b. Details on current fishing presence in the Regulatory Area, number of vessels and vessels characteristics;
   c. Details of research programmes it has conducted in the Regulatory Area, the results of which it shall share with NEAFC.

Furthermore, the non-Contracting Party concerned shall:

   ○ Undertake to respect the provisions of this Scheme and all other Recommendations established under the Convention;
   ○ Inform NEAFC of the measures it takes to ensure compliance by its vessels, including inter alia, observer programmes, inspection at sea and in port, and VMS;
   ○ Communicate annually catch and effort data and size frequency distribution of the catches (when possible) in due time and appropriate format for scientific evaluation of the stocks.

2. On the basis of the request submitted according to the provisions of paragraph 1 as well as any other relevant information, PECCCOE shall recommend to the Commission, if appropriate, that the status of co-operating non-Contracting Party be granted. Non-Contracting Parties accorded this status, which shall be decided by the Commission on a year-to-year basis, shall be invited to participate at plenary and scientific meetings, as an observer.

Article 35 - Communications by co-operating non-Contracting Parties

1. The co-operating non-Contracting Party shall ensure that its fishing vessels communicate by electronic means to their FMC the reports provided for in Articles 11, 12 and 13.

2. The co-operating non-Contracting Party shall communicate reports and messages pursuant to Articles 11, 12 and 13 to the Secretary without delay in accordance with the provisions of Article 14.

3. The co-operating non-Contracting Party shall provide reports to the Secretary in accordance with the provisions of Article 10.
Article 36 - Monitoring of fisheries by co-operating non-Contracting Parties

1. Vessels of a co-operating non-Contracting Party shall only fish for regulated species if the flag state of the vessels notifies the Secretary by 31 October by registered letter, of its intention to fish on a
co-operation quota during the following year. In the notification the co-operating non-Contracting Party shall give an undertaking to monitor the activities of its vessels and carry out inspections in port and at sea in order to ensure their compliance with the relevant recommendations established under the Convention.

This notification shall also include for all fishing vessels flying the flag of the co-operating non-Contracting Party concerned that intend to engage in fishing activities in the Regulatory Area the information listed and in the format of Annex II. The co-operating non-Contracting Party shall notify any modifications to this information without delay.

2. The Secretary shall notify without delay and by the most rapid electronic means available to all Contracting Parties and co-operating non-Contracting Parties the date on which the accumulated reported catch, the estimated unreported catch, the estimated quantity to be taken before the closure of the fishery and likely by-catches, equal 100 percent of the stock subject to the co-operation quota. Each co-operating non-Contracting Party concerned shall, within 7 days of the date of issue of such electronic notification by the Secretary, close its fishery in the Regulatory Area for that stock.

Article 37 - Sightings and identifications of non-Contracting Party vessels

1. Contracting Parties shall transmit to the Secretary without delay any information regarding non-Contracting Party vessels sighted or by other means identified as engaging in fishing activities in the Convention Area. The Secretary shall transmit this information to all Contracting Parties within one business day of receiving this information according to the same procedure, and to the flag state of the sighted vessel as soon as possible.

2. The Contracting Party which sighted the non-Contracting Party vessel shall attempt to inform such a vessel without delay that it has been sighted or by other means identified as engaging in fishing activities in the Convention Area and unless its flag state has been accorded the status of co-operating non-Contracting Party provided for under Article 34, is consequently presumed to be undermining the Recommendations established under the Convention.

3. In the case of a non-Contracting Party vessel sighted or by other means identified as engaging in transhipment activities, the presumption of undermining conservation and enforcement measures applies to any other non-Contracting Party vessel that has been identified as having engaged in such activities with that vessel.

Article 38 - Inspections at sea

1. NEAFC inspectors shall request permission to board and inspect non-Contracting Party vessels sighted or by other means identified by a Contracting Party as engaging in fishing activities in the Convention Area. If the master of the vessel consents to be boarded the inspection shall be documented by completing an inspection report as set out in Annex XIII. The inspectors shall transmit a copy of the inspection report without delay to the Secretary who shall put it on the inspectors’ area of the NEAFC website and send a copy to the flag State of the vessel.

