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Report of the Standing Committee on Fishing
Activity of Non-Contracting Parties in
the Regulatory Area (STACFAC)

15-16 May 1997
Brussels, Belgium

NAFO
Dartmouth, N.S., Canada
1997

**Report of the Standing Committee on Fishing Activity of
Non-Contracting Parties in the Regulatory Area (STACFAC)**

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Report of the Meeting of the Standing Committee on Fishing Activity of Non-Contracting Parties in the Regulatory Area (STACFAC)

15-16 May 1997
Brussels, Belgium

1. Opening

The Meeting was called to order by the Chairman, J.-P. Plé (USA). The Chairman, on behalf of the meeting, thanked the European Union for the invitation and hosting the meeting in Brussels. He hoped that the meeting would be very productive with the participation of many delegations and it would enable STACFAC to make progress before the Annual Meeting in St. John's, Canada, September 1997.

Delegates from the following Contracting Parties were present: Canada, Denmark (in respect of Faroe Islands and Greenland), European Union, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Norway and the USA (Annex 1).

2. Appointment of Rapporteur

L. Chepel, Executive Secretary, was appointed Rapporteur.

3. Adoption of Agenda

The Agenda was adopted. (Annex 2)

4. Developing a scheme to deal with non-Contracting Parties fishing in the NAFO Regulatory Area (NRA)

4.1 The Chairman highlighted the major findings and ideas developed during the first intersessional STACFAC Meeting in Halifax, February 1997 as follows:

The scheme would: (1) target specific vessels; (2) presume that an NCP vessel, which is sighted engaged in fishing activities in the NRA, is fishing in a manner that undermines NAFO conservation and management measures; (3) incorporate a notification procedure such that once a NAFO party sights a NCP vessel engaged in fishing activities in the NRA, that information is shared with the NAFO Secretariat, other NAFO Parties and the flag-State of the NCP vessel; (4) require NAFO Contracting Parties to prohibit landings and transshipments of fish in their ports from NCP vessels (although it was unresolved what evidence is necessary to trigger this provision); (5) be communicated to all States which are NCPs; and (6) undergo annual review, at which time other measures, if necessary, would be considered.

The Chairman noted that although there has been a substantial decrease of NCP fishing in 1996 (only 7 vessels), there was still an unacceptable level of NCP activity in the NAFO Regulatory Area. Although the Parties were not asked to present new data on NCP fishing activities, the Japanese delegation circulated information on imports of five species of groundfish from non-Contracting Parties in 1996 (Annex 3).

He also emphasized that the previous intersessional meeting has already made good progress and this current meeting offered a good opportunity for the Committee to continue work on a possible scheme for presentation to the General Council at the Annual Meeting, September 1997.

4.2 The Contracting Party Representatives agreed in principle with the Chairman's introduction and stressed the following concrete issues:

- minimum level of standards of the scheme and requirements;
- openness of the scheme for modification and updating;
- practicability of the scheme regarding its implementation as a whole;
- time-frame for communication of the relevant information between Contracting/non-Contracting Parties, NAFO Secretariat and others;
- NCP vessel inspections at sea to provide complete data on their activity.

4.3 Subsequent Contracting Party Representatives discussion centered around such essential elements as:

- practical terms of the scheme implementation regarding NCP vessels landings and port calls;
- feasibility of monitoring all activities regarding different regulations and conditions for NCP vessels (no logbooks, no hail reports, etc.);
- sightings of NCP vessels in the NRA as sufficient evidence to triggering a mechanism of actions (under the scheme) against NCP vessels.

4.4 The Chairman elaborated further on the issue of the burden of proof and explained that the USA has had some experience with the use of a "rebuttable presumption" in U.S. fishery legislation. Under such a structure any presumption of violation or illegal fishing activity would remain unless rebutted by appropriate documentation, if available, by the NCP, and the burden of proof would rest with the NCP.

Several Representatives welcomed the Chairman's information re "rebuttable presumption" and noted that standardized procedures would be appropriate to consider in this case.

