PECMAC
PERMANENT COMMITTEE ON MONITORING AND COMPLIANCE

26th – 28th September 2017
London

Report

1 Opening of the meeting
The Chair, Gylfi Geirsson, Iceland, opened the meeting and welcomed the participants. 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 amendments to the draft agenda that had been circulated before the meeting. The numbering in this report reflects the agenda as it was adopted.

4 Scheme of Control and Enforcement
4.1 Overall compliance evaluation

4.1.1 Compliance report to the Commission

§4.1 The Chair presented document PE 2017-02-22, the Draft Compliance Report for 2017. This set out compliance by the Contracting Parties with the NEAFC Scheme of Control and Enforcement 2016, Recommendation 19:2014 and other relevant Recommendations. It was noted that the document was based on NEAFC data extracted by the Secretariat as well as national reports submitted by the Contracting Parties, and would therefore need to be amended should they be revised.
§4.2 In discussion:

§4.3 On the Table 1, on communication between FMCs and the Secretariat, Contracting Parties welcomed the information, but considered that a clearer approach to the information presented which would point to efficiency of the communications processes would be more useful, for example by splitting position reports from other reports in the table. It was agreed to revise the table to make the focus more clear.

§4.4 On Table 2 on Port State Controls, landings and inspections. One issue highlighted in particular was to deal with any apparent discrepancies between numbers of inspections and the numbers of PSC3 forms. This was an issue also being considered by the Ad Hoc Working Group on PSC.

§4.5 Iceland pointed out that the Port Inspection Forms (PSC 3), published on the electronic Port State Control system for the NEAFC Convention Area (NEAFC EPSC), were not filled out properly by some Contracting Parties. Thus, lack of information in the PSC 3 and in some cases missing data could hardly be considered to be a full inspection as required by the NEAFC Scheme of Control and Enforcement and thus should not be counted towards the 5% or the 7,5% threshold according to article 25 – Inspections. Iceland encouraged all parties to review their domestic port state inspection procedures.

§4.6 On Tables 3-7 on status of infringements reported by contracting parties. Contracting Parties found the tables useful, noting an increasing trend in use of warnings rather than sanctions. Corrections were provided. The Chair encouraged Contracting Parties to show the useful information of whether the infringement was detected by an FMC in particular (Table 7 Inspection activity and infringement cited during 2016).

§4.7 On Table 10 and 11 compliance with communication and sequence of reports according to Chapter III, Contracting Parties indicated that it would be useful to know more about the messages that were received in the wrong sequence (for instance CAT/COX before COE). The Secretariat explained these were warnings from the system, for instance indicating failure of one of the messages sent.

§4.8 It was agreed that the Secretariat would look into the potential to further analyse the information/data. However given the possibility for the current tables to be misinterpreted as the scheme was not being followed, when in fact these were minor issues, it was agreed to remove Table 10 and 11 and replace them with a narrative text on the issue.

§4.9 Table 12 on surveillance activities in 2016 was a new table not present in last year’s report. Contracting Parties welcomed the way it highlighted the effort the Parties were putting in to enforce the NEAFC regulations.
§4.10 It was agreed that the Chair would forward the Compliance Report to the Annual Meeting for adoption, subject to timely corrections provided by Contracting Parties, index changes and clarifications to Table titles and numbering.

4.1.2 New form for Annual reports under Art. 32 and 33

§4.11 The Chair introduced the new format for annual reporting by Contracting Parties on control and enforcement (document PE 2017-02-22). In discussion, PECMAC clarified various issues including on drop down lists and means of surveillance.

§4.12 It was agreed to adopt the new Form for the compliance report subject to reference to the relevant Scheme of Control articles and merging of the tables on infringement and serious infringement. It was agreed that any comments sent in by Contracting Parties would be taken into consideration by the Chair who aimed to finalise the forms before the end of the year so they could be used for reporting in 2018 onwards. The Chair pointed out that in order to avoid possible errors when transferring data from the Annual Reports to the Compliance Report it was of utmost importance that the CPs submitted their Annual Reports in the Excel format provided rather than a scanned pdf version, or even as photocopy.