2. The master of the non-Contracting Party vessel which is boarded shall be provided with a copy of the inspection report. Where evidence so warrants, a Contracting Party may take such action as may be appropriate in accordance with international law. Contracting Parties are encouraged to examine the appropriateness of domestic measures to exercise jurisdiction over such vessels.

3. If the master does not consent for his vessel to be boarded and inspected or does not fulfil any one of the obligations laid down in Article 19(a) to (e), the vessel shall be presumed to have engaged in
IUU activities.

**Article 39 - Entry into port**

1. Masters of non-Contracting Party vessels intending to call into a port shall notify the competent authorities of the port state in accordance with the provisions of Article 22. The port state shall forward this information without delay to the flag state of the vessel, to the Secretary and to relevant Contracting Parties.

2. The port state shall prohibit the entry into its ports of vessels that have not given the required prior notice of landing entry or provided the information referred to in paragraph 1.

3. Prohibition to enter port shall be communicated by the port State to the master of the vessel or his representative, the flag State of the vessel, the Secretary and relevant Contracting Parties without delay.

**Article 40 - Inspections in port**

1. When a non-Contracting Party vessel enters a port of any Contracting Party, it shall be inspected in accordance with the provision of Article 25 (2) to 25 (6) by authorised Contracting Party officials knowledgeable of Recommendations established under the Convention and shall not be allowed to land or tranship any fish until this inspection has taken place. Each inspection shall be documented by completing an inspection report as provided for in Article 27.

2. Where the master of the vessel has failed to fulfil any one of the obligations set down in Article 19 (a) to (e), the vessel shall be presumed to have engaged in IUU activities.

3. Information on the results of all inspections of non-Contracting Party vessels conducted in the ports of Contracting Parties, and subsequent action, shall immediately be transmitted to the Secretary. The Secretary shall put copies of the inspection reports on the inspectors’ area of the NEAFC website without delay. The Secretary shall also send copies of such inspection reports to the flag State of the vessel.

**Article 41 - Landings, transhipments and use of port joint fishing operations**

1. When a non Contracting Party vessel has entered port, a Contracting Party shall deny that vessel landing, transhipping, processing and packaging of fisheries resources and other port services, including, inter alia, refuelling and resupplying, maintenance and drydocking, if:

   a) Landings and transhipments of all fish from a non-Contracting Party vessel which the vessel has been inspected pursuant to Article 40—shall be prohibited in the ports and waters of all Contracting- Parties if such an, and the, inspection reveals that the vessel has species onboard which are subject to Recommendations established under the Convention, unless the master of the vessel provides satisfactory evidence to the competent authorities proving that the fish were caught outside the Regulatory Area or in compliance with all relevant Recommendations established under the Convention, or

   b) The vessel shall not be authorised to land or engage in a transhipment operation if the flag State of the vessel, or the flag State or States of donor vessels where the vessel has engaged in transhipment operations, does not provide the confirmation in accordance with the provisions of Article 23, or

   c) Furthermore, landings and transhipments shall be prohibited where the master of the vessel has failed to fulfill any one of the obligations as set down in Article 19 (a) to (e), or
d) the Contracting Party has received clear evidence that the fisheries resources on board were taken in the waters under the jurisdiction of a Contracting Party in contravention of applicable regulations.

e) the Contracting Party has sufficient proof that the vessel has otherwise been engaged in IUU fishing activities in the Convention Area or in support of such fishing activities.

2. In the case of denial under paragraph 1, a non-Contracting Party vessel shall be prohibited from transhipping in the waters under the jurisdiction of Contracting Parties.