Other Representatives preferred a "prima facie" application (interpretation) of presumption which would be regarded as an exception. In case of "prima facie" approach, the burden of proof would also rest with the NCP and require inspection in the ports of Contracting Parties. In addition, courtesy boardings should be viewed as an indication of cooperation.

4.5 The Chairman asked the meeting participants to consider more clear guidelines on inspections and the trigger mechanism which could bring about the prohibition of landings. He turned the attention to the EU position of prohibiting all fish off-load and to the Canadian presentation calling for complete set of the NAFO Conservation and Enforcement Measures regulating fisheries, by-catches and quotas. He noted that ICCAT requires compliance with all conservation and management regulations.

The various views of Representatives of Contracting Parties were the following:

- all NCP vessels should have to rebut any presumptions before any fish landing occurred, and at the same time, they should be subject to inspection in the port;
- all fish subject to regulation by NAFO should be subject to NAFO inspection;
- the rebuttable presumption would rest with the vessel;
- to consider application of Articles 17 of the UN Fish Agreement (1997) re the obligations and duties of the states fishing at the high seas and Article 18 re duties of coastal states to take any measures against the NCP fishing vessels undermining objectives of conservation of fish stocks, etc.

- 4.6 The Chairman briefly summarized the discussions noting that basic building blocks were appearing among the delegates that gave promise towards developing a draft paper (the scheme) for its presentation to the General Council. He further stressed amongst other issues, the problem of the by-catch (and its landing) as discussed above and urged to work along the acceptable lines of interpretation, and asked for feedback from participants.

Several Representatives referred to NAFO/FC Doc. 96/1 (Conservation and Enforcement Measures), noting two (2) distinct parts of the Measures, which are:

- Parts I to II dealing with protection resources; and
- Parts III-VII dealing with vessel requirements, inspection and enforcement.

It was suggested that the application of Parts I and II was perhaps most relevant to NCPs.

- 4.7 Several Representatives questioned the basic rationale of introducing a "green book" (with reference to NAFO FC Doc. colour) of NAFO Conservation Measures for NCP use, and exchanged ideas along the following lines:

- there would be a number of measures as mentioned above;
- Part VII of the NAFO Conservation and Enforcement measures re mandatory inspections CP vessels in ports should equally apply to NCP;
- the burden of proof should be placed on the master of the NCP vessel requesting port call and landing of fish;
- the NCP vessels working outside of the NAFO regime should be "black listed";
- courtesy boardings and possible incentives to NCP to accept the boardings (by NAFO inspectors) should be considered by NAFO.

- 4.8 The Chairman reviewed the progress of discussions and cautioned that imposing less restrictive measures on a NCP may encourage Contracting Parties to reflag to NCP.

The Delegates exchanged their views on the possibility of reflagging and agreed that this would be a distant possibility, but in general there would be more disadvantage to this than benefits for Contracting Parties. The Chairman emphasized that this issue of reflagging should be constantly monitored at STACFAC.

- 4.9 The Chairman then proposed to explore the issues of the duration of fishing voyage (NCP) and duration that measures would be applied to NCP vessels.

Considering the duration of fishing trip (of NCP vessel), the Delegates discussed several scenarios re combined trips and port calls with landing or without landing, etc. The Representative of Iceland suggested to seek information from shipowners. The general agreement was that no concrete recommendations or guidelines were available and the practical approach should be the consistent monitoring of the NCP vessels fishing in the NRA.

- 4.10 The Chairman then proposed that the group discuss transshipment issues in context of two scenarios: (a) between NCP vessels; and (b) between CP and NCP vessels.

He noted that under (a) the receiving vessel should have the same responsibility as the fishing vessel. There was agreement in principle on this situation. The Representative of Iceland informed that in their national legislation, the main target was fish/catch (not vessel), and if that catch (of prohibited species from the specific area) was subject of transshipment to other vessel that vessel would be prohibited to enter Icelandic port for

landing, provisions, supplies, etc. The Representative of Japan noted that Japan's legislation does not consider cargo vessels as fishing vessels and suggested that NAFO consider language on transshipment currently being considered by ICCAT, i.e. "Contracting Parties shall ensure that their flag-State vessels only receive high seas transshipments of ICCAT species from Contracting Parties".