4.2 Port State Control – Overall implementation evaluation

4.2.1 Report by the Ad Hoc PECMAC Working Group on Practical Issues relating to NEAFC Port State Control

§4.1 The Chair of the Ad Hoc PECMAC Working Group on Practical Issues relating to NEAFC PSC, Hilde Ognedal (Norway) presented paper PE 2017-02-11; a summary report from the working group’s conference call and ad hoc meetings. The paper set out practical issues identified by the Working Group on the current NEAFC system for Port State Control. This included various issues related to Port State Control, such as responses by flag States and port States to prior notifications of entry into port (PSCs) and the timing of possible notifications and deadlines, the need to reduce the numbers of redundant reports, and landings before estimated times of arrival. In addition the issue of how to count transhipments in ports and landings of fresh and frozen fish against calculations of inspection level target percentages needed to be clarified. The review of thresholds for inspection, as foreseen in Scheme and some questions from STACTIC were also considered by the working Group.

§4.2 Following detailed discussion on the elements above, Contracting Parties considered common elements in document PE 2017-02-30 Rev.4; summarised below:

1a) at the discretion of the relevant authorities, a system for alerting flag and port States that a PSC response is due;

1b) PSC forms never to be deleted from the system; they can be cancelled but should remain as “cancelled” in the system;
2 b) mixed fresh and frozen catch landings will be counted against the benchmarks for both fresh and frozen landings;
3) a new requirement to the PSC forms for declaration of reason for port entry;
4) an expiry time for incomplete notifications of 48 hours after ETA;
5) express that the requirements for flag and port State confirmation applies not only to landings and transhipments, but to use of other port services as well, as this is already required in the ePCS;
6) amendments of Articles 23 and 25 of the Scheme related to the above points.

§4.3 In addition to the above elements, the Secretariat would be asked to include an option in the ePSC for exporting data (xml or excel), noting that such data must remain secure throughout; the ePSC should be able to distinguish between fresh and frozen catch; and categorisation of ports.

§4.4 No agreement was made on any amendment on how to count landings for transhipped catches. Norway stated that it would continue to develop options for proposing that, in the case of a landing not going ahead, a Master or representative could either cancel a PSC report or mark it with relevant information so redundant forms can be identified for statistical report.

§4.5 It was agreed that, in addition to submitting its recommendations in a paper based on PECMAC 2017-02-30 Rev.4 for information, PECMAC would propose to the Annual Meeting amendments to the relevant articles of the Scheme of Control and its Annexes.

4.3 Non-Contracting Parties (NCP)

4.3.1 NCP activities in the Regulatory Area (RA)

§4.1 No Contracting Party had any information on Non-Contracting Party activities in Regulatory Area to report.

4.3.2 Cooperative NCP activities in the RA

§4.2 The Secretariat presented a compliance evaluation of NEAFC CNCPs; document PE 2017-02-25. Canada and New Zealand had not notified/authorised any activities in the Regulator Area. Bahamas had notified 20 vessels, 1 vessel out of 5 notified by Liberia and 2 vessels out of 8 notified by St Kitts and Nevis had operated in the RA. Bahamas, Liberia and St Kitts and Nevis flagged vessels had fulfilled their obligations under the Scheme of enforcement. No notifications to fish in the RA, nor information of any catches by the CNCP flagged vessels for 2017 had been received by the Secretariat. Overall a decline in activity was noted by PECMAC.

4.3.2.1 Compliance evaluation of Bahamas
4.3.2.2 Compliance evaluation of Liberia
4.3.2.3 Compliance evaluation of St Kitts and Nevis
4.3.2.4 Forms to be used for C-NCP Annual reports

It was agreed that the C-NCPs should use the new form for their Annual reports as applicable.

4.3.3 Cooperative NCP status

§4.3 In more general discussion Contracting Parties noted that it would be useful to have clearer criteria and forms set out for CNCP applications, with a better focus on avoiding flags of convenience.

§4.4 It was agreed that a list of criteria for the Cooperating Non Contracting Parties should be developed and discussed at the next meeting of PECMAC.

4.3.3.1 Application by Bahamas

§4.5 The Contracting Parties discussed the application by Bahamas for renewing the status of a cooperating non-Contracting Party (PE 17-02-03). It was noted that the Bahamas had acceded to the FAO agreement on Port State Measures in 2016.