3. In the case of denial under paragraph 1, a Contracting Party shall communicate its decision to the master of the vessel or to his representative and to the Secretary. The Secretary shall without delay notify the flag State in accordance with Article 44 (1), notify all Contracting Parties, and put this information on the NEAFC website.

4. A Contracting Party shall withdraw its denial of the use of its port in respect of a vessel only if there is sufficient proof that the grounds on which use was denied were inadequate or erroneous or that such grounds no longer apply.

5. Where a Contracting Party has withdrawn its denial pursuant to paragraph 4 of this Article, it shall promptly notify those to whom a notification was issued pursuant to paragraph 3 of this Article.

**Article 42 - Notification of presumed IUU activities**

1. The Secretary shall transmit all information received pursuant to Articles 37, 38 and 40 to all Contracting Parties and other relevant Regional Fisheries Management Organisations within one business day of receiving this information, and as soon as possible to the flag state of the vessel identified as being engaged in fishing activities in the Convention Area. Where appropriate, this information shall also be communicated to the State of which the vessel's master is a national.·

2. When transmitting the information to the flag state concerned, the Secretary shall, in consultation with the President of the Commission, request that it take measures in accordance with its
applicable legislation to ensure that the vessel or vessels in question desist from any activities that undermine the effectiveness of NEAFC Recommendations, including if necessary, the withdrawal of the registration of these vessels or their authorisation to engage in fishing activities.

3. The President shall request the flag state(s) to report back to NEAFC on the results of enquiries and/or on the measures it has taken in respect of the vessel or vessels concerned. The President shall also provide the flag state with a copy of this Scheme, advise of the dates when PECCOE will be considering the composition of the IUU lists and encourage the flag state to communicate any relevant information to the Secretary in an expeditious manner. The Secretary shall promptly distribute any information received to all Contracting Parties.

**Article 43 - Reports on IUU activities**

1. Each Contracting Party shall report to the Secretary by 1 March each year for the previous calendar year:

   a. the number of inspections of non-Contracting Party vessels it conducted under this Scheme at sea or in its ports, the names of the vessels inspected and their respective flag State, the dates and as appropriate, the ports where the inspection was conducted, and the results of such inspections; and

   b. where fish are landed or transhipped following an inspection pursuant to this Scheme, the report shall also include the evidence presented pursuant to Article 41.

2. In addition to surveillance reports and information on inspections Contracting Parties may at any time submit to the Secretary any further information, which might be relevant for the identification of non-Contracting Party vessels that might be carrying out IUU fishing activities in the Convention Area.

3. The Secretary shall prepare a report by 15 March each year, for the previous calendar year, based on the reports and information received from the Contracting Parties.

**Article 44 - IUU vessel lists**

1. Unless their flag State has been accorded the status of co-operating non-Contracting Party provided for under Article 34, vessels which have been sighted or by other means identified according to information received pursuant to Articles 37, 38 and 40 as engaging in fishing activities in the Convention Area are presumed to be undermining the effectiveness of Recommendations established under the Convention. The same shall apply in the case of information required under Article 41 not being provided by its flag State. The Secretary shall place such vessels on a provisional list of IUU vessels (‘A’ list) and promptly inform its flag State accordingly.

2. A vessel of a co-operating non-Contracting Party shall immediately be added to the ‘A’ list by the Secretary if it is revealed that it has failed to establish that the fishing activities took place in compliance with all relevant Recommendations established under the Convention.

3. Each year, on the basis of the reports drawn up pursuant to Article 42(3) and Article 43 as well as any other relevant information the Permanent Committee for Control and Enforcement (PECCOE) shall consider the ‘A’ list and as appropriate recommend to the Commission that the vessels be removed or transferred to a confirmed IUU list (‘B’ list).