Under scenario (b), transshipment between CP and NCP, the general view was to explore this possibility more in the future and report to the General Council. In principle, the delegate agreed that transshipment between CP and NCP vessels should be discouraged. The Chairman noted that he will consult further with the Chairman of the General Council on this issue.

- 4.11 The Chairman and Delegates reviewed progress made during the first day of the meeting and agreed that there were many new elements and positive "building blocks" toward development of a NAFO scheme. Therefore, the Delegates asked the Chairman to prepare a draft paper (Chairman's Working Paper) for presentation at the next day's session. The next day this paper, attached in Annex 4, was introduced by the Chair with a brief explanation of major rationale asking for comments.

The Representatives of Contracting Parties presented the following general and concrete comments/proposals:

- the paper should clearly invite NCPs to cooperate with NAFO;
- the sightings of vessels and circulation of information should be a part of the scheme;
- there should not be any strict limit of duration of voyage;
- practical elements of the scheme should include NAFO regulations and UN Fish Stocks Agreement.

- 4.12 The Chairman introduced his paper for item by item discussion and suggested some modification by including a paragraph along the lines "...in order to ensure the conservation of fish stocks pursuant to the provisions of the NAFO Convention, the NCP vessels engaged in fishing and transshipment in the NRA are called upon to observe the NAFO Conservation and Enforcement Measures...".

The following agreements and proposals were recorded:

- a) To incorporate an introductory statement at the beginning of the scheme which should clarify which vessels would be subject to this scheme.
- b) On paragraph 3, the Representative of France presented a modification (in first sentence) as follows: "... the vessel will be asked for a courtesy boarding by the nearest inspector." The Delegates agreed in principle with this emphasis on courtesy boardings however, they proposed to find some other paragraph for this purpose.
- c) Paragraph 5 was considered primarily in connection to interpretation and practical application of the "*inter alia*" concept regarding inspections and documents. Further discussion on this point may be necessary, but at this point it was suggested that the Parties consider "any other matter relating to the vessel's activities in the NAFO Regulatory Area".
- d) On paragraph 6, extensive comments were exchanged re the "rebuttable presumption" in the context of its practical application due to the rights of coastal states and international law. Some delegations noted to this interpretation that states should not be limited (in the NAFO scheme) in their sovereign rights under the international law. The other essential subject was criteria and formulations of

the NAFO measures in the text of the scheme re catches/species, entry/exit notification, courtesy boarding, hail reports, catch information to Secretariat, logbooks, fishing in closed areas, etc. The Representative of Japan also expressed the view that fish which had clearly not been caught in the NAFO Regulatory Area should not be subject to NAFO Conservation and Enforcement Measures. At the outcome of discussion on this paragraph, portions of it remain in brackets to reflect the need for further discussion among the Parties.

- e) On paragraph 7, the Delegates presented several suggestions to incorporate some provisions for broad circulation of relevant information to other interested bodies, like NEAFC, and to consider appropriate format/documentation for the management and administration of the scheme (similar to STACTIC experience).
- f) Paragraph 8, the duration of the trip, was taken out of the text as per previous agreement.
- g) Regarding paragraph 9, the Delegates presented several suggestions and interpretations re sovereign rights and access to ports. The general view was to keep this issue very simple and make a reference to the international law only in general terms. Some Delegates thought it would be relevant to spell-out more concrete provisions. The USA Representative proposed an introductory phrase to the paragraph in the terms of: "When a NCP vessel is sighted fishing or engaging in fishing or fish processing in the NRA..." As the outcome of discussion, it was decided to include some parts of this paragraph in square brackets for further discussion.
- h) In paragraph 10, the reference to "trade measures" should be deleted.

A revised STACFAC Working Paper, as modified following this discussion, is attached in Annex 5.

- 4.13 The Chairman closed the discussions on this issue and introduced the transshipment issue postponed from the previous session (Annex 6).

