PERMANENT COMMITTEE ON CONTROL AND ENFORCEMENT
1 and 2 April 2014 – London

Report

1. Opening of the meeting
The Chair, Gylfi Geirsson, Iceland, opened the meeting and welcomed the delegates.

All Contracting Parties were represented.

2. Appointment of the rapporteur
The Secretary was appointed as rapporteur.

3. Discussion and adoption of the agenda
The agenda was adopted without any changes to the draft circulated before the meeting.

4. Scheme of Control and Enforcement

4.1. Overall compliance evaluation of 2013

4.1.1. Annual reports by the CPs under Art. 32 and 33
The Contracting Parties reported, on the basis of documents circulated before the meeting, on their surveillance and inspection activities in the Regulatory area in 2013, and on infringements and follow-up to infringements.

Following the discussions, some of the reports were re-issued in a revised version to address errors that had been identified.

It was noted that responses to infringements needed to be sufficient to be a deterrent, in particular regarding repeated infringements by the same vessels.

Iceland explained that following an incident where EU inspectors had reported a serious infringement by an Icelandic vessel, Iceland’s domestic procedures regarding authorising vessels have now been changed and were presently functioning as in a satisfactory manner. The vessel in question had wrongly been authorised by Iceland with a general authorisation rather than a specific authorisation to fish for redfish in Irminger Sea (REB). All reports from the vessel in question were received by NEAFC but CAT reports were accepted with a warning to the Icelandic FMC. A systematic error had been in place in the Icelandic FMC, where indications that there was a problem were not noted. This problem led to daily CAT reports not being available to the EU inspection platform. According to the redfish special measures, this constituted fishing without a valid licence. Iceland noted that EU inspectors had not reported infringements on EU vessels for cases of non-availability of reports where, like in this case, the actual failure was with the FMC and not with the vessels themselves.

It was noted that it is important to ensure that the communication chain from the vessel to the inspectors is always intact, as it constitutes a waste of inspectors’ time to consistently follow
up apparent non-reporting of vessels that have in fact communicated all the required information.

It was noted that infringements reported pursuant to port State inspections are not found on the same part of the NEAFC inspectors’ website as other infringements. It was pointed out that it might provide a clearer overview if this practice was changed.

Norway raised the issue of the format of the annual reports by the Contracting Parties. It was agreed that the format was somewhat out-dated. It was noted that the format was not in the Scheme and could easily be amended if the Contracting Parties agreed on a different format. Several points were raised regarding potential improvements to the format, and a friends-of-the-Chair group met in the margins of the meeting to discuss further details. The conclusion was that Norway volunteered to submit a proposal to the next meeting of PECCOE, taking account of the discussions at this meeting. The aim is to agree to a new format at that meeting, and have annual reports using that new format from 2015.

Norway noted that inspection reports on Norwegian vessels had identified a problem with the Norwegian electronic logbooks regarding the non-recording of fishing depth. This issue was being addressed.

The Russian Federation pointed out that EU inspectors had reported the same infringements by several Russian vessels, regarding stowage plans. The infringements were being followed up, and the procedures against the vessels had been initiated. However, the captains of the vessels claimed that they had fulfilled NEAFC rules, and that the inspectors were implementing EU rules rather than the NEAFC Scheme. The systematic nature of the infringements by different vessels indicated that either large sections of the Russian fleet had not properly understood the applicable rules, or that there was some truth in the claims that infringements were being reported when NEAFC rules had in fact been fulfilled.

It was pointed out that inspectors sometimes use their domestic rules as a point of departure in their work, and that it is nothing new that captains sometimes complain about that. However, NEAFC infringement reports are only made on the basis of NEAFC rules.

Without making any conclusions on individual cases, it was noted in this context that Article 9.4b and Annex IV.c constitute an exhaustive list of NEAFC requirements regarding stowage plans.

The EU pointed out that there was only an infringement regarding missing messages and reports if the Secretary did not receive the transmission. Every year, a problem somewhere along the communications chain to the inspectors, leads to inspectors following up apparent infringements when the vessel in question has in fact transmitted all the information required. The effort inspectors put into this is understandable, as they are following up apparent lack of reporting, but in fact this constitutes a waste of time for the inspectors.

It was noted that the issue of communications from vessels fishing by the borders of the Regulatory Area sometimes not being forwarded to inspectors needs to be resolved. Inspectors should receive all relevant information, regardless of whether a vessel is fishing right on the borders of the Regulatory Area or well within it.

It was noted that the EU had the largest inspection presence in the Regulatory Area in 2013 and that two Contracting Parties had no inspection presence in the Regulatory Area in 2013. The importance of Contracting Parties having an appropriate inspection presence was stressed.
4.1.2. Implementation and compliance report by the Secretariat
The Secretariat presented two reports on implementation and compliance, one regarding the Scheme and the other regarding other NEAFC recommendations. The reports were in a new format that addressed individually the different parts of the Scheme and the individual recommendations. The Secretariat stressed that comments were being invited not only regarding the contents of the reports, but also their format.