4. At the same time PECCOE shall undertake a review of the ‘B’ list and as appropriate recommend to the Commission that vessels be added or removed. PECCOE shall only recommend that the Commission remove a vessel from either the ‘A’ or ‘B’ list if the flag State of the vessel concerned satisfies the Commission that:
a. it has taken effective action in response to the IUU fishing activities in question, including
prosecution and imposition of sanctions of adequate severity, or

b. it has taken measures to ensure the granting of the right to the vessel to fly its flag will not
result in IUU fishing activities, or

c. the vessel has changed ownership and that the new owner can establish the previous owner
no longer has any legal, financial, or real interests in the vessel, or exercises control over it
and that the new owner has not participated in IUU fishing, or

d. the vessel did not take part in IUU fishing activities, or

e. the vessel only had on board unregulated resources caught in the Regulatory Area at the time
it was engaged in the fishing activities which led to its being placed on the IUU list in
accordance with 44(1), or

f. the vessel has sunk, been scrapped, or permanently reassigned for purposes other than for
fishing activities.

PECCOE may also recommend that the vessel be removed from the “A” or “B” list if a Contracting
Party provides satisfactory evidence that the conditions under f) have been met.

5. The Secretariat shall transmit the IUU B-List and any amendments thereto as well as any relevant
information regarding the list, to the Secretariats of the Commission for the Conservation of
Antarctic Marine Living Resources (CCAMLR), the Northwest Atlantic Fisheries Organization
(NAFO) and the South East Atlantic Fisheries Organisation (SEAFO). The Secretary shall also
circulate the IUU B-List to other Regional Fisheries Management Organisations.

6. After having been notified by CCAMLR, NAFO and SEAFO of vessels that have been confirmed
as having been engaged in IUU fisheries, the Secretary shall without delay place the NCP vessels on
the NEAFC IUU B-List. Vessels placed on the IUU B-List in accordance with this paragraph may
only be removed if the RFMO which originally identified the vessels as having engaged in IUU
fishing activity has notified the NEAFC Secretary of their removal from the list.

7. The Secretary shall place the ‘A’ and ‘B’ lists on the NEAFC website without delay.

8. The Secretary shall notify the relevant flag State without delay of the change of status of any of its
IUU-listed vessels.

Article 45 - Follow-up action

1. Contracting Parties shall take all the necessary measures, under their applicable legislation, in order
that vessels appearing on the IUU lists:

   a. are inspected in accordance with the provisions of Article 40 when they enter their ports;

   b. are not authorised to land or tranship in their ports or to tranship in the waters under their
jurisdiction;

   c. are not given assistance in any way or allowed to participate in any transhipment or joint
fisheries operations by fishing vessels, support vessels, refuel vessels, mother-ships and cargo
vessels flying their flag;

   d. are not supplied with provisions, fuel or other services.

The provisions in b) to d) shall not be applied to vessels appearing on the IUU “A” list where the
PECCOE has recommended to the Commission that the vessel should be removed from the “A” list.
Annex XV

PSC 1, 2, 3 as per previous agreed (Reykjavik) document
2. Further to the measures under paragraph 1 Contracting Parties shall take the following additional measures, under their applicable legislation, with regard to vessels on the ‘B’ list:

   a. prohibit the entry into their ports of such vessels and communicate such prohibition in accordance with Article 39 (3);
   b. prohibit the authorisation of such vessels to fish in waters under their national jurisdiction;
   c. prohibit the chartering of such vessels;
   d. refuse the granting of their flag to such vessels;
   e. prohibit the imports of fish coming from such vessels;
   f. prohibit importers, transporters and other sectors concerned, from transhipping and trading of fish caught by such vessels;
   g. collect and exchange any appropriate information with other Contracting Parties or cooperating non-Contracting Parties with the aim of detecting, controlling and preventing false import/export certificates regarding fish from such vessels.

3. PECCOE may recommend to the Commission that Contracting Parties be permitted by way of derogation from paragraphs 1 d), 2 a) and 2 d) to supply provisions, fuel and/or other services or grant their flag to a vessel on the IUU list if a Contracting Party provides satisfactory evidence showing that the vessel is destined for scrapping or permanent reassignment for purposes other than for fishing activities.