The Delegations stressed that the transshipment issue is a very complicated and important one, which could open a "loophole" in NAFO actions if it was not resolved properly. Some thought that transshipments between CP vessels and NCP vessels should be prevented by Contracting Parties and agreed that this item was a relevant matter for STACTIC and Fisheries Commission, who deal with Contracting Parties' regulations. Other delegates believed that STACFAC had authority to prescribe measures on CPs with regard to the scheme. It was suggested to call a joint meeting of STACFAC and STACTIC.

The Chairman stressed the importance of finding an acceptable solution on this subject and to close the "loophole". He proposed to carry on further deliberations on this subject.

- 4.14 In his closing remarks, the Chairman reminded the Delegates that much progress had been made during the meeting, that several issues in developing a scheme remained to be resolved, and that the draft (Annex 5) will be considered at the Annual Meeting. He underlined several outstanding questions left for consideration at the upcoming meeting of STACFAC and General Council in September 1997, as follows:

- finalization of provisions of paragraph 6 with regards to items a,b and c in brackets with emphasis on concrete measures and regulations;
- agreement on the text of paragraph 9 (see paragraph 9 of Chairman's Working Paper and paragraph 11 of Revised STACFAC Working Paper);
- consultation with the Chairmen of the Fisheries Commission and General Council on issues related to transshipment.

The Chairman encouraged all Delegations to continue their work and consultations so that a scheme might be adopted at the Annual Meeting.

5. Report and Recommendations to the General Council

This report of the May 15-16, 1997 meeting will be circulated to the General Council before the 1997 Annual Meeting. In addition, STACFAC will meet on 15 September and will report to the General Council at the opening session, 16 September 1997.

6. Other Matters

There were no matters under this item.

7. Adjournment

The Meeting was adjourned at 1500 hrs on 16 May 1997.

Adoption of the Report

The Report of STACFAC has been finalized through two (2) circulations of the drafts to the Heads of Delegations of STACFAC and General Council and, therefore, adopted in accordance with the established procedure.

Annex 1. List of Participants

CANADA

Head of Delegation

A. Donohue, Dept. of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6

Adviser

D. Caron, Mission of Canada to the EU, Avenue de Tervuren, 2, B-1040 Brussels, Belgium

DENMARK (IN RESPECT OF FAROE ISLANDS AND GREENLAND)

Head of Delegation

E. Lemche, Gronlands Hjemmestyre, Pilestraede 52, Box 2151, DK-1016 Copenhagen

Advisers

C. Lerche, Ministry of Foreign Affairs, Asiatisk Plads 2, DK-1448 Copenhagen K

G. Jeremiassen, Greenland Home Rule Government, P. O. Box 269, 3900 Nuuk, Greenland

EUROPEAN UNION (EU)

Head of Delegation

F. Wieland, European Commission, Directorate General for Fisheries, Rue de la Loi 200, B-1049 Brussels, Belgium

Advisers

O. Tougaard, European Commission, Directorate General for Fisheries, Rue de la Loi, 200, B-1049 Brussels, Belgium

A. Thomson, European Commission, Directorate General for Fisheries, J-II 99/3/29, Rue de la Loi, 200, 1049 Brussels, Belgium

P. Heller, European Commission, Directorate General for External Relations, Rue de la Loi 200, B-1049 Brussels, Belgium

M. Waldron, Council of the European Union, Rue de la Loi 175, B-1048 Brussels, Belgium

L. R. M. Lomans, Ministry of Agriculture, Nature Management and Fisheries, P. O. Box 20401, 2500 EK The Hague, Netherlands