It was agreed that the format of the reports was very good and helpful, although it should be continually developed.

Several points were raised in discussions on the reports. It was noted that the reports served well the purpose of highlighting the issues that need to be addressed. Following the discussions, a revised version of the report on the Scheme was circulated, taking account of points that had been raised.

It was noted that not all species that are the subject of management measures are formally listed in Annex 1 of the Scheme as regulated resources. It was agreed that this should be corrected. However, there was no consensus on setting up an automatic process of adding newly managed species to the Annex. The Chair was mandated to draft a proposal before the next meeting of PECCOE to add the relevant species to Annex 1.

It was noted as an issue that should be resolved that catch reports containing non-regulated species were sometimes not acknowledged by the NEAFC database, even if they also included regulated resources. This resulted in the database not registering the catches of regulated resources.

It was noted that positive identification of vessels by inspectors are according to Annex XII(B) of the Scheme based only on visual verification. However, modern technology makes it possible to identify vessel by other means. Additionally, technology could be used to monitor areas at a significant distance, which could include monitoring of parts of the Regulatory Area from positions well within national jurisdiction. It was agreed that these issues should be addressed by PECCOE at future meetings.

The Contracting Parties confirmed that they expected similar levels of inspection activity in 2014 as they had respectively had in 2013. The Russian Federation stated that consultations were taking place at a domestic level that would hopefully result in a Russian inspection presence in the Regulatory Area in 2014.

4.2. Port State Control

4.2.1. Overall implementation in 2013
This agenda item was dealt with under agenda item 4.1.2, as the reports presented by the Secretariat under that item covered implementation of Port State Control.

4.2.2. Practical issues relating to PSC
The Chair pointed out that PECCOE had agreed last year that the Scheme needed to be amended so that it reflected the online application which was being used for the Port State Control. He presented a draft proposal that had also been tabled at the previous PECCOE meeting, where there had not been enough time to finalise the discussions and conclude on the wording of a proposal to the Annual Meeting. He noted that the intention was not to finalise the proposal at this meeting, but to give Contracting Parties an opportunity to make comments so that a further developed draft could be presented to PECCOE in September. The aim would be to finalise a proposal to the Annual Meeting then.
There was a discussion on the draft, where a number of points were raised. Among the issues identified as needing to be resolved was the need to be able to cancel notifications to remove them from the system. The Chair’s draft envisaged that port States should be able to do this, and there was support from some Contracting Parties for this approach as they considered it to the most practical one. Other Contracting Parties favoured only making flag States able to cancel notifications, to remove the possibility of port States cancelling notifications that a vessel’s captain did not wish to be cancelled.

It was noted that the fax-based system would remain as a back-up in the event of the web-based system at the Secretariat being offline.

There was a discussion on the appropriateness of using the term “author of a notification”. It was suggested that the term “sender of a notification pursuant to Article 22.1 of the Scheme” could be used in its place.

It was agreed that the draft was a first basis for a proposal on this issue to the 2014 Annual Meeting. The Chair was mandated to revise the draft on the basis of the discussions and submit the revised version to the September meeting of PECCOE, where a final proposal would be adopted.

4.3. Non-Contracting Parties

4.3.1. NCP activities in the RA – Annual reports by the CPs under Art. 43
No activities by non-cooperating non-Contracting Parties were reported.

4.3.2. Cooperative NCP activities in the RA

4.3.2.1. Annual report under Art. 35.4 and 35.5 by St Kitts and Nevis
There was a discussion on the report that had been submitted by St Kitts and Nevis.

It was noted that St Kitts and Nevis had reported on a number of transhipments that had taken place outside the Regulatory Area, and were thereby beyond the scope of the Scheme. Apart from this the only lack of reporting was considered to be reporting pursuant to Article 22 of the Scheme.

It was concluded that the report of St Kitts and Nevis was not fully in accordance with the amended Articles 35.4 and 35.5 of the Scheme. It was agreed to ask St Kitts and Nevis to revise their document to ensure full compliance with the requirements of the Scheme, and submit the revised version to the September meeting of PECCOE.

4.3.2.2. Compliance report by the Secretariat

4.3.3. IUU activities in the RA
No new IUU activities were reported.

4.3.3.1. Review of the IUU Lists A and B
It was noted that there was no vessel on the IUU A list.

4.3.3.2. Possible amendment of IUU Lists A and B
The Russian Federation presented a document certifying that the vessel “Dolphin”, which was on the IUU B list, had been scrapped.
It was noted that the document did not specify the vessel’s IMO number, which was the identifier used for the IUU list. It was also noted that the document was simply a certification of the scrapping and not a formal proposal for removing the vessel from the IUU B list.

