



PERMANENT COMMITTEE ON CONTROL AND ENFORCEMENT

27 and 28 January 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 in the form that had been circulated before the meeting.

4. Scheme of Control and Enforcement

The Russian Federation presented document PE 2015-01-14, on inaccuracies found in the text of the Scheme.

It was agreed that the inaccuracies identified in the document represented clear editorial errors, which should be corrected without the need to make a formal proposal to be adopted by the NEAFC Commission. **It was agreed** that the Secretary should make corrections in accordance with the document.

The delegates thanked the Russian Federation for carrying out the detailed examination that resulted in the inaccuracies being identified.

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

The Chair presented document PE 2015-01-12, containing the instructions issued during the Extraordinary Meeting on 22 October 2014 by the NEAFC Commission regarding the issue to be discussed under this agenda item.

The EU had called for this meeting to be held, following an incident in the Barents Sea.

It was agreed that although the incident itself was a matter between the coastal State and the flag State, and not a NEAFC issue *per se*, it had served to give attention to the need to address the issues referred to in document PE 2015-01-12, i.e. the accuracy of the coordinates in the NEAFC database and the procedures of NEAFC inspections.

The delegates worked together to formulate a draft proposal for amending the Scheme in order to improve procedures for updating the coordinates delimiting the Regulatory Area. This work resulted in document PE 2015-01-08 – Rev.3.

In formulating the document, it was agreed that the revised procedures would need to ensure that Contracting Parties submit changes to the coordinates in a computer readable form so that manual intervention by the Secretariat would not be needed.

It was agreed to have the document as a meeting document for the next PECCOE meeting, with the aim of adopting it then as a formal proposal to the NEAFC Commission. It was noted in this context that the Secretariat had already updated the coordinates in the NEAFC database on the basis of new information from the Contracting Parties and that the issue of amending the Scheme was therefore not as time critical at this point as it had been considered before the database was updated.

It was noted that the coordinates were there only for the purposes of the technical functioning of the Scheme, and that they were not intended to be used for any other purposes or to have any further legal implications. For navigational purposes, vessels should use navigational charts and not the NEAFC database coordinates.

4.2. Possible amendment of Chapter IV “Inspection at sea”, regarding the inspection procedures by NEAFC inspectors.

The Chair reminded delegates of the instructions by the NEAFC Commission regarding the issue to be discussed under this agenda item, in document PE 2015-01-12.

It was reiterated that although the incident itself was a matter between the coastal State and the flag State, and not a NEAFC issue *per se*, it had served to give attention to the need to address the issues referred to in document PE 2015-01-12, i.e. the accuracy of the coordinates in the NEAFC database and the procedures of NEAFC inspections.

It was agreed that the provisions of Article 18 of the Scheme were already clear, and that there was no need to amend them at this point.

It was noted that the existing provisions already clearly set out that NEAFC inspections are only carried out in the Regulatory Area and that when a NEAFC inspection is complete the inspectors leave the inspected vessel. The inspectors could not act in the role of national inspectors during a NEAFC inspection on board a vessel. The Scheme did not have any provisions under which a vessel could be detained.

4.3. Possible amendment of Article 12 “Communication of catches” and Annex VIII.2 “Catch” and Annex VIII.3 “Catch on exit” (and Annex IX.C.3) regarding the introduction of a new data-element “gear” (GE)

Norway presented document PE 2015-01-05. He pointed out that it contained two proposals. The first proposal had been adopted at the Annual Meeting in November 2014 but PECCOE had been instructed to consider the second one. He explained that the goal was to get information on what fishing gear was being used, to make it possible to have an overview of the fishing activity.

In the discussions among the delegates, it emerged that the main aim was to get information on bottom fishing activities and that the proposal should be amended accordingly. Norway presented a revised version of the proposal to take account of these discussions.

It was noted that no Contracting Party opposed the proposal as such, or the gathering of the data that the intention was to obtain. However, it was noted that the completion of the work on NEAFC’s electronic reporting system would include resolving this issue.

Some Contracting Parties did not want to adopt the proposal as it would result in spending resources, both at the Secretariat and at the FMCs, on patching up the outgoing system for a purpose that would inevitably be taken care of by ERS. Others supported the proposal as the lack of progress on ERS meant that this issue would not be resolved for quite some time.

Norway stated that he noted the lack of consensus on the proposal at this meeting, but that he would resubmit it to the next PECCOE meeting.

The Chair pointed out that this was an example of the lack of progress on ERS preventing NEAFC from having proper improvements to the existing system.