R. Akesson, Ministry of Agriculture and Fisheries, S-10333 Stockholm, Sweden

M. Bergstrom, National Swedish Board of Fisheries, P. O. Box 423, SE-40126 Gothenburg, Sweden

J. F. Gilon, Direction des Peches Maritimes et des Cultures Marines, 3 Place Fontenoy, 75700 Paris, France

C. Dominguez, Secretaria General de Pesca Maritima, Jose Ortega y Gasset, 57, 28006 Madrid, Spain

T. Kruse, Ministry of Food, Agriculture and Fisheries, Holdergsgade 2, D-1057 Copenhagen K, Denmark

M. Lautrup-Larsen, Danish Permanent Representation, Rue D'Arlon 73, B-1040 Brussels, Belgium

D. H. Pedersen, Danish Permanent Representation, Rue D'Arlon 73, B-1040 Brussels, Belgium

A. Jakobs de Padua, Bundesministerium fur Ernährung, Landwirtschaft und Forsten, Ruferat 722, Rochusstr. 1, 53123 Bonn, Germany

M. L. Heredia, Direccao Geral das Pescas e Aquicultura, Edificio Vasco da Gama, Alcantara, 1350 Lisbon, Portugal

C. Valerio, Ministerio da Negocios Estrangeiros, Direccao Geral da Assuntos Comunitarios, Palacio da Coua da Moura, 1100 Lisbon

S. Whitehead, Nobel House (Rm 427), Ministry of Agriculture, Fisheries and Food, 17 Smith Square, London SW1P 3JR, United Kingdom

FRANCE (in respect of St. Pierre and Miquelon)

Head of Delegation

D. Silvestre, Secrétariat General de la Mer, (Premier Ministre), 16 Boulevard Raspail, 75007 Paris, France

ICELAND

Head of Delegation

A. Halldorsson, Ministry of Fisheries, Skulagata 4, 150 Reykjavik

Adviser

A. Steinhorsdottir, Ministry of Fisheries, Skulagata 4, 150 Reykjavik

JAPAN

Head of Delegation

H. Watanabe, Fisheries Agency, 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo 100

Advisers

N. Takagi, Japan Deepsea Trawlers Assoc., Ogawacho Yasuda Building 6F, 3-6 Ogawacho, Chiyoda-ku, Tokyo 101

M. Miura, Mission du Japon, Square de Meeus 5-6, 1000, Brussels, Belgium

NORWAY

Head of Delegation

T. Lobach, Directorate of Fisheries, P. O. Box 185, N-5002 Bergen

Adviser

B. Angell-Hansen, Ministry of Foreign Affairs, P. O. Box 8114 Dep., 0032 Oslo

UNITED STATES OF AMERICA

Head of Delegation

J.-P. Plé, Senior Atlantic Affairs Officer, Office of Marine Conservation (Room 5806), U.S. Dept. of State, 2201 C Street NW, Washington, DC 20520

Advisers

G. S. Martin, Office of the General Counsel, Northeast Region, National Marine Fisheries Service,
U.S. Dept. of Commerce, 1 Blackburn Dr., Gloucester, MA 01930
B. Barbessi, US Mission to the EU, 40 Blvd. du Regent, 1000 Brussels, Belgium

SECRETARIAT

L. I. Chepel, Executive Secretary
B. J. Cruikshank, Senior Secretary

Annex 2. Agenda

1. Opening by the Chairman, J.-P. Pié (USA)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Continue work toward developing a scheme to deal with Non-Contracting Parties fishing in the NAFO Regulatory Area
5. Report and Recommendations to the General Council
6. Other matters
7. Adjournment

**Annex 3. Japanese Import of the 5 Species of Groundfish
from Non-Contracting Parties, in 1996**

(unit; ton-product weight)

Nation	Redfish	Cod	Others*	Total
Morocco	-	-	-	-
Panama	-	-	-	-
Sierra Leone	-	-	-	-
Honduras	3	-	-	3
St. Vincents	-	-	-	-
Venezuela	-	-	-	-
World	65,650	55,855	89,178	210,683

*American plaice, Yellowtail flounder, Witch flounder, and other flatfishes.

NOTE: The above figures may well include fish caught outside the NAFO Regulatory Area.

Annex 4. Chairman's Working Paper

1. Upon adoption of the Scheme, the NAFO Secretariat will communicate the details of the Scheme and the NAFO Conservation and Enforcement Measures to all States which are not Party to the NAFO Convention whose vessels have fished or may fish in the NAFO Regulatory Area.