§4.6 It was agreed to propose to the NEAFC Commission that the Bahamas be granted the status of a cooperating non-Contracting Party to NEAFC for the year 2018.

4.3.3.2 Application by Canada

§4.7 The Contracting Parties discussed the application by Canada for renewing the status of a cooperating non-Contracting Party (PE 17-01-04).

§4.8 It was agreed to propose to the NEAFC Commission that Canada be granted the status of a cooperating non-Contracting Party to NEAFC for the year 2018.

4.3.3.3 Application by Liberia

§4.9 The Contracting Parties discussed the application from Liberia for renewing the status of a cooperating non-Contracting Party (PE 17-02-05).

§4.10 The EU stated that they were not in a position to support renewing Liberia’s status. They believed that the national fisheries authority of Liberia had not been aware of some registrations and this indicated a lack of control over the fleet – the fleet being managed by an external registry outside the country.

§4.11 It was agreed to report to the NEAFC Commission that there was no consensus in PECMAC on any recommendation to the NEAFC Commission on the application of Liberia for renewal of the cooperating non-Contracting Party status.

§4.12 It was noted that despite the lack of a recommendation from PECMAC, the application from Liberia would be a meeting document for the Annual Meeting in November, and that this issue might have to be resolved by holding a vote at that meeting.
4.3.3.4 Application by New Zealand

§4.13 The Contracting Parties discussed the application from New Zealand for renewing the status of a cooperating non-Contracting Party (PE 17-02-06).

It was agreed to propose to the NEAFC Commission that New Zealand be granted the status of a cooperating non-Contracting Party to NEAFC for the year 2018.

4.3.3.5 Application by St Kitts and Nevis

§4.14 The Contracting Parties discussed the application from St Kitts and Nevis for renewing the status of a cooperating non-Contracting Party (PE 17-02-07).

§4.15 The Contracting Parties noted some discrepancies and mismatches of information contained in the report. In light of this the Secretariat was requested to write to the St Kitts and Nevis authorities to request clarifications.

The EU stated that St Kitts and Nevis is under investigation by its authorities due to IUU activities, lack of control and inspection measures. The EU warned that accepting countries that do not exercise an effective control of their fleets could affect the NEAFC reputation. As a consequence, the EU could not support this application.

§4.16 It was agreed to report to the NEAFC Commission that there was no consensus in PECMAC on any recommendation to the NEAFC Commission on the application of St Kitts and Nevis for renewal of the cooperating non-Contracting Party status.

§4.17 It was noted that further information could be provided by St Kitts and Nevis to the Annual Meeting in November where the application from St Kitts and Nevis would be a meeting document, and that this issue might be resolved there.

4.3.4 Illegal Unregulated and Unreported fishing activities in the Regulatory Area

§4.18 It was noted that no new IUU activities had been reported since the last PECMAC meeting.

4.3.4.1 Review of IUU List A

§4.19 The Secretariat noted that no changes had been made to the list since the last PECMAC meeting. It was noted that there were no vessels on the IUU A List.

4.3.4.2 Possible amendment of IUU List B

§4.20 The Secretariat presented document PE 2017-02-26 setting out the IUU B List, in which there was no change.

§4.21 It was agreed to present the un-amended IUU B List to the 2017 Annual Meeting.
4.3.4.3 Review the rules regarding the removal of vessels from the IUU B List
§4.22 No views raised. The Chair indicated that PECMAC would keep this issue open if Contracting Parties would like to comment in the future.

4.3.4.4 Review of Art. 44 paragraph 5 and 6
§4.23 The Secretariat presented Article 44 of the Scheme on IUU lists. It pointed out that while the text on nominating IUU vessels to the NEAFC list from certain RFMOs was based on reciprocal exchanges, CCAMLR had indicated that they would not accept an automatic introduction of vessels to their IUU lists from other RFMO lists.

§4.24 The Chair indicated that PECMAC would keep this issue open if Contracting Parties would like to comment in the future.

4.4 Possible amendments of the Scheme

4.4.1 Harmonisation of reporting requirements for vessels operating in the Regulatory Area
(See Electronic Reporting System under agenda item 6.)

