PERMANENT COMMITTEE ON CONTROL AND ENFORCEMENT  
14 and 15 April 2015 – 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 with minor amendments from the version that had been circulated before the meeting.

4. Scheme of Control and Enforcement  

4.1. Overall compliance evaluation of 2014  

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 2014, 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 and omissions that had been identified.

It was noted that in many cases the reported failures are not by the vessels but in forwarding messages and reports by the FMC or other governmental authorities to the Secretary. It was also noted that in such cases it was important to inform PECCOE about what action had been taken to improve the situation and change procedures. Two Contracting Parties reported on improved procedures that they had implemented following failures by governmental bodies. However, it was noted that such information was not available regarding governmental failures in some other Contracting Parties.

The need to ensure that reports reflect the clear difference between joint fishing operations and transhipments was stressed. A vessel is considered as catching fish, when it brings it on board from the fishing gear of another vessel.

There was a discussion on inspections in ports, and the need to have clearer procedures to ensure that any infractions are dealt with in a similar manner as they would be if the infraction had been noted in an at-sea inspection. In this context, it was noted that NEAFC
rules should respect the jurisdiction of the port State, and its ability to take measures directly against vessels in its ports. However, in cases where the port State did not consider itself to be in a position to act, there was a need for a NEAFC procedure to forward inspection reports to the flag State, as is the case for at-sea inspections. It was highlighted that when a receiver vessel carrying catches from donor vessels is inspected, that it is only one inspection, regardless of the number of donor vessels involved.

The issue of vessels fishing for non-regulated species was discussed. It was noted that these vessels did not have to report any catches, but have to only send position messages. This meant that inspectors had less information on the activities of these vessels, and in fact there was no way for inspectors to know whether a vessel was fishing for non-regulated species or simply failing to send catch reports. This may create a loophole in the system.

It was also noted that it could cause problems for inspectors when product labelling was not in English. There are no requirements in the Scheme regarding labelling in English, so there was no suggestion of infractions in this context. However, it was noted that it made inspections more difficult when labelling was only in a language which the inspectors did not understand.

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.

This is the second year that this format is used for the reports and the details are still being developed. There was a discussion on what information is presented in the reports, and the way the information is presented, to add to the development of the format.

It was noted that the information presented in the reports is very detailed and very useful in assessing compliance. It was further noted that the level of detail meant that the discussions at the current meeting could not cover all relevant points, and that Contracting Parties would continue to study the reports after the meeting.

It was noted that technical problems are unavoidable, and that therefore it would be impossible to get a compliance rate of 100%. However, it was stressed that whenever technical problems arise, it was essential that they are addressed in a timely manner. It was pointed out that there were examples of technical problems that arose three years ago still not having been resolved, resulting in all messages from a particular FMC being rejected by the system since the problem first occurred.

It was noted that the proportion of messages from some FMCs that are rejected are well above acceptable levels. It was suggested that being consistently below 10% could be seen as good compliance by the relevant FMC. It was noted that three Contracting Parties had rejection rates of messages that were below 1%. However, there were examples of FMCs with rejection rates of tens of percents, including one with 100%.

The Chair stated that he found the information on the failure rate shocking and further stated that he found it unbelievable to see such rates in light of the fact that the system has been in operation for nearly 15 years. He stressed that this must be acted upon and corrected immediately.
It was noted that St Kitts and Nevis had sent several transhipment reports from outside the Regulatory Area, resulting in a mismatch of reports from donor vessels and receiving vessels. The Secretariat stated that they had discussed this issue with St Kitts and Nevis, and they had corrected their procedures. This problem should therefore not persist.

4.2. Port State Control

4.2.1. Overall implementation in 2014
The reports presented by the Secretariat under agenda item 4.2.1 cover the implementation of Port State Control.

4.2.2. Practical issues relating to PSC
The Secretariat presented the on-going work regarding the expansion of the scope of the NEAFC Port State Control from 1 July 2015. It was noted that testing of the expanded system would commence during the week following the meeting.

There were several questions for clarification, which the Secretariat responded to.

