

Northwest Atlantic Fisheries Organization



Report of the STACTIC Observer Program Review Working Group (WG-OPR) Meeting

23-24 July 2024
Montreal, Canada

NAFO
Halifax, Nova Scotia, Canada
2024

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1. Opening of the Meeting.....	3
2. Appointment of Rapporteur	3
3. Adoption of Agenda	3
4. NAFO CEM Article 30 - 2024 Implementation.....	3
a. Observer coverage levels	3
b. Observer application.....	4
c. Electronic observation program.....	4
d. Data collection – Garbage disposal	5
e. Data collection – Sharks.....	5
f. Review of infringements	5
g. Data collection – Quality control.....	6
5. Data collection – Data confidentiality.....	6
6. Reporting template.....	7
7. Other business	7
8. Adoption of the Report	7
9. Adjournment	7
Annex 1. List of Participants.....	8
Annex 2. Agenda.....	9

Report of the STACTIC Observer Program Review Working Group (WG-OPR) Meeting23-24 July 2024
Montreal, Canada**1. Opening of the Meeting**

The Chair, Brent Napier (Canada), opened the meeting at 9:00 (UTC/GMT -4 hours) on Tuesday, 23 July 2024 at the Courtyard Montreal Downtown in Montreal, Canada and via Webex, and welcomed representatives from Canada, Denmark (in respect of the Faroe Islands and Greenland), the European Union, Japan, Iceland, the Russian Federation, the United Kingdom, and the United States of America (Annex 1).

2. Appointment of Rapporteur

The NAFO Secretariat (Catherine Thompson) was appointed as rapporteur.

3. Adoption of Agenda

The Chair introduced the provisional agenda and asked representatives if there were any comments or additions. There were no comments or additions, and the agenda was adopted (Annex 2).

4. NAFO CEM Article 30 - 2024 Implementation**a. Observer coverage levels**

The Chair presented a summary of the use of derogation from 100% Observer Coverage by Contracting Party in STACTIC OPR-WP 24-04. The document was compiled by the NAFO Secretariat and includes the rationale provided by each Contracting Party for derogation from 100%. Canada pointed out that NAFO allows for 25% observer coverage, but that it is not clear how this decision was made. Canada pointed out that it is difficult to ensure compliance with the measure since you have to wait until the end of the calendar year. The 25%-100% is a large range and should be re-considered to be more restrictive.

The United States of America noted that only some Contracting Parties identified the rationale for the derogation, e.g., if negligible bycatch of other species is expected to occur. What constitutes “negligible bycatch” under Article 30.4(a) is unclear.

The European Union thanked the Secretariat for preparing STACTIC OPR-WP 2024-04, which indicates that only one Contracting Party is making use of the derogation for a 100% observer coverage. The European Union noted that the derogations are too general, and requiring an electronic observation program to use the derogation would address this challenge. The European Union suggested the possibility of including consequences if minimum observer coverage levels are not met.

The working group discussed the scope of the derogations under Article 30.4. Several Parties noted the generic nature of the derogation. The European Union further noted that the origin of the derogation for negligible bycatches was related to shrimp fisheries and it was their view that it should be limited to clearly clean fisheries. The working group reflected on the inclusion of a risk-based approach to determine observer coverage levels and/or to employ the derogation, such as vessel compliance within a calendar year; however, further discussion in STACTIC was suggested. Canada volunteered to draft some text to revise the derogations in Article 30.4 for the STACTIC Annual Meeting and possible associated control measures.

Some participants noted that it would be of added value to carry out an editorial revision of the text of Article 30.4, with specific consideration to the formatting of the options included.

Report of WG-OPR,
23–24 July 2024

The Chair referenced a report by the Marine Stewardship Council titled “Review of optimal levels of observer coverage in fishery monitoring.” The report details several studies on observer coverage and the use of REM. The Chair encouraged the group to review the report.

It was **agreed** that:

- **Canada, in cooperation with other Contracting Parties, will review the existing observer coverage level provisions and possible associated control measures in advance of the 2024 STACTIC Annual Meeting.**
- **WG-OPR recommends that STACTIC consider requesting the EDG to review Article 30.4 of the NAFO CEM.**
- **WG-OPR will propose to STACTIC to identify fisheries with negligible bycatch through either an internal assessment based on available data or seeking advice from the appropriate bodies.**
- **The WG-OPR will forward STACTIC OPR-WP 24-04 and the report under this agenda item to STACTIC for consideration.**

b. Observer application

The NAFO Secretariat provided an update on the Observer Application that is under development. Canada noted that it had completed a thorough review of the application and provided feedback to the Secretariat. The Secretariat is organizing at-sea trials of the application, including with a Spanish vessel. The application has also been tested on a vessel from the Faroe Islands.