4.4.2 Icelandic proposal to amend Article 23
§4.1 Iceland introduced the paper PE 17.2.10, a proposal from Iceland and Norway to amend Article 23 of the Scheme. The aim of the amendment was to link the Estimated Time of Arrival in a Prior Notification in Article 22 to the authorisation for use of port in Article 23. In particular to clarify the Scheme rules related to landings and transhipments taking place before the expiry of the ETA.

§4.2 The Russian Federation presented document PE 17-02-29 which made the case for retaining flexibility and avoiding over complication in the scheme on ETA.

§4.3 In discussion on the proposed amendment, Contracting Parties discussed the need to retain maximum flexibility to ensure efficient and timely landings against the need to close a potential legal loophole which could mean Port State Inspectors may not have the possibility to properly inspect all the stages of a landing or transhipment from start to finish. All CP’s except the Russian Federation agreed that the amendment would close the potential legal loophole and formalise the current working procedures.

§4.4 The Chair summed up the discussion that prior notification and the ETA were recognised as the rules that the Inspectors relied on in order not to undermine the spirit of the PSM. Some drafting had been offered to allow landings or transhipments before the ETA with explicit permission of the flag State, nevertheless agreement had not been reached. It was noted that no proposal would be put forward by PECMAC to the Annual Meeting 2017, nevertheless Contracting Parties could raise the issue themselves.
4.4.3 Possible advice from JAGDM to amend the Scheme
The Secretariat explained that the second 2017 JAGDM meeting had been delayed, so no advice was presented this year at PECMAC.

5 Evaluation of the redfish fisheries special control measures

5.1 Irminger Sea
§5.1 The Secretariat presented document 2017-02-09 on compliance by the Contracting Parties with special control measures regulating catches of pelagic redfish (REB) in the Irminger Sea in 2016 (Recommendation 1:2017). It was noted that no infringements to this Recommendation were reported in 2017.

§5.2 In discussion the importance of timely and regular reporting of landings was underlined. Some Contracting Parties underlined that their vessels are undertaking very long fishing trips and asked if it would be any advantage to send weekly landings with zero quantities. Contracting Parties offered corrections to the data leading to a revised paper.

It was agreed to forward the final version of the information, as part of the compliance report, to the Annual Meeting.

6 Annual Meeting issues referred to PECMAC (PECCOE)

6.1 Implications for the Scheme of the use of electronic logbooks (ERS)

6.1.1 Report from the June 2017 meeting
6.1.2 Report from the September 2017 meeting

§6.1 The Secretariat presented Document PE 2017-02-16) which formulated the proposal to amend articles of the Scheme of Control and Enforcement in order to implement the NEAFC scheme for the use of electronic log books. This document (along with PE 2017 02-19 and PE 2017-02-20 on amendments to the Annexes to the Scheme) was the outcome of deliberations by the Ad Hoc Working Group on electronic log books AHWGERS.

§6.2 Discussions touched on clarifying how the following issues would be tackled under the new system: the use of electronic log books or production log-books by transhipment vessels; daily reporting and haul by haul reporting; the interplay between communications messages from the various authorities and the Secretariat; clarification on catch weight discrepancies for serious infringements; definition of fishing trip.

§6.3 Several issues remained open for future discussion/finalisation, these included;
• Whether in the future the prior notifications and transhipment report, and production log book for transhipment vessels may in due course need to become electronic;
• how inspectors would receive information;
• how to report by-catch of species regulated by other RFMOs;
• whether masters of vessels should receive only ‘negative’ return messages or also see positive messages as a confirmation of status.

§6.4 PECMAC noted progress toward the new reporting scheme, and agreed that the revised version of the proposed amended articles of the Scheme (PE 2017-02-16 Rev 3, PE 2017-02-19 and PE 2017-02-20) would be the basis of further development in ongoing work under the Ad Hoc Working Group on ERS. The Chair noted an expectation that a functioning NEAFC ERS system would be available by early 2019, with full transition of all parties by 2021. The Ad Hoc ERS Working Group would need to continue its work in 2018.

§6.5 The Chair assured PECMAC he would reflect the important parts of the discussion in his report to the Annual Meeting, and include the Rev 3 document for information. This would be accompanied by a draft timeline for the developments. The Annual Meeting could thus provide further direction to the work in the next year.