The Chair pointed out that there was a relatively short amount of time until the expanded scope of the NEAFC PSC would enter into force. He encouraged the Contracting Parties to ensure that they were sufficiently well prepared for the expansion.

It was noted that the PSC forms included a field relating to transhipment authorisation, which derives from the FAO PSMA but does not have a practical function in the NEAFC PSC system. **It was agreed** that due to the FAO PSMA, the field should continue to be included in the NEAFC system, but that it should be blocked for the foreseeable future. As all fields in the forms are mandatory, this would otherwise result in an obligation to fill in a field without having relevant or appropriate information to enter in it.

It was noted that the Secretariat had informed the Contracting Parties in 2013 (letter SCH 13/24) of species that would be accepted in the PSC system to ensure that the online application remained practical and well-functioning. It was further noted that while the current situation did not make the application inconsistent with the Scheme, it would add clarity if the species in question were added to the list of species in Annex V of the Scheme. In this context, there was a discussion on whether it would be appropriate to replace the current list in Annex V with a general reference to the FAO 3-alpha code species list (the “ASFIS List of Species for Fishery Statistics Purposes”).

**It was agreed** to propose to the Annual Meeting in November 2015 that the species referred to in the letter SCH 13/24 be added to the list in Annex V of the Scheme. The Secretariat was asked to prepare a document presenting this proposal.

**It was also agreed** to ask JAGDM to provide PECCOE with advice on the appropriateness of replacing the current list in Annex V with a general reference to the FAO 3-alpha code species list (the “ASFIS List of Species for Fishery Statistics Purposes”).

There was a discussion on the ability of the Secretariat to develop the online application for the PSC. It was noted that it was necessary to ensure that the Secretariat had the ability and authority to develop the application to ensure that it remains practical and well-functioning. This would include occasionally adding options to the system without the need to get formal approval by PECCOE or the NEAFC Commission. However, it was noted that the Scheme
was a formal and legally binding Recommendation, and that the Secretariat could not be given authority to amend the Scheme.

**It was agreed** that the Secretariat had the authority to make any amendments to the online PSC application that it considered appropriate to ensure that the application remains practical and well-functioning, provided that the amendments did not make the application inconsistent with the Scheme.

**It was agreed** to set up a process where the Secretariat will add any element (such as species, product or packaging) into the PSC system if requested by a Contracting Party. A SCH letter will be circulated to inform of any such addition. Following any such addition, the Secretariat will automatically forward the element added to JAGDM to seek their advice on how to present the element, including which code to use for it in the system in the longer term. The conclusion of JAGDM will be presented to PECCOE, which can then make a formal proposal to amend the Scheme, as appropriate.

It was noted that this process should ensure both that temporary solutions will be implemented to keep the PSC system functioning well, and that the temporary solutions are not implemented in the long term if it is more appropriate for the long term to have formal amendments to the Scheme.

**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**

It was pointed out that there appeared to be some inconsistencies, and possibly inaccuracies, in the report by St Kitts and Nevis. It was noted that this was at least in part the result of St Kitts and Nevis reporting to NEAFC on transhipments that occur within the EEZs of Contracting Parties. The Secretariat stated that they had discussed the issue of this type of reporting with them, and this particular problem was therefore not expected to persist.

It was noted in discussions on the report by St Kitts and Nevis that there might be a reason to invite representatives of Cooperating non-Contracting Parties to attend parts of PECCOE meetings as observers, so that they could answer questions for clarification and respond to issues that related to their reports. It was noted that this might be particularly relevant at autumn meetings of PECCOE, where the possible renewal and new granting of CNCP status was discussed.

**4.3.2.2. Compliance report by the Secretariat**

As with agenda item 4.3.2.1, it was pointed out that there appeared to be some inconsistencies in the numbers regarding reports by St Kitts and Nevis. It was also noted that like in agenda item 4.3.2.1, there was no representative of St Kitts and Nevis present to provide clarifications. It was further noted that the absence of such representatives meant that there could be a lack of clarity for St Kitts and Nevis regarding exactly what improvements PECCOE required. Simply identifying issues that did not appear to be in order would not necessarily result in the exact improvements that PECCOE had in mind.
It was pointed out that the functioning of the St Kitts and Nevis FMC regarding the communication of messages and reports appeared to be good. There was a message rejection rate of only 0.3%, and only one Contracting Party had had a lower rate than that in 2014.