The Russian Federation agreed to submit to the September meeting of PECCOE a formal proposal to remove the vessel from the IUU B list. The proposal would include the vessel’s IMO number, which was known and included in the IUU B list. The current document would then serve as a supporting document for that proposal, rather than constituting a proposal in itself. The Contracting Parties welcomed the move to remove a vessel that was known to have been scrapped from the IUU B list.

The Secretariat presented a document containing the SEAFO list of confirmed IUU vessels. It was noted that the list had been sent to the Secretariat by email, without a formal signed letter. It was also noted that all but one of the vessels on the list had been placed on the list following notifications from other RFMOs, rather than being listed following IUU activities in the SEAFO Convention Area.

It was agreed that the Secretary should contact the SEAFO Secretariat and ask for a formal letter notifying the vessels that SEAFO had independently placed on its IUU list, not including vessels that had been placed on the IUU list following notifications from other RFMOs. Upon receiving such a formal notification from SEAFO the vessels notified should be placed on the IUU B list in accordance with Article 44 of the Scheme. However, they should be presented separately from the other vessels on the IUU B list to make it clear that they were on the list pursuant to a notification from SEAFO.

It was agreed that for a vessel confirmed by another RFMO as an IUU vessel to be placed on the IUU B list, it would have to be notified to NEAFC by the RFMO making the original listing.

The Chair was mandated to formulate a draft proposal before the next PECCOE meeting regarding the future arrangements for including vessels notified by other RFMOs on NEAFC’s IUU lists. This could potentially include a proposal for amending the Scheme in this context.

It was agreed to request the Secretary to hold informal discussions with the CCAMLR Secretariat with the aim of working towards reciprocal listing of confirmed IUU vessels on the respective IUU lists. It was noted in this context that the Secretaries of the two organisations were expecting to meet at the RSN and FAO COFI meetings in June. They could discuss these issues in the margins of these meetings.

### 4.4. Amendments to the Scheme

#### 4.4.1. Implementation of the amendments

The Secretariat presented item-by-item all the amendments to the Scheme that were adopted at the 2013 Annual Meeting.

It was noted that among these amendments was making fishing gear a mandatory data element when vessels are notified to NEAFC. This amendment had been developed in the margins of the Annual Meeting without going through PECCOE.

A problem had been identified with implementing this amendment, as transport vessels had to be notified, but they have no fishing gear to report. The Secretariat was implementing a temporary solution for this in 2014, on the understanding that a more permanent solution would be developed for adoption at the 2014 Annual Meeting.
In this context, the Chair was mandated to draft a proposal to the next PECCOE meeting for amending the Scheme in a manner that would solve this problem. It was noted that this proposal might usefully also address the issue of making it possible for vessels to register more than one type of fishing gear, where appropriate. It was also noted that it might be helpful if JAGDM looked at this issue and provided advice before the Chair circulates his proposal.

4.4.2. Proposed amendments
The Russian Federation presented a proposal to add a new column into the PSC1 form, regarding specifying for each type of product on board a vessel whether it is fresh or frozen. This was intended to be technical improvement of Recommendation 9:2014, rather than a substantive amendment to it.

There was general support for making an improvement in this context. However, a lengthy discussion on the issue, and the submission of a revised proposal by the Russian Federation, was not sufficient to reach a conclusion on the exact wording of a proposal. The main issue to be resolved was whether the option should only be to report fresh or frozen products (or even only frozen or not frozen) or whether this should be widened to include salted and other types of presentations.

The Russian Federation volunteered to revise the proposal again and present the revised version to the September meeting of PECCOE, where it is hoped that a final proposal can be adopted.

The Russian Federation presented a proposal to amend the Scheme to make it possible to have more than one species included in a single authorisation. There was an extensive discussion on this where it was stressed that most Contracting Parties did not require this change, and that any amended version of the Scheme would have to include the option of no change in the way authorisations are made. It was explained that the Russian proposal only enabled including more than one species in an authorisation, but did not require it.

The conclusion of the discussion on this issue was to ask JAGDM to look at the issue of including more than one species in an authorisation, and provide PECCOE with advice on how this could be done. JAGDM should be asked to consider in this context whether a technical solution could be found that did not require amending the Scheme.

5. Evaluation of the redfish fisheries special control measures in 2013
This agenda item was covered by the reports presented by the Secretariat under agenda item 4.1.2.

5.1. Irminger Sea
5.2. ICES I & II

6. Annual Meeting issues referred to PECCOE
Iceland presented a document outlining that it had moved to using only electronic logbooks, with no Icelandic vessel now being authorised to use a paper logbook in the Regulatory Area. Iceland agreed to make a presentation of the electronic logbook system at the next PECCOE meeting.