6.1.3 Draft proposal from the Ad Hoc WG on ERS

CNCPs

§6.6 The Secretariat presented PE 17-02-18; a proposed letter to Cooperating Non-Contracting Parties to explain the future changes to the NEAFC Scheme Reporting requirements in light of the developments on the ERS. The Chair reminded PECMAC that the new system would set a standard that CNCP would also have to follow.

§6.7 It was agreed that an amended version of the letter would be proposed by PECMAC to the Annual Meeting for agreement for it to be send to CNCPs.

UN/CEFACT Standard

§6.8 The Secretariat presented a draft proposal from the Ad Hoc WG on ERS on a Recommendation on adopting the UN/CEFACT International Standard for communications between the NEAFC Secretariat and Fisheries Monitoring Centres (PE 2017-02-17).

§6.9 After minor amendments it was agreed that a Recommendation on the adoption of the UN/CEFACT standard would be a proposed by PECMAC to the Annual Meeting.

6.10 The Chair indicated that he would circulate the above documents (agreed under agenda item 6a), proposed Recommendation and timeline before the annual meeting so all Contracting Parties could signal they were content.

7 Bottom fishing questionnaire (Recommendation 19:2014 as amended)

§7.1 The Chair introduced the item on the national responses to the Bottom Fishing Questionnaire (PE 2017-02-12-15 and PE-02 2017-02-18 and PE 17-02-21).

§7.2 In discussion, Contracting Parties were able to resolve most missing data and errors. It was agreed that Contracting Parties should send in any final data in order to finalise the Compliance Report document for submission to the Annual Meeting.
8 ISMS - Recommendation 11:2013 - Data security and confidentiality

8.1 Access to documents

8.1.1 Report by CPs on their evaluation of JAGDM letter presented at the April 2017 meeting of PECMAC regarding access to document

The Secretariat presented a proposal by JAGDM for a Recommendation on updates/amendments to relevant NEAFC Recommendations pursuant to the decision of Heads of Delegation on public access to NEAFC Meeting documents (PE 2017-02-23).

PECMAC agreed it was content with the JAGDM proposal as presented.

8.1.2 Proposal by PECMAC to the 2017 Annual Meeting regarding access to documents

This item was discussed with Agenda item 11.

9 International cooperation

PECMAC noted an oral presentation by the Secretariat of some of the international cooperation relevant to monitoring and compliance, which they had recently been undertaken. This included:

- supporting the Southern Indian Ocean Fisheries Agreement (SIOFA) Secretary in setting up a monitoring and compliance system;
- attendance at the Chatham House International IUU forum;
- sharing Port State Measures experience with FAO and GFCM via a new cycle of national workshops on PSM;
- attendance at a meeting on the Global Record of Fishing Vessels and;
- attendance by Chair at a working group of the World Trade Organisation on subsidies and IUU fishing.

10 Election of Vice Chair

PECMAC duly elected Thord Monson (Norway) as Chair of PECMAC and Mindaugas Kisieliauskas (European Union) as Vice-Chair. Tenure of both positions would start on 1st January 2018 following the retirement of the current Chair, Gylfi Geirsson, Iceland, at the end of 2017.

11 Access to documents

§11.1 The Secretariat explained that PECMAC should identify any of its meeting documents that needed to be marked restricted, pursuant to the guidance agreed by the NEAFC Heads of Delegation in January 2017 (PE 2017-02-27).
§11.2 Subject to the understanding that the documents released would only be the final versions from the meetings, it was agreed that no documents needed marking as exceptions to NEAFC policy on public access.

12 Any other business

§12.1 Norway presented document PE 2017-02-08, a proposed amendment of Recommendation 11:2015. The intention of the proposal was to prohibit the use of collection bags attached to the sorting grid in shrimp fisheries in the NEAFC Regulatory Area.

§12.2 The suggested amendment was unable to gain sufficient support from Contracting Parties for it to be adopted as a proposal of PECMAC.

13 Report to the 2017 Annual Meeting

The draft report of the meeting was circulated on 2 October 2017, and the final report was adopted through correspondence on 25 October 2017.

14 Closure of the meeting

The Chair thanked participants for their work and the progress made in the meeting. He also thanked the Secretariat for their help. Further reflecting on his many years engaged with NEAFC and in particular in PECMAC, he thanked Contracting Parties for the cooperation over the years. In response, all Contracting Parties expressed their warm thanks for the Chair’s efforts over the years and wished him a happy retirement in good health.