Article 46 - Action vis-à-vis Flag States

1. Contracting Parties shall jointly and/or individually request non-Contracting Parties whose vessels appear on the IUU lists to co-operate fully with the Commission in order to avoid undermining the effectiveness of the Recommendations that it has adopted.

2. The Commission shall review, at subsequent annual meetings as appropriate, actions taken by such non-Contracting Parties and identify those which have not rectified their fishing activities.

3. The Commission shall decide appropriate measures to be taken in respect of non-Contracting Parties identified under paragraph 1. In this respect, Contracting parties may co-operate to adopt appropriate multilaterally agreed non-discriminatory trade related measures, consistent with the World Trade Organisation (WTO), that may be necessary to prevent, deter, and eliminate the IUU fishing activities identified by the Commission.
# ANNEX XV
## PORT STATE CONTROL FORMS
### A – PSC 1

### PORT STATE CONTROL FORM – PSC 1

**PART A: To be completed by the Master of the Vessel. Please use black ink**

<table>
<thead>
<tr>
<th>Name of Vessel:</th>
<th>IMO Number:</th>
<th>Radio Call Sign:</th>
<th>Flag State:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Email Address:</th>
<th>Telephone Number:</th>
<th>Fax Number:</th>
<th>Inmarsat Number:</th>
</tr>
</thead>
</table>

**Port of Landing or Transhipment:**

<table>
<thead>
<tr>
<th>Vessel master's name</th>
<th>Vessel owner</th>
<th>Certificate of Registry ID</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Port State dimensions</th>
<th>Length (m):</th>
<th>Beam (m):</th>
<th>Draft (m):</th>
</tr>
</thead>
</table>

**Port State:**

<table>
<thead>
<tr>
<th>Port of Landing or Transhipment:</th>
<th>Date:</th>
</tr>
</thead>
</table>

**Last port of call:**

<table>
<thead>
<tr>
<th>Estimated Time of Arrival:</th>
<th>Date:</th>
<th>Time UTC:</th>
</tr>
</thead>
</table>

| Frozen products only | Yes | Fresh products only | Yes | Fresh and frozen products | Yes |

<table>
<thead>
<tr>
<th>Total catch on board – all areas</th>
<th>Catch to be landed²</th>
</tr>
</thead>
</table>

### PART B: For official use only – to be completed by the Flag State

The Flag State of the vessel must respond to the following questions by marking in the box "Yes" or "No"

<table>
<thead>
<tr>
<th>NEAFC CA</th>
<th>NAFO RA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

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

**Flag State confirmation: I confirm that the above information is complete, true and correct to the best of my knowledge and belief.**

<table>
<thead>
<tr>
<th>Name and Title:</th>
<th>Date:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Signature:</th>
<th>Official Stamp:</th>
</tr>
</thead>
</table>

### PART C: For official use only – to be completed by the Port State
### Name of Port State:

### Authorisation:
- Yes:
- No:
- Date:

### Signature:

### Official Stamp:

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)

---

#### 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

<table>
<thead>
<tr>
<th>Name of Vessel:</th>
<th>IMO Number:</th>
<th>Radio Call Sign:</th>
<th>Flag State:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Email Address:</th>
<th>Telephone Number:</th>
<th>Fax Number:</th>
<th>Inmarsat Number:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Vessel master’s name</th>
<th>Vessel master’s nationality</th>
<th>Vessel owner</th>
<th>Certificate of Registry ID</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Vessel dimensions</th>
<th>Length (m):</th>
<th>Beam (m):</th>
<th>Draft (m):</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Port State:</th>
<th>Port of Landing or Transhipment:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Last port of call:</th>
<th>Date:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Port of Landing or Transhipment:</th>
<th>Date and location of transhipment</th>
<th>Relevant transhipment authorisation</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Estimated Time of Arrival:</th>
<th>Date:</th>
<th>Time UTC:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Frozen products only</th>
<th>Yes</th>
<th>Fresh products only</th>
<th>Yes</th>
<th>Fresh and frozen products</th>
<th>Yes</th>
</tr>
</thead>
</table>