The Russian Federation presented document PE 2015-01-20, a proposal to amend Article 12.2 of the Scheme, regarding the communication of catches by fishing vessels. He noted that the current reference to Annex V would be changed to reference Annex I; there would be a requirement to report catches by species where catches are at least 100kg; and that the code MZZ for “marine fish not specified” would be deleted.

There were lengthy discussions on the proposal, where there emerged a consensus on deleting any reference to an Annex, rather than changing the reference. However, there was no consensus on the level of catches that would require reporting by species, or on the appropriateness of deleting the code MZZ. It was noted that PECCOE would revisit this issue at another meeting.

4.4. Evaluation of bottom fishing activities in areas where those activities are forbidden.

The Chair presented document PE 2015-01-15, containing the instructions by the NEAFC Commission regarding the issue to be discussed under this agenda item. He noted that the

key question in this context was how the Contracting Parties had been implementing the system of closed areas and new bottom fishing areas.

It was noted with concern that the maps that had been presented to the Annual Meeting seemed to indicate bottom fishing that was contrary to the relevant NEAFC rules, although there were clear limitations in the data so the maps constituted indications and not evidence.

It was agreed that all Contracting Parties would investigate the activities of their vessels in this context, using the various sources available, before the next PECCOE meeting. At that meeting they would be well prepared to discuss what activities are, and have been, taking place in “new” bottom fishing areas and whether this calls for changes in the monitoring of bottom fisheries.

In the discussions on this issue, it was noted that there was no clear and written conclusion on what should be considered as “significant changes to the conduct and technology of bottom fishing activities within existing bottom fishing areas”. As any fishing that fulfilled the criteria shall be considered in the same way as fishing outside existing bottom fishing areas, some Contracting Parties considered it appropriate to clarify this formally.

It was noted that a straight forward understanding would be to consider this to apply to fisheries that are likely to have more of an impact than previous practices had. For example, crab pots would have less of an impact than bottom trawling, so introducing crab pots to previously trawled areas would not necessarily be considered “significant changes to the conduct and technology”.

4.5. Evaluation of application for CNCP status

The Chair pointed out that the Annual Meeting had not managed to reach a conclusion on the possible new granting of cooperating non-Contracting Party status to the Bahamas and Liberia for 2015, and that PECCOE had been instructed to consider this issue at this meeting.

The Secretariat presented document PE 2015-01-10, which includes the Secretariat’s conclusion that both the Bahamas and Liberia have demonstrated that they have the technical capacity to comply fully with the Scheme requirements on data exchange.

4.5.1 Bahamas

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 2015. **It was further agreed** to submit the proposal to a decision making process through written communication.

4.5.2 Liberia

It was agreed to propose to the NEAFC Commission that Liberia be granted the status of a cooperating non-Contracting Party to NEAFC for the year 2015. **It was further agreed** to submit the proposal to a decision making process through written communication.

In the context of both the applications from the Bahamas and Liberia, there was a discussion on the appropriateness of setting a formal limit on the number of vessels that non-Contracting Parties can notify to operate in the NEAFC Regulatory Area. It was noted that such limits might be useful to ensure that the number of vessels was commensurate with the actual opportunities available.

It was agreed to discuss this further at another PECCOE meeting. In the meantime, the Secretary would include the following text in all letters where he confirms the granting of cooperating non-Contracting Party status: “[insert name of flag State] is reminded of the need to respect the principle of the number of vessels notified being commensurate with the opportunities available.”

4.6. Possible addition of species to Annex I

4.6.1 Shrimp (Northern prawns)

The Chair presented document PE 2015-01-13, which included a proposal that the EU had made at the 2014 Annual Meeting to include two additional species in a new Annex I c) to the Scheme. The Annual Meeting had not adopted the proposal, but rather requested that PECCOE consider this issue.

There was opposition to the inclusion, based on the position of some Contracting Parties that these were sedentary species on the extended continental shelves of coastal States, which NEAFC should not include on a list of regulated resources. Some of the Contracting Parties expressed the position that this applied to crab and some Contracting Parties expressed the position that this applied to both crab and shrimp. There was no consensus on including either species in Annex I of the Scheme.

In the discussions it was also pointed out that the English common names used in the proposal were at variance with the scientific names and FAO codes used. Before such a proposal was adopted it would be necessary to make a revised version with corrected English common names.

4.6.2 Snow crab (Queen crab)

Discussions under this agenda item are reported under agenda item 4.6.1.

4.6.3 Basking shark

The Chair presented document PE 2015-01-11, on ensuring that all regulated species are included in Annex 1 of the Scheme by adding basking shark, porbeagle and spurdog to a new Annex 1 c). He pointed out that the document had been submitted to a previous PECCOE meeting, but that there had been no consensus on the issue then. The document was re-submitted following the request from the 2014 Annual Meeting that PECCOE

consider the issue of adding new species to the list of regulated resources in Annex I of the Scheme.