It was pointed out that the flag States of donor vessels that transhipped to CNCP vessels should follow up on landings of the catches, to ensure that reports were correct and consistent with the information they had from the donor vessels.

4.3.3. IUU activities in the RA

4.3.3.1. Review of the IUU Lists A and B

It was noted that there were no vessels on the IUU A list. No new information regarding a vessel on the IUU B list was presented.

4.3.3.2. Possible amendment of IUU Lists A and B

No amendment of the IUU A or B list was proposed.

4.4. Amendments to the Scheme

4.4.1. Implementation of the amendments

No points were raised under this agenda item.

4.4.2. Proposed amendments

4.4.2.1. Proposal by Norway to amend Article 12 and relevant annexes

Norway presented document PE 2015-02-03. He pointed out that this issue had been discussed before and stated that the key issue now was to see if any of those who previously opposed this proposal had changed their position.

Two Contracting Parties stated their support for the proposal, and two Contracting Parties stated their opposition to the proposal.

The Chair noted that there was no consensus on this issue and that this would therefore not become a PECCOE proposal to the NEAFC Commission. He stated that this was an example of the problems created by the failure to make more progress on ERS, as opposition seemed to be based on not wanting to spend resources on addressing an issue that ERS is expected to resolve.

4.4.2.2. Adding a requirement for AIS in Article 11

The Chair presented a proposal to add a requirement for AIS into Article 11 on the Scheme.

There was consensus on the usefulness of having a requirement for AIS in the Scheme. However, there was some concern expressed regarding the formulation of this requirement in the document presented. It was noted that AIS needed to be dealt with differently from VMS, and it should therefore be in a separate Article. It would also need to be clear that it would not have to be the same national body that ensured that vessels had AIS and VMS. It was also noted that not all Contracting Parties have a requirement to have AIS equipment constantly switched on during a fishing trip. Furthermore, it was noted that there was a need to have a period of adjustment, as it would take time for some Contracting Parties to implement the requirement.
The Chair was asked to present a revised draft to the next PECCOE meeting.

4.4.2.3. Proposal by Iceland requiring use of IMO numbering
Iceland presented a proposal regarding requiring the use of IMO numbers.

There was consensus on the usefulness of using IMO numbers. However, there was some concern expressed regarding the formulation of this requirement in the proposal. It was noted that this requirement had been adopted in NAFO in what seemed to be a much simpler manner. It was also noted that 1 January 2016 was an unrealistic date to start implementing the requirement.

It was agreed to send the proposal presented by Iceland to JAGDM and ask JAGDM for advice regarding how to formulate a requirement for using IMO numbers. JAGDM would be asked to consider in this context what NAFO had done regarding IMO numbers, and to consider the time-frame of when such a requirement might realistically be implemented.

4.4.2.4. Russian Federation proposal to amend Article 12.2
The Russian Federation presented a proposal to amend Article 12.2. She explained that this would remove the current reference to Annex V. The original proposal, which had been discussed at an earlier PECCOE meeting, had been to change the reference from Annex V to Annex I. In light of the opposition to that change, it had been suggested that the simplest way to sidestep the issue that was causing problems in this context was to simply not have any reference to an Annex here.

It was agreed to make a proposal to the Annual Meeting in November 2015 that the Scheme be amended as presented in document PE 2015-02-32 Rev.1.

4.4.2.5. Russian Federation proposal to amend Appendix I a) to Annex IV
The Russian Federation presented a proposal to amend Appendix I a) to Annex IV. She explained that this would add product codes that were needed.