#### Catch Information for Donor Vessels

- A separate form shall be completed for each Donor Vessel

<table>
<thead>
<tr>
<th>Name of Vessel</th>
<th>IMO Number</th>
<th>Radio Call Sign</th>
<th>Flag State</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Species</th>
<th>Product</th>
<th>Total catch on board – all areas</th>
<th>Catch to be landed</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Area of catch</th>
<th>Conversion factor</th>
<th>Product weight (kg)</th>
</tr>
</thead>
</table>

#### PART B: For official use only - to be completed by the Flag State

The Flag State of the vessel must respond to the following questions by marking in the box “Yes” or “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 |

<table>
<thead>
<tr>
<th>NEAFC CA</th>
<th>NAFO RA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>
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.

**Flag State confirmation:** *I confirm that the above information is complete, true and correct to the best of my knowledge and belief.*

<table>
<thead>
<tr>
<th>Name and Title:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature:</td>
<td>Official Stamp:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PART C: For official use only - to be completed by the Port State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Port State:</td>
</tr>
<tr>
<td>Authorisation:</td>
</tr>
<tr>
<td>Signature:</td>
</tr>
</tbody>
</table>

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)
### PORT STATE CONTROL FORM – PSC 4

**PART A:** To be completed by the Master of the Vessel. Please use black ink.

<table>
<thead>
<tr>
<th>Name of Vessel:</th>
<th>IMO Number:*</th>
<th>Radio Call Sign:</th>
<th>Flag State:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Email Address:</td>
<td>Telephone Number:</td>
<td>Fax Number:</td>
<td>Inmarsat Number:</td>
</tr>
</tbody>
</table>

**Vessel master’s name**

<table>
<thead>
<tr>
<th>M Vessel master’s name</th>
<th>M Vessel master’s nationality</th>
<th>Vessel owner</th>
<th>Certificate of Registry ID</th>
</tr>
</thead>
</table>

**Vessel dimensions**

<table>
<thead>
<tr>
<th>Length (m):</th>
<th>Beam (m):</th>
<th>Draft (m):</th>
</tr>
</thead>
</table>

**Port State:**

<table>
<thead>
<tr>
<th>Last port of call:</th>
</tr>
</thead>
</table>

**Estimated Time of Arrival:**

<table>
<thead>
<tr>
<th>Date:</th>
<th>Time UTC:</th>
</tr>
</thead>
</table>

**Purpose of port call:**

The undersigned, Master of the vessel, hereby confirms that there is no catch [fisheries resources] on board.

**Vessel Master’s signature:**

**PART B:** For official use only – to be completed by the Port State

<table>
<thead>
<tr>
<th>Name of Port State:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Authorisation:</th>
<th>Yes:</th>
<th>No:</th>
<th>Date:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Signature:</th>
<th>Official Stamp:</th>
</tr>
</thead>
</table>

---
## ANNEX XVI
PORT INSPECTION FORMS

Report on Port State Control inspection (PSC 3)

Please use black ink

### Inspection report number

#### A. INSPECTION REFERENCE.

<table>
<thead>
<tr>
<th>Landing</th>
<th>Yes</th>
<th>No</th>
<th>Transhipment</th>
<th>Yes</th>
<th>No</th>
<th>Other reason for port entry</th>
</tr>
</thead>
</table>

Port State

<table>
<thead>
<tr>
<th>Vessel name</th>
<th>Flag State</th>
<th>IMO Number(^2)</th>
<th>Int. Radio call sign</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Landing/transhipment started</th>
<th>Date</th>
<th>Time</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Landing/transhipment ended</th>
<th>Date</th>
<th>Time</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Vessel Type</th>
<th>Certificate of Registry ID</th>
<th>Port of registry</th>
<th>VMS</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Vessel master's name</th>
<th>Vessel master's nationality</th>
<th>Fishing master's name</th>
<th>Fishing master's nationality</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Vessel's owner/operator</th>
<th>Vessel' beneficial owner (^4)</th>
<th>Vessel's agent</th>
<th>Date:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Last port of call:</th>
<th>Date</th>
<th>Time</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Vessel's owner/operator</th>
<th>Date</th>
<th>Time</th>
</tr>
</thead>
</table>