The Observer Application is anticipated to be completed by the Annual Meeting. The Secretariat is considering options for user training, such as a video or written document. The Secretariat welcomes feedback from STACTIC-OPR members on methods for user training. Canada suggests that training will be best carried out between the flag States and observers.

It was **agreed** that:

- **Contracting Parties continue to support and endorse the development of the Observer Application by the NAFO Secretariat.**
- **Work on the Observer Application will be assessed and reported on at the 2024 Annual Meeting.**

c. Electronic observation program

The European Union presented STACTIC OPR-WP 24-01 (Revised) outlining a potential revision of Articles 1, 30 and 38 of the NAFO CEM to create minimum standards for a NAFO electronic observation program (i.e. REM). The proposal is based on the recommendations established in STACTIC Working Paper 22-48 (Rev. 2) and WG-OPR 23-19 Rev. 4.

Regarding the proposed definition for Remote Electronic Monitoring (REM) under Article 1, Denmark (in respect of Faroe Islands and Greenland) pointed out that there is an element of responsibility from the flag State for reviewing video footage obtained through a REM system. The United States of America indicated that it must be clear of what the purpose of this review is and what qualifications the reviewer must possess. Other considerations that the group discussed included the retention period of video footage, who has access to the electronic monitoring data and for what purpose, whether Contracting Parties can request access to this information, and how electronic monitoring issues will be addressed at sea.

The European Union clarified that flag States are responsible, either directly or through a contractor, to review video footage and complete reporting. It was noted that it could be possible for the Secretariat to also have access to the footage, although it may be expensive to store and manage. Denmark (in respect of Faroe Islands and Greenland) noted that privacy of crew members is important to consider when implementing REM.

It was **agreed** that:

- **Contracting Parties will provide their comments on STACTIC OPR-WP 24-01 (Revised) to the European Union for discussion at the 2024 Annual Meeting**
- **STACTIC WG-OPR will seek support to continue its existing work on REM.**

d. Data collection – Garbage disposal

The 2018 Performance Review Panel developed specific recommendations for minimizing harmful impacts to the marine environment, such as pollution. As discussed at STACTIC, observers can potentially capture information and data regarding garbage disposal at-sea.

Canada noted that we must be cognisant of the increased workload of observers. Further description of what needs to be recorded is required, for example, instances of garbage being disposed overboard, types of equipment on board for garbage disposal, whether garbage is disposed at port. Denmark (in respect of the Faroe Islands and Greenland) is interested in understanding how garbage is handled on board, as a coastal State to the NAFO Regulatory Area.

The United States of America noted that there are new measures adopted in IMO for vessels over 100 GT to maintain a garbage record book, and that there could also be a role for master's to report on their garbage disposal practices. United States of America volunteered, with the assistance of the European Union and Canada, to draft a proposal for the inclusion of duties of the observer regarding data collection on garbage disposal for discussion at the 2024 STACTIC Annual Meeting.

It was **agreed** that:

- **The United States of America, with assistance from the European Union and Canada, will develop a Working Paper for presentation at the 2024 STACTIC Annual Meeting on a potential observer role in data collection of garbage disposal.**

e. Data collection – Sharks

The Chair reflected on STACTIC WP 21-49 Rev. 3, which provides a review of Greenland shark data collection and methodologies. Observers are valuable in collecting data on sharks, including the identification of length, weight, age, and sex and maturity of the shark. This information can be obtained through photos. Identification guides can help observers with collecting shark data. The United States of America echoed the importance of observers in collecting shark data. Canada offered to assist with drafting a guide for shark identification noting their willingness to engage with other Contracting Parties and subject matter experts in the field, such as Environmental Non-Governmental Organizations (ENGOS). The guide could then be endorsed by the Scientific Council. It is unclear if or to what extent observers already have expertise on this topic. The United States of America referenced a report developed by Oceans North titled "Estimating Greenland Shark Weight" that can help guide recommendations.

Regarding the data elements in Part 5 of Annex II.M, there is a field to indicate that a photo was taken, but this is not a requirement. The group discussed whether this feature can be embedded in the Observer Application and the Secretariat confirmed that photos could be uploaded once the observer has access to high-speed internet.

It was **agreed** that:

- **Contracting Parties will consider developing a proposal on data collection for sharks, regarding expected frequencies of activities and requirements for photographs.**

a. Review of infringements

The Chair reflected on the enhanced serious infringement relating to the obstruction / intimidation of observers that was adopted in COM Doc. 23-23, noting more time may be required to determine the effectiveness of this measure. The European Union also highlighted the additions to the list of serious infringements that have been included in the proposal outlined in STACTIC OPR-WP 24-01 (Revised). The European Union welcomes comments from Contracting Parties on this proposal.