2. The measures contained in the Scheme are to be directed at Non-Contracting Party vessels identified in accordance with paragraph 3.

3. A Non-Contracting Party vessel which is sighted fishing, engaged in fish processing operations, or engaged in the transshipment of fish or fish products in the NAFO Regulatory Area is presumed to be undermining the effectiveness of NAFO Conservation and Enforcement Measures. In the case of transshipment activities, the presumption of undermining NAFO Conservation and Enforcement Measures applies to all Non-Contracting Party vessels engaged in such activities.

4. When any NAFO Contracting Party sights a Non-Contracting Party vessel engaged in fishing, fish processing operations, or engaged in the transshipment of fish or fish products with another Non-Contracting Party vessel in the NAFO Regulatory Area, such sighting information shall be transmitted immediately to the NAFO Secretariat. The NAFO Secretariat will then transmit this information to all NAFO Contracting Parties and to the flag-State(s) of the sighted vessel(s) within one business day of receiving this information.

5. When a Non-Contracting Party vessel which has been sighted and reported as fishing, fish processing or engaged in the transshipment of fish or fish products in the NAFO Regulatory Area, enters a port of any NAFO Contracting Party, such vessels may not offload any fish until it has been inspected by authorized Contracting Party officials knowledgeable in the NAFO Conservation and Enforcement Measures and this Scheme. Such inspections shall include, *inter alia*, the vessel's documents, fishing gear and catch onboard.

6. If a sighted Non-Contracting Party vessel enters the port of a Contracting Party, it may be allowed to rebut the presumption, during the course of a port inspection, that it undermined the effectiveness of NAFO Conservation and Enforcement Measures by establishing that:

[a. there are no species on board subject to NAFO regulations; and that the vessel has not contravened any other NAFO Conservation and Enforcement Measures [to be determined]]; or,

[b. there are no regulated species on board the vessel; and, that the vessel has not contravened any other NAFO Conservation and Enforcement Measures [to be determined]]; or,

[c. the vessel has not contravened NAFO Conservation and Enforcement Measures [to be determined].]

If the sighted Non-Contracting Party vessel fails to rebut the presumption that it undermined the effectiveness of NAFO Conservation and Enforcement Measures, landings and transshipments of all fish from such vessels shall be prohibited in all Contracting Party ports.

7. Information on the results of all at-sea and port inspections of Non-Contracting Party vessels, and any subsequent action, shall be transmitted immediately through the NAFO Secretariat to all Contracting Parties and to the relevant flag-State(s).

8. The period during which a particular sighted Non-Contracting Party vessel is subject to inspection shall cease to apply once the vessel undergoes a port inspection and the trip has ended.

9. Nothing in this Scheme affects the exercise by NAFO Contracting Parties of their sovereignty over their ports in their territory in accordance with international law. In exercising this sovereignty, NAFO Contracting Parties may deny access to their ports, or deny services within their ports, exclusive economic zones or territorial sea to Non-Contracting Party vessels sighted fishing, engaged in fish processing operations or engaged in the transshipment of fish or fish products in the NAFO Regulatory Area. In accordance with international law, Non-Contracting Party vessels may enter such ports in cases of *force majeure*.

10. The Standing Committee on Fishing Activities of Non-Contracting Parties in the NAFO Regulatory Area (STACFAC) shall review annually the Scheme and the actions taken under the Scheme and, where necessary, recommend to the General Council any new measures, including trade measures, that may be necessary to enhance the observance of NAFO Conservation and Enforcement Measures by Non-Contracting Parties.

Chairman's Working Paper

Other Issues

1. Transshipment Activities involving Contracting Party and Non-Contracting Party vessels.

A possible loophole created by any NAFO scheme to deal with Non-Contracting Party activities is that such vessels may attempt at-sea transshipment of their fish or fish products to a Contracting Party vessel. To prevent this from developing, STACFAC should recommend to the General Council that the Council urge the Fisheries Commission to adopt a Conservation and Enforcement Measure prohibiting all at-sea transshipment activities between Contracting Party vessels and Non-Contracting Party vessels. (Note such a prohibition would also serve to deter Contracting Party vessels from transshipping to a Non-Contracting Party vessel in order to circumvent NAFO Conservation and Enforcement Measures.)