There was consensus on the usefulness of adding to the Appendix the product codes that were needed. However, there was some concern raised regarding whether the adoption of these codes would ensure harmony with codes used for these products in other fora. Rather than formulate NEAFC-specific codes, it was considered useful to promote harmony in the codes used in different fora for the same products. In this context, it was pointed out that the proposal used the term “flour”, where “meal” was a more commonly used term.

It was agreed to send the proposal to JAGDM and ask JAGDM for advice regarding the terms that would be the most appropriate to use to describe these products and what product codes would be most appropriate.

5. Evaluation of the redfish fisheries special control measures in 2014

5.1. Irminger Sea
The Secretariat presented a report on compliance with the special control measures for redfish in the Irminger Sea. Following discussions at the meeting, the document was amended to add clarity to some elements. The Secretariat pointed out that there remained a problem with vessels reporting total catches on board in their COX reports, rather than just
what had been caught after the previous CAT report. This resulted in the vessels in question reporting almost twice the amount of catches they had actually made.

It was noted that in NAFO vessels included their total catches in the COX report. It was suggested that the problem might be resolved by amending the COX report so that vessels reported both the total catches and the catches since the previous CAT report.

While some Contracting Parties were in favour of making these amendments, others considered that this would cause confusion, at least in the short term, which constituted an unnecessary problem as this would be resolved automatically through the introduction of ERS.

It was noted that the Russian Federation had instructed the Secretariat to not make data on their vessels available under the special control rules for redfish in the Irminger Sea. Some Contracting Parties stated their regret that the Russian Federation had taken this step, as this resulted in the flag State with the biggest catches not taking a full part in the control cooperation regarding these fisheries. It was noted that the Russian Federation did not agree with the basis of the ICES advice for redfish in the Irminger Sea and had objected to the Recommendation as the advised catches were not consistent with what the Russian Federation considered appropriate. However, there had until now been good cooperation regarding the control aspects of the fisheries, which the Russian Federation was no longer fully taking part in.

The Russian Federation stressed that the Recommendation which included these control provisions was not binding for the Russian Federation, which was fulfilling all relevant obligations. The Scheme applied fully to Russian vessels, and the relevant information was available to all Contracting Parties with an active inspection presence in the Regulatory Area in accordance with the requirements of the Scheme. The Russian Federation stressed that there was a situation when adopted Recommendations (one of which was the Scheme and another was Recommendation 1:2015) controvert each other in relation to control measures.

The Chair reminded the Contracting Parties that it had been agreed in Recommendation 1:2015 that they shall notify the Secretariat of the systems in place for verifying catches from this fishery, including weighing procedures and inspection of transhipments and landings, and that PECCOE shall evaluate the effectiveness of these measures. He asked all Contracting Parties to make the notification to the Secretariat in time for there to be a discussion on this at the next PECCOE meeting in September 2015.

Iceland and the EU stated that they had given this information on previous occasions, and that those previous contributions still applied.

5.2. ICES I & II
The Secretariat presented a report on compliance with the special control measures for redfish in ICES areas I and II. Following discussions at the meeting, the document was amended to add clarity to some elements.

It was noted in this context that the problems with COX reports that were discussed under agenda item 5.1, and the possible solutions identified, were also an issue in these fisheries.

6. Annual Meeting issues referred to PECCOE
6.1. Evaluation of bottom fishing activities in areas where those activities are forbidden

There was a lengthy discussion on this issue. Investigations by the Contracting Parties, which in some cases involved going through VMS data of several years, had shown clear indications that bottom fishing had apparently taken place in areas where such fisheries were not authorised, i.e. in “new bottom fishing areas”. This included activities by vessels from all the Contracting Parties.

Iceland made a presentation on its investigation. Among the conclusions of the investigation was that there had been infractions by Icelandic vessels, and that there had even been cases of inspections of the relevant vessels by NEAFC inspectors while they were operating in areas where they were not authorised to operate, without any mention of such infractions in the inspection reports.

These investigations had resulted in legal action against some vessels. Furthermore, domestic procedures had been changed by several Contracting Parties to ensure that bottom fishing in the Regulatory Area was only within “existing bottom fishing areas”.