#### B. INSPECTION DETAILS

<table>
<thead>
<tr>
<th>Name of donor vessel</th>
<th>IMO Number(^1)</th>
<th>Radio call sign</th>
<th>Flag State</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### B 1. CATCH RECORDED IN THE LOGBOOK

<table>
<thead>
<tr>
<th>Species(^4)</th>
<th>Area of catch</th>
<th>Declared live weight kg</th>
<th>Conversion factor used</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

\(^2\) Fishing vessels not assigned an IMO number shall provide their external registration number

\(^3\) In case where a vessel has engaged in transhipment operations. A separate form shall be used for each donor vessel.

\(^4\) FAO Species Codes – NEAFC Annex V - NAFO Annex II

\(^4\) If known and if different from vessel's owner
Agenda Item 4.3

AHWG PSC 2013-02-05
Previously AHWG PSC 2013-01-10

B 2. FISH LANDED OR TRANSHIPPED

* In case where a vessel has engaged in transhipment operations a separate form shall be used for each donor vessel.

<table>
<thead>
<tr>
<th>Species</th>
<th>Product</th>
<th>Area of catch</th>
<th>Product weight landed in kg</th>
<th>Conversion factor</th>
<th>Equivalent live weight kg</th>
<th>Diff (kg) between live weight declared in the logbook and the live weight landed</th>
<th>Diff (%) between live weight declared in the logbook and the live weight landed</th>
<th>Diff (kg) between Product weight landed and PSC 1/2</th>
<th>Diff (%) between Product weight landed and PSC 1/2</th>
</tr>
</thead>
</table>

**RELEVANT TRANSHIPMENT AUTHORISATION:**

B 3. INFORMATION ABOUT LANDINGS AUTHORISED WITHOUT CONFIRMATION FROM THE FLAG STATE

Name of storage, name of competent authorities, deadline for receiving confirmation, ref. NEAFC art. 23.2 / NAFO art. 45.6

<table>
<thead>
<tr>
<th>Name of storage</th>
<th>Name of competent authorities</th>
<th>Deadline for receiving confirmation</th>
<th>Ref. NEAFC art. 23.2 / NAFO art. 45.6</th>
</tr>
</thead>
</table>

B 4. FISH RETAINED ON BOARD

<table>
<thead>
<tr>
<th>Species</th>
<th>Product</th>
<th>Area of catch</th>
<th>Product weight in kg</th>
<th>Conversion factor</th>
<th>Live weight kg</th>
<th>Diff. (kg) between product weight on board and PSC 1/2</th>
<th>Diff. (%) between product weight on board and PSC 1/2</th>
</tr>
</thead>
</table>

C. RESULTS OF INSPECTION

C1. GENERAL

<table>
<thead>
<tr>
<th>Inspection started</th>
<th>Date</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspection ended</td>
<td>Date</td>
<td>Time</td>
</tr>
</tbody>
</table>

Status in other RFMO areas where fishing or fishing related activities have been undertaken, including any IUU vessel listing

<table>
<thead>
<tr>
<th>RFMO</th>
<th>Vessel identifier</th>
<th>Flag State status</th>
<th>Vessel on authorised vessel list</th>
<th>Vessel on IUU vessel list</th>
</tr>
</thead>
</table>

Observation

<table>
<thead>
<tr>
<th>Observation</th>
</tr>
</thead>
</table>

C2. GEAR INSPECTION IN PORT (In accordance with Annex XVII (e))