2. Cooperation with NEAFC.

In order to keep better track of the activities of Non-Contracting Party vessels in the North Atlantic Ocean, STACFAC should recommend to the General Council that the NAFO Secretariat be directed to explore means whereby NAFO and the North-East Atlantic Fisheries Commission (NEAFC) can share information on the fishing/fish processing/transshipment activities of vessels which are not members of either organization and which are sighted operating in the North Atlantic Ocean.

Annex 5. Revised STACFAC Working Paper

The NAFO Contracting Parties adopt this scheme with due regard to the rights, duties and obligations of States whose vessels fish on the high seas as expressed in the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, the 1982 United Nations Convention on the Law of the Sea, the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1992 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the FAO Agreement to Promote Compliance with International Conservation and Management measures by Fishing Vessels on the High Seas and general principles of international law, particularly the due regard principle.

1. In order to ensure the effective conservation and management of fish stocks under the conservation and management authority of NAFO, Non-Contracting Party vessels engaged in fishing, fish processing or transshipment of fish or fish products in the NAFO Regulatory Area are called upon to observe the NAFO conservation and management measures.
2. Upon adoption of the Scheme, the NAFO Secretariat will communicate the details of the Scheme and the NAFO Conservation and Enforcement Measures to all States which are not Party to the NAFO Convention whose vessels have fished or may fish in the NAFO Regulatory Area.
3. The measures contained in the Scheme are to be directed at Non-Contracting Party vessels.
4. A Non-Contracting Party vessel which is sighted fishing, engaged in fish processing operations, or engaged in the transshipment of fish or fish products in the NAFO Regulatory Area is presumed to be undermining the effectiveness of NAFO conservation and management measures. In the case of transshipment activities, the presumption of undermining NAFO conservation and management measures applies to all Non-Contracting Party vessels engaged in such activities.
5. When any NAFO Contracting Party sights a Non-Contracting Party vessel engaged in fishing, fish processing operations, or engaged in the transshipment of fish or fish products with another Non-Contracting Party vessel, in the NAFO Regulatory Area, such sighting information shall be transmitted to the NAFO Secretariat. The NAFO Secretariat will then transmit this information to all NAFO Contracting Parties and to the flag-State(s) of the sighted vessel(s) within one business day of receiving this information.
6. The NAFO Contracting Party which sighted the Non-Contracting Party vessel(s) will attempt to inform such vessel(s) that it has been sighted as fishing, engaged in fish processing operations, or engaged in the transshipment activities in the NAFO Regulatory Area and is presumed to be undermining NAFO conservation and management measures and that this information will be distributed to all NAFO Contracting Parties.
7. In the event that any Non-Contracting Party vessel which is sighted engaged in fishing, fish processing operations, or engaged in the transshipment of fish or fish products in the NAFO Regulatory Area consents to be boarded by NAFO inspection officials, the findings of the NAFO inspection officials shall be transmitted to the NAFO Secretariat. The NAFO Secretariat will transmit this information to all NAFO Contracting Parties and to the flag-State(s) of the boarded vessel(s) within one business day of receiving this information. The Non-Contracting Party vessel(s) which is boarded shall be provided with a copy of the findings of the NAFO inspection officials.

8. When a Non-Contracting Party vessel which has been sighted and reported as fishing, fish processing or engaged in the transshipment of fish or fish products in the NAFO Regulatory Area, enters a port of any NAFO Contracting Party, such vessels may not offload any fish until it has been inspected by authorized Contracting Party officials knowledgeable in the NAFO conservation and management measures and this Scheme. Such inspections shall include, the vessel's documents, log books, fishing gear, catch on board and any other matter relating to the vessel's activities in the NAFO Regulatory Area.