Several Contracting Parties had taken action in informing the fishing sector better on the applicable rules. Also, inspection services had been made more aware of this issue, as there were documented cases of vessels being inspected while bottom fishing in “new bottom fishing areas” without any infraction being reported regarding the location of the fishery. It was noted that in addition to VMS monitoring, at-sea inspections were an important control tool to prevent fishing beyond authorised areas.

In the discussions, it was noted that it had been agreed in 2013 that all Contracting Parties should implement a system of automatic flagging to detect possible bottom fishing beyond areas where bottom fishing was authorised. It was further noted that three of the five Contracting Parties stated that they had still not finalised adjusting their systems in order to be consistent with this existing requirement. The Chair reminded those who had still not implemented the requirements set out in Article 11.6.a of the Scheme that this requirement had been effective since early 2014.

It was noted that much had been done since this issue was raised last year in PECCOE, and that compliance seemed to have improved drastically. No vessels seemed to be bottom fishing outside “existing bottom fishing areas” at this time. This did not take away from the fact that compliance had previously not been at acceptable levels, and that it was necessary to follow up on this issue further to ensure that compliance really had improved as much as it seemed.

6.2. Possible amendment of Chapter III “Monitoring of fisheries”, regarding geographic delimitation of CPs’ EEZs.

The Chair presented a proposal to amend Chapter III of the Scheme. He noted that the original proposal had been amended to take into account the discussions that had taken place at the January meeting of PECCOE.

It was agreed to propose to the Annual Meeting in November 2015 that the Scheme be amended as presented in document PE 2015-02-25.

6.3. Basking shark
The possibility of adding basking shark, porbeagle and spurdog to the list of regulated resources in Annex I of the Scheme was discussed together under this agenda item.

Some Contracting Parties were in favour of adding the species to the list in Annex I, as they were subject to NEAFC management measures. It was stated in this context that as the management measures were aimed at keeping incidental catches as low as possible, there was a direct control-relevance for information on catches. Furthermore, the inclusion on the list would result in improved information in the VMS and catch data that NEAFC provides to ICES.

Other Contracting Parties opposed adding the species to the list in Annex I. It was stated that it would be sufficient to get information on catches of these species in the monthly and annual catch statistics, rather than in the daily and weekly catch reports, and that it was therefore sufficient to add the species to the list in the Recommendation on statistics. It was further stated that it was a problem in this context that Annex I was limited in its application to the Regulatory Area.

The Chair noted that there was no consensus on this issue and that PECCOE would therefore not make a proposal to the Annual Meeting.

6.4. Porbeagle
Agenda items 6.3-6.5 were dealt with together, as reported under agenda item 6.3.

6.5. Spurdog
Agenda items 6.3-6.5 were dealt with together, as reported under agenda item 6.3.

6.6. ERS
The Chair reminded the delegates of the background regarding this issue, which had been discussed for some time without PECCOE reaching a conclusion.

The Chair pointed out that although significant obstacles remain, there had already been much progress on various aspects of ERS. This included work on what data would be communicated through the ERS system.

After lengthy discussions, it was agreed to request the Chair to prepare a document to outline how a “hybrid system” could look. This document would be the basis of discussions at the next PECCOE meeting in September 2015 and the hybrid system might possibly constitute a way to move forward on ERS.

The hybrid system would be based on Contracting Parties being able to choose whether they “pushed” data to the Secretariat or had the Secretariat regularly “pull” data from their FMCs. Inspecting Contracting Parties would also be able to choose whether they wished the Secretariat to “push” to them any updates in its database or whether they wished to “pull” data to themselves from the Secretariat’s database.

It was stressed that the system must be based on the same rules applying to all Contracting Parties, and that the data that was made available must be the same data regardless of whether it is pulled or pushed.

It was noted that the purpose of the system would be to make more detailed information available to inspectors and that the inspectors would have to have access to the same data.
from all Contracting Parties, regardless of which option the respective Contracting Parties had chosen for communicating the data.