The Chair closed the meeting and wished all a safe journey home.
LIST OF PARTICIPANTS

Chair: Geirsson, Gylfi

Secretariat
Campbell, Darius
Neves, João
Early, Anthony
Lewsley, Rachel

Denmark (in respect of the Faroe Islands and Greenland)
Lund, Mads Rossing (HOD)
Gaardlykke, Meinhard
Uldall-Jessen, Lars

European Union
Kisieliauskas, Mindaugas – EC (HOD)
Kloppenborg, Ben – EC
Skrey, Hans – EC
Babcionis, Genadijus – EFCA
Chamizo Catalán, Carlos – Spain
Cieszkowski, Krzysztof – Poland
Derkačs, Ričards - Latvia
Eliasen, Peter Jørgen – Denmark
Kalogirou, Stefan - Sweden
Lam, Albert – The Netherlands
Lorans, Bérengère - France
Mackey, Eoin - Ireland
Merema, Epp - Estonia
Nalty, Christopher – Ireland
Quintans, Miguel Nuno - Portugal
Stevens, Helen - DEFRA
Soome, Ain – Estonia
Stewart, William
Towns, James - DEFRA
Iceland
Ingason, Björgólfur (HOD)
Ásgeirsson, Hrannar Már

Norway
Monson, Thord (HOD)
Jensen, Hilde M.
Ognedal, Hilde
Øksenvåg, Erling
Østreim, Anders

Russian Federation
Shulaeva, Anna
Volkov, Viktor
PECMAC
PERMANENT COMMITTEE ON MONITORING AND COMPLIANCE

26th – 28th September 2017
at NEAFC Headquarters, 44 Baker Street, London. W1U 7AL
(the meeting will start at 10:00 on 26 September)

Agenda

1 Opening of the meeting
2 Appointment of the rapporteur
3 Discussion and adoption of the agenda
4 Scheme of Control and Enforcement
   4.1 Overall compliance evaluation
      4.1.1 Compliance report to the Commission
      4.1.2 New form for Annual reports under Art. 32 and 33
   4.2 Port State Control – Overall implementation evaluation
      4.2.1 Report by the Ad Hoc Working Group on Practical Issues relating to NEAFC Port State Control
   4.3 Non-Contracting Parties
      4.3.1 NCP activities in the RA
      4.3.2 Cooperative NCP activities in the RA
         4.3.2.1 Compliance evaluation of Bahamas
         4.3.2.2 Compliance evaluation of Liberia
         4.3.2.3 Compliance evaluation of St Kitts and Nevis
         4.3.2.4 Forms to be used for C-NCP Annual reports
4.3.3 Cooperative NCP status
   4.3.3.1 Application by Bahamas
   4.3.3.2 Application by Canada
   4.3.3.3 Application by Liberia
   4.3.3.4 Application by New Zealand
   4.3.3.5 Application by St Kitts and Nevis

4.3.4 IUU activities in the RA
   4.3.4.1 Review of IUU List A
   4.3.4.2 Possible amendment of IUU List B
   4.3.4.3 Review the rules regarding the removal of vessels from the IUU B List
   4.3.4.4 Review of Art. 44 paragraph 5 and 6

4.4 Possible amendments of the Scheme
   4.4.1 Harmonisation of reporting requirements for vessels operating in the Regulatory Area
   4.4.2 Icelandic proposal to amend Article 23
   4.4.3 Possible advice from JAGDM to amend the Scheme

5 Evaluation of the redfish fisheries special control measures

5.1 Irminger Sea

6 Annual Meeting issues referred to PECMAC (PECCOE)
   6.1 Implications for the Scheme of the use of electronic logbooks (ERS)
      6.1.1 Report from the June 2017 meeting
      6.1.2 Report from the September 2017 meeting
      6.1.3 Draft proposal from the Ad Hoc Working Group on ERS

7 Bottom fishing questionnaire (Recommendation 19:2014 as amended)

8 ISMS - Recommendation 11:2013 - Data security and confidentiality
   8.1 Access to documents
      8.1.1 Report by CPs on their evaluation of JAGDM letter presented at the April 2017 meeting of PECMAC regarding access to documents
      8.1.2 Proposal by PECMAC to the 2017 Annual Meeting regarding access to documents