6.1. AHWGERS
The Chair presented a document which provided an overview of where things stand regarding the development of ERS. The Contracting Parties agreed that this was a useful document that added clarity. The Chair stressed the need to make progress on this issue.
It was noted that much progress had already been made, and that the AHWGERS has concluded on many important issues. However, there were some issues where no agreement had been reached, and they were now preventing any further significant progress. The most prominent of these stumbling blocks was the issue of data storage and communication.

There was an extensive discussion on these issues where the Contracting Parties reconfirmed their previous positions, but did not manage to move closer to a compromise conclusion. Most of the Contracting Parties continue to favour storing all the required data at the Secretariat, while one Contracting Party considers it appropriate with a modern system to store most of the data at the flag State FMC and have it pulled from there when it is needed. This disagreement continues to prevent a conclusion on the basic architecture of the ERS system.

The Chair proposed a hybrid solution where Contracting Parties could use either approach, provided that the relevant data was available to inspectors. The Secretariat would then have a system that could function both with data being communicated for storage at the Secretariat and being pulled as required from the relevant FMCs. There was no consensus on exploring further the possibility of a hybrid system as a possible way forward.

In the absence of any progress on the basic architecture of the system, it was agreed that there would not be much point in having a meeting of the AHWGERS before the next PECCOE meeting.

It was noted that a series of bilateral discussions relevant to ERS are on-going among the Contracting Parties. The conclusion of these discussions could potentially contribute to resolving the impasse on ERS in NEAFC.

7. **Data security and confidentiality**

   **7.1. Information and data classification**

The Secretariat presented a document on this, and pointed out that all NEAFC Committees would need to examine procedures and other relevant points pursuant to the new Recommendation on data security and confidentiality.

At this point, the intention was simply to remind PECCOE members of this issue. A more substantive document would be presented to a future PECCOE meeting to initiate the discussion within PECCOE.

8. **Experience with discard ban in the Regulatory Area**

Norway presented a video which Norwegian inspectors had recorded, of a Contracting Party vessel discarding fish. It was noted that this was an example of using modern technology, as the filming had been done at a significant distance, and the equipment would make it possible to make a similar recording if the discarding was being done under the cover of darkness.

It was noted that Norway had provided the flag State with the recording, and the flag State confirmed that proceedings had been initiated against the vessel. However, the incident had not been reported through NEAFC. After a discussion, it was considered appropriate that incidents like this were covered by the Scheme and should in the future result in a reported NEAFC infringement.

9. **International cooperation**

   **9.1. Inception of JAGDM**
The Secretariat reported on the first meeting of JAGDM, which took place at NAFO Headquarters in Dartmouth, Canada, 18 and 19 March 2014. It was noted that as this was the first meeting of the group, significant time was given to various administrative issues. The group had not managed to elect a Chair, and the Chair of AGDC would therefore continue to serve as acting Chair until the next meeting of the group in June.

The report of the meeting has not been finalised. It was agreed that the report would be circulated to PECCOE members once it had been finalised.

9.2. International MCS network
It was noted that NEAFC has cooperated with the International MCS Network for some years, including through the Secretariat attending some of the Network’s meetings and workshops. It was reconfirmed that there continues to be full support for this cooperation to continue and that PECCOE considers the Network to be doing good work that deserves support.

The Network has invited NEAFC to become a formal member of the Network. As has previously been the case, there was no consensus on NEAFC becoming a member of the Network, as some Contracting Parties consider it more appropriate to maintain the current relationship and leave it to the Contracting Parties themselves to be members if they so choose.

Norway reported on a workshop organised by the Network in Costa Rica, which the representative of Norway had attended. He stressed that it had been very useful and that it had had very wide-ranging participation.

9.3. FAO – Global Record of Fishing Vessels
It was noted that NEAFC’s support for this FAO project had already been discussed the previous year in PECCOE. The details regarding providing FAO with information for the Prototype of the Global Record, to be demonstrated at FAO COFI in June, were being finalised but had not been completed before the present meeting.

9.4. EU/FAO – iMarine Project
It was noted that NEAFC continues to work with the iMarine project, and that a formal contract in this context had been signed since the previous PECCOE meeting. However, there was no progress in the development of substantive issues to report at this time.

9.5. Data transfer to ICES
The Secretariat presented for information the arrangement that has been formalised with ICES regarding the communication of VMS and catch data, with explicit conditions, following the decision of the 2013 Annual Meeting to add catch data to the VMS data that was already being communicated. The fact that these procedures were already functional was welcomed by the Contracting Parties.

10. Any other business
No point was raised under this agenda item.

11. Report to the 2014 Annual Meeting
The draft report of the meeting was circulated on 4 April 2014, and the final report was adopted through correspondence on 23 April 2014.

12. Closure of the meeting
The Chair thanked all the participants for a fruitful meeting and wished everyone a safe journey home.