A. General data

Number of gear inspected | Date gear inspection
|-------------------------|--------------------------|
Has the vessel been cited ? | Yes | No |

If yes, complete the full “verification of inspection in port form. If no, complete the form with the exception of the NAFO seal details

<table>
<thead>
<tr>
<th>Gear type</th>
<th>Is seal undamaged ?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

FAO Species Codes – NEAFC Annex V - NAFO Annex II
FAO Species Codes – NEAFC Annex V - NAFO Annex II
Product presentations – NEAFC Appendix 1 to Annex IV – NAFO Annex XX (C)
Product presentations – NEAFC Appendix 1 to Annex IV – NAFO Annex XX (C)
Agenda Item 4.3

Attachments
Grate Bar Spacing mm.
Mesh type

<table>
<thead>
<tr>
<th>Average mesh sizes (mm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trawl part</td>
</tr>
<tr>
<td>Wings</td>
</tr>
<tr>
<td>Body</td>
</tr>
<tr>
<td>Lenghtening Piece</td>
</tr>
<tr>
<td>Codend</td>
</tr>
</tbody>
</table>

D. OBSERVATIONS BY THE MASTER

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.

Signature: _______________________________ Date : ____________

E. INFRINGEMENTS AND FOLLOW-UP

E1. NAFO

E.1 A Sea Inspection

Infringements resulting from Inspections inside NAFO R.A.

<table>
<thead>
<tr>
<th>Inspection Party</th>
<th>Date of insp.</th>
<th>Division</th>
<th>NAFO CEM infringement legal reference</th>
</tr>
</thead>
</table>

E1 B Port Inspection Infringements results

( a ) - Confirmation of Infringements found at sea inspection

NAFO CEM infringement legal reference National Infringement legal reference

( b ) - Infringements found at sea inspection and not possible to be confirmed during the Port Inspection.

Comments :

( c ) - Additional infringements found during the Port Inspection

NAFO CEM infringement legal reference National Infringement legal reference

E2. NEAFC

INFRIGEMENT NOTED

Article NEAFC provision(s) violated and summary of pertinent facts

Inspector’s observations:

Action taken

Inspecting authority / agency

Inspectors Name Inspectors signature Date and place
F. DISTRIBUTION

<table>
<thead>
<tr>
<th>Copy to flag State</th>
<th>Copy to NEAFC Secretary</th>
<th>Copy to NAFO Executive Secretary</th>
</tr>
</thead>
</table>

Previously AHWG PSC 2013-01-10
ANNEX XVII
Port State inspection procedures

Inspectors shall:

a) Verify that the vessel identification documentation onboard and information relating to the owner of the vessel is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary;

b) verify that the vessel’s flag and markings (e.g. name, external registration number, International Maritime Organization (IMO) ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;

c) verify that the authorizations for fishing and fishing related activities are true, complete, correct and consistent with the information provided in accordance with Article 22;

d) review all other relevant documentation and records held onboard, including those in electronic format and vessel monitoring system (VMS) data from the flag State or relevant Regional Fisheries Management Organizations. Relevant documentation may include logbooks, catch, transhipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);

e) examine all relevant fishing gear onboard, including any gear stowed out of sight as well as related devices, and verify that they are in conformity with the conditions of the authorizations. The fishing gear shall also be checked to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorized for the vessel;

f) determine whether the fish on board was harvested in accordance with the applicable authorizations;

g) monitor the entire discharge or transhipment and cross-check between the quantities by species recorded in the prior notice of landing and the quantities by species landed or transhipped;

h) examine the fish, including by sampling, to determine its quantity and composition. In doing so, inspectors may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;

i) when the landing or transhipment is completed, verify and note the quantities by species of fish remaining on board;

j) evaluate whether there is clear evidence for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing;

k) provide the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master. The master’s signature on the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State in particular where the master has serious difficulties in understanding the content of the report. A copy of the report shall be provided to the master; and

l) arrange, where necessary and possible, for translation of relevant documentation.