The Chair pointed out that one Contracting Party had stated that they could only agree to a system that was based on that Contracting Party pulling data from the FMCs, while another Contracting Party had stated that, due to national legislation, they could not provide others with access to pull data from their databases. The Chair therefore considered some type of hybrid system to be the only realistic way forward in formulating a NEAFC ERS system.

The Chair stated that he realised that the outline he would develop for the September meeting of PECCOE was not necessarily likely to prove to be a simple solution to the current ERS stalemate. However, as a hybrid system was in his opinion the only realistic option, he expressed his hope that it would prove to be a fruitful basis for further formulation of the basic architecture of the NEAFC system. He considered that an agreement on such a basic architecture would enable the Ad Hoc Working Group on ERS to formulate more details on how an ERS system might be reflected in the Scheme, and enable the Secretariat to further its work on preparing for the implementation of ERS.

6.7. Prawn and snow crab

It was noted that the Annual Meeting in 2014 had requested PECCOE to consider the issue of adding prawn and snow crab to the list of regulated resources in Annex I of the Scheme. It was further noted that at the PECCOE meeting in January 2015 there had been no consensus on the proposal to add the species to that list.

After some discussion, which to some extent paralleled the discussions under agenda items 6.3-6.5, it became apparent that there was still no consensus on this issue, and that PECCOE was therefore not in a position to make a proposal to the NEAFC Commission.

In the discussions, a separate but related issue was identified. This was the fact that vessels fishing for species that are not included on the list of regulated resources in Annex I of the Scheme do not have to send catch reports (CAT). Inspectors in the area therefore do not get information on the catches being made, and can not even be absolutely certain whether a vessel is not targeting regulated resources or simply not sending the required catch reports. It was noted that this could constitute a loophole that PECCOE should consider addressing.

7. Data security and confidentiality

The Chair pointed out that this issue had been discussed at the January 2015 PECCOE meeting. That meeting had adopted a number of classifications that were an important step regarding this issue. However, some issues in this context were still outstanding, and the meeting in January had decided that the current meeting should address issues such as continuity in case of malfunction or breakdown of any of the relevant systems, such as the VMS and PSC. However, no proposals regarding these issues had been made prior to the meeting.

It was noted that the Secretariat currently did not have full clarity on what type of business continuity plan the Contracting Parties wanted it to implement for the VMS and PSC systems. There were different costs associated with different timeframes that could be established as the expected time needed to resolve a possible malfunction or breakdown.

The Chair noted that there was no proposal regarding these issues at this time, but that PECCOE needed to develop a conclusion on this to either formally confirm that the
Secretariat’s current practices were sufficient, or alternatively to give clear guidance on a different approach. PECCOE would have to come back to this at a later meeting.

8. International cooperation
The Secretariat reported from the recent meeting of the North Atlantic Coast Guard forum, where a representative of the Secretariat had participated. He pointed out that an Arctic coast guard forum was in the process of being established, and that this forum would also be relevant for NEAFC.

8.1. JAGDM
It was noted that JAGDM had not met since the previous PECCOE meeting and that JAGDM would next meet at the NAFO Secretariat’s office in May 2015.

It was pointed out that other RFMOs than NEAFC and NAFO had been invited to participate in the work of JAGDM, and that there seemed to be some interest from some of them.

8.2. International MCS network
It was noted that the 4th Workshop organised by the International MCS Network had been held in Costa Rica in 2014, and that the 5th would be held in New Zealand in March 2016. A preparatory committee was already working on the programme.

8.3. FAO – Global Record of Fishing Vessels
The Secretariat reported on the on-going work regarding the FAO Global Record of Fishing Vessels, including a meeting that had been held at FAO HQ in February where the Secretariat had taken part. The continued participation of the Secretariat in this FAO work was welcomed.

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

10. Report to the 2015 Annual Meeting
The draft report of the meeting was circulated on 21 April 2015, and the final report was adopted through correspondence on 30 April 2015.

11. Closure of the meeting
The Chair noted that Michael Quillinan, the EU, was attending his last PECCOE meeting. He thanked him for his contributions to the work of PECCOE over many years, and wished him well in his retirement.

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