It was **agreed** that:

- **Contracting Parties will assess the effectiveness of the new infringement related to the Observer Program as part of the compliance review process in 2025.**
- **Contracting Parties to provide their comments on STACTIC OPR-WP 24-01 (Revised) to the European Union, who will revise the proposal for discussion at the 2024 STACTIC Annual Meeting**

f. Data collection – Quality control

The Chair highlighted the importance of having quality control for the observer data to ensure accuracy for its use in scientific and compliance related work in NAFO. Several Contracting Parties provided a summary of their domestic quality control processes. The European Union stressed the need for Contracting Parties to identify (through the data quality review process) and address various cases of verbatim data between master's and observer's estimation. The working group noted it would be useful for those Contracting Parties that have documented quality control processes to share the best practices with STACTIC at the Annual Meeting.

It was **agreed**:

- **To recommend to STACTIC that Contracting Parties to continue strengthening the monitoring of their programs' data quality to ensure the data is independent and reliable as required by the NAFO CEM.**
- **Contracting Parties will exchange best practices related to data quality control for observer data.**

5. Data collection – Data confidentiality

The European Union presented STACTIC OPR-WP 24-02 which proposes amendments to Annex II.B. The European Union noted that general revisions of Annex II.B. are outside the scope of the STACTIC OPR-WG; however, the group can focus on editorial changes and alignment at this stage, as some of the references within Annex II.B. are mis-aligned with references which appear elsewhere in the NAFO CEMs. In the future, a wider revision of the data confidentiality rules is required. Denmark (in respect of Greenland and the Faroe Islands) and Canada noted that if JAGDM has the capacity and expertise, they may be able to review the provisions on data confidentiality. The United States of America noted that internal policy considerations need to be reflected within STACTIC and perhaps, the Commission at large. The working group agreed to forward the proposal for the changes to Annex II.B to STACTIC for consideration at the 2024 Annual Meeting.

It was **agreed** that:

- **WG-OPR will forward STACTIC OPR-WP 24-02 to STACTIC for consideration at the 2024 Annual Meeting.**
- **STACTIC could consider the possibility of a more comprehensive review of Annex II. B.**

6. Reporting template

The European Union presented amendments to Article 30 Report Template through STACTIC OPR-WP 24-03 in order to include information on the results of the investigations on cases of verbatim data. Contracting Parties provided both verbal and written feedback on the paper. Contracting Parties suggested amendments to the language around detections of potential non-compliance and incident types. The group also pointed out ambiguity in the language within the Incident Type table, particularly around the statement “Similar or same figures reported by master and observer.” The European Union revised the working paper based on the feedback received and presented the revisions in STACTIC OPR-WP 24-03 (Revised). Several Contracting Parties indicated their intention to provide further comments prior to the 2024 Annual Meeting.

It was **agreed** that:

- **Contracting Parties will provide any further comments to the European Union on STACTIC OPR-WP 24-03 (Revised), who will revise the proposal for discussion at the 2024 STACTIC Annual Meeting.**

7. Other business

No items were brought forward under other business during the adoption of the agenda.

Prior to the close of the meeting discussions, Denmark (in respect of Faroe Islands and Greenland) highlighted the importance of following up on serious incidents at sea involving the working conditions of observers and to further discuss the protection/safeguards related to observers working conditions, noting there is an existing provision imposed on Contracting Parties to investigate violations. Denmark (in respect of Faroe Islands and Greenland) may present a paper at the 2024 STACTIC Annual Meeting.

8. Adoption of the Report

The report was adopted via correspondence.

9. Adjournment

Contracting Parties thanked Canada for hosting and chairing the meeting and thanked the NAFO Secretariat for their work.

The meeting adjourned at 3:02 (UTC/GMT -4 hours).

Annex 1. List of Participants

CHAIR	Napier, Brent (Canada)
CANADA	Browne, Dion Warren, Genevieve Hickey, Jenelle
DENMARK (IN RESPECT OF FAROE ISLANDS AND GREENLAND)	Gaardlykke, Meinhard Trolle Nedergaard, Mads
EUROPEAN UNION	Casarotto, Edoardo Tubio, Xosé Babcionis, Genadijus Jonaitis, Arūnas Märtin, Kaire Näks, Liivika Serrão, Miguel
ICELAND	Ingibergsson, Jón Gunnar Ragnarsson, Njáll
JAPAN	Iwano, Taisuke Takehara, Toya Onodera, Ryo
RUSSIAN FEDERATION	Fomin, Konstantin
UNITED KINGDOM	Smith-Devey, Imogen
UNITED STATES OF AMERICA	Jaburek, Shannah Hale, Bo Mencher, Liz Pohl, Katie Provencher, Eric
NAFO SECRETARIAT	Thompson, Catherine Aker, Jana Laycock, DJ

Annex 2. Agenda

1. Opening by the Chair, Brent Napier (Canada)
2. Appointment of Rapporteur
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