9. If a sighted Non-Contracting Party vessel enters the port of a Contracting Party, it may [be allowed to] rebut the presumption, during the course of a port inspection, that it undermined the effectiveness of NAFO Conservation and Enforcement Measures by establishing that:

[a. there are no species on board subject to NAFO regulations; and that the vessel has not contravened any other NAFO conservation and management measures [to be determined]]; or,

[b. there are no regulated species on board the vessel; and, that the vessel has not contravened any other NAFO conservation and management measures [to be determined]]; or,

[c. the vessel has not contravened NAFO conservation and management measures [to be determined]].

If the sighted Non-Contracting Party vessel fails to rebut the presumption that it undermined the effectiveness of NAFO conservation and management measures landings and transshipments of all fish from such a vessel shall be prohibited in all Contracting Party ports.

10. Information on the results of all at-sea and port inspections of Non-Contracting Party vessels, and any subsequent action, shall be transmitted immediately through the NAFO Secretariat to all Contracting Parties and to the relevant flag-State(s).

11. [When a NCP vessel is sighted as fishing, fish processing or engaged in the transshipment of fish or fish products in the NAFO Regulatory Area] Nothing in this Scheme affects the exercise by NAFO Contracting Parties of their sovereignty over the ports in their territory in accordance with international law. [In exercising this sovereignty, NAFO Contracting Parties may deny access to their ports, or deny services within their ports, exclusive economic zones or territorial sea to Non-Contracting Party vessels sighted fishing, fish processing or engaged in the transshipment of fish or fish products in the NAFO Regulatory Area. The measures provided for in this paragraph may be applied during the twelve month period following a reported sighting.]

12. The Standing Committee on Fishing Activities of Non-Contracting Parties in the NAFO Regulatory Area (STACFAC) shall review annually the information compiled and the actions taken under this scheme and, where necessary, recommend to the General Council any new measures that may be necessary to enhance the observance of NAFO Conservation and Enforcement Measures by Non-Contracting Parties.

Revised STACFAC Working Paper:
Other Issues

1. Transshipment Activities involving Contracting Party and Non-Contracting Party vessels.

A possible loophole created by any NAFO scheme to deal with Non-Contracting Party activities is that such vessels may attempt at-sea transshipment of their fish or fish products to a Contracting Party vessel. To prevent this from developing, STACFAC should recommend to the General Council that the General Council urge the Fisheries Commission to adopt a Conservation and Enforcement Measure prohibiting all at-sea transshipment activities between Contracting Party vessels and Non-Contracting Party vessels. (Note, such a prohibition would also serve to deter Contracting Party vessels from transshipping to a Non-Contracting Party vessel in order to circumvent NAFO Conservation and Enforcement Measures.)

2. Cooperation with NEAFC.

In order to keep better track of the activities of Non-Contracting Party vessels in the North Atlantic Ocean, STACFAC should recommend to the General Council that the NAFO Secretariat be directed to explore means whereby NAFO and the North-East Atlantic Fisheries Commission (NEAFC) can share information on the fishing/fish processing/transshipment activities of vessels which are not members of the respective organization and which are sighted operating in the North Atlantic Ocean.

Annex 6. Transshipment Issue

- A. Inside NRA
- 1) Contracting Parties shall ensure that their vessels do not receive transshipment in the NRA from NCP vessels.
 - 2) Transshipment from CP vessels to NCP vessels.
(For STACTIC)
 - 3) Transshipment between two NCP vessels. The receiving vessel shall be treated as the sighted one.
- B. Outside NRA
- 1) CPs shall ensure that their vessels do not receive transshipment from sighted NCP vessels. (normal criminal rules apply)
 - 2) CPs shall ensure that their vessels do not receive transshipment from non-sighted NCP vessels that have taken the catch in contravention of the NAFO conservation and management measures. (normal criminal rules apply)
 - 3) When CP vessel has received catch from a sighted vessel, the vessel may only land catches in port of its own flag State and the other CPs shall therefore prohibit its landing. (normal criminal rules apply in CP)