9 International cooperation

10 Election of Vice Chair

11 Access to documents

12 Any other business
13  Report to the 2017 Annual Meeting
14  Closure of the meeting
## List of Documents

26-28 September 2017

<table>
<thead>
<tr>
<th>Document</th>
<th>Agenda item</th>
<th>Document title</th>
</tr>
</thead>
<tbody>
<tr>
<td>PE 2017-02-00</td>
<td>-</td>
<td>Provisional List of Documents</td>
</tr>
<tr>
<td>PE 2017-02-01</td>
<td>-</td>
<td>Draft Agenda</td>
</tr>
<tr>
<td>PE 2017-02-02</td>
<td>-</td>
<td>Provisional List of Participants</td>
</tr>
<tr>
<td>PE 2017-02-03</td>
<td>4.3.3.1</td>
<td>Renewal of Cooperating Non-Contracting Party Status by Bahamas</td>
</tr>
<tr>
<td>PE 2017-02-04 Rev.1</td>
<td>4.3.3.2</td>
<td>Renewal of Cooperating Non-Contracting Party Status by Canada</td>
</tr>
<tr>
<td>PE 2017-02-05</td>
<td>4.3.3.3</td>
<td>Renewal of Cooperating Non-Contracting Party Status by Liberia</td>
</tr>
<tr>
<td>PE 2017-02-06</td>
<td>4.3.3.4</td>
<td>Renewal of Cooperating Non-Contracting Party Status by New Zealand</td>
</tr>
<tr>
<td>PE 2017-02-07</td>
<td>4.3.3.5</td>
<td>Renewal of Cooperating Non-Contracting Party Status by St.Kitts &amp; Nevis</td>
</tr>
<tr>
<td>PE 2017-02-08</td>
<td>12</td>
<td>Proposal by Norway to Amend Recommendation 11 : 2015</td>
</tr>
<tr>
<td>PE 2017-02-09 Rev.1</td>
<td>5.1</td>
<td>Compliance by CPs with special control measures regulating catches of redfish (REB) in the Irminger Sea - 2017</td>
</tr>
<tr>
<td>PE 2017-02-10</td>
<td>4.4.2</td>
<td>Proposal by Iceland and Norway - Amendment of Article 23 – Landing or transhipment and other use of ports</td>
</tr>
<tr>
<td>PE 2017-02-11</td>
<td>4.2.1</td>
<td>Ad Hoc Working Group on Port State Control - Summary Report from the Conference Call and Further Issues to be discussed by Norway</td>
</tr>
<tr>
<td>PE 2017-02-12</td>
<td>7</td>
<td>Greenland – Bottom Fishing Questionnaire - 2017</td>
</tr>
<tr>
<td>PE 2017-02-13</td>
<td>7</td>
<td>Norway – Bottom Fishing Questionnaire - 2017</td>
</tr>
<tr>
<td>PE 2017-02-14 Rev.4</td>
<td>7</td>
<td>EU (Denmark-Estonia-France-Germany-Ireland-Lithuania-Netherlands-Poland-Portugal-Spain-UK) - Bottom Fishing Questionnaire - 2017</td>
</tr>
<tr>
<td>Document ID</td>
<td>Page</td>
<td>Title</td>
</tr>
<tr>
<td>--------------</td>
<td>------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>PE 2017-02-15</td>
<td>7</td>
<td>Russian Federation – Bottom Fishing Questionnaire - 2017</td>
</tr>
<tr>
<td>PE 2017-02-16</td>
<td>6.1</td>
<td>Amended Articles of the Scheme of Control and Enforcement</td>
</tr>
<tr>
<td>PE 2017-02-17</td>
<td>6.1.3</td>
<td>Recommendation on Adopting the UN/CEFACT International Standard for Communications between NEAFC Secretariat and Fisheries Monitoring Centres</td>
</tr>
<tr>
<td>PE 2017-02-18</td>
<td>6.1.3</td>
<td>Draft letter to C-NCPs</td>
</tr>
<tr>
<td>PE 2017-02-19</td>
<td>6.1</td>
<td>List of Annexes &amp; Appendices to be Amended for ERS</td>
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