Several Contracting Parties supported adding the three species to Annex I in the manner proposed. However, it became apparent during the discussion that there was no consensus on this.

It was agreed to come back to this issue at the next PECCOE meeting.

4.6.4 Porbeagle

Discussions under this agenda item are reported under agenda item 4.6.3.

4.6.5 Spurdog

Discussions under this agenda item are reported under agenda item 4.6.3.

5. Data security and confidentiality - Information and data classification

The Secretariat presented document PE 2015-01-17, containing the current data classification of NEAFC's information security management system (ISMS). She pointed out that PECCOE needed to look at the operational risk in this context.

It was agreed to adopt the classifications as they are presented in the document.

It was noted that PECCOE would also need to consider issues such as continuity in case of malfunction or breakdown of any of the relevant systems, such as the VMS and PSC. **It was agreed** to take that up at the next PECCOE meeting. The Chair encouraged the Contracting Parties to make a proposal on this issue in good time before the next PECCOE meeting.

6. Any other business

The Secretariat presented document PE 2015-01-03, a request from the Norwegian Institute of Marine Research for maps outlining where redfish fisheries take place in the Norwegian Sea. He clarified that the maps would not show individual vessels, but only "clouds" over the areas where redfish fisheries take place. He pointed out that the Secretariat was seeking clarification from PECCOE on whether such maps should be considered as being sensitive VMS data or non-sensitive processed data that could be provided without the restrictions associated with VMS data.

Some Contracting Parties considered this to be non-sensitive data that should be provided to the scientific body that was requesting it. However, others considered that this should be treated as VMS data and therefore not provided due to the restrictions in place.

There was no consensus on the issue, and it was therefore noted that the Secretariat would not provide the requested information.

The Russian Federation presented document PE 2015-01-04, regarding PSC implementation. She explained that she would welcome the Secretariat to make review of

all technical changes and improvements which are planned to be implemented starting from 1st of July 2015. Furthermore, she explained that it would be useful to get a conclusion within PECCOE regarding whether products deriving from waste, with a conversion factor of 0, should be reported under the PSC.

It was agreed that all products, including products deriving from waste, with a conversion factor of 0, should be included in the PSC. The Secretariat would ensure that the online application reflected this, building on the option of reporting “other” products.

The EU presented document PE 2015-01-16, on the testing of the transportation layer software developed in the EU, and the participation of the Secretariat in that testing.

The Secretary explained that the Secretariat would take part in developing its communication link with any of the Contracting Parties, and the testing with the EU should be seen in that context.

There was no opposition to the involvement of the Secretariat in this development.

The Russian Federation presented document PE 2015-01-21, on bringing the coordinates of boundaries of the ICES Subarea Ia to the actual state due to updating the NEAFC database of coordinates delimiting the NEAFC Regulatory Area in the Barents Sea. She noted that NEAFC, ICES and FAO now used potentially different coordinates to delimit the high seas area in the Barents Sea and that it might be appropriate for NEAFC to notify these organisations of any new coordinates used in its database to avoid such discrepancies.

It was noted that if any data would be forwarded in this context by NEAFC to ICES or FAO, it would have to be considered as submissions by the relevant coastal States through the Secretariat, rather than a formal submission by NEAFC.

It was further noted that these organisations presumably had procedures of their own to ensure that their information on the limits of areas under national jurisdiction was correct, and that it would in any case be premature for NEAFC to make any decisions on forwarding information on the coordinates of the Regulatory Area before the amendments discussed under agenda item 4.1 were formally in force.

The Secretary was asked about what progress had been made in updating the coordinates delimiting the Regulatory Area, following the Extraordinary Meeting of NEAFC in October 2014.

The Secretary stated that new information had been received from all the Contracting Parties and that the NEAFC database had been updated accordingly. The Secretariat was still working with one Contracting Party to ensure that a part of the coordinates submitted were correct. He stated that the Secretariat had intended to update the maps on the NEAFC website following the current meeting, unless a Contracting Party requested this

to be delayed while some clarifications were made. As no such request had been made at the current meeting the maps would be updated shortly.

It was noted that there will be an Extraordinary Meeting of NEAFC in May 2015, to discuss the report of the NEAFC Performance Review Panel and to discuss the next steps in that regard. It was further noted that several of the issues raised in the panel's report were directly relevant for PECCOE, and that it would therefore be useful if the PECCOE Chair could take part in the Extraordinary Meeting.

6.1 Dates for PECCOE II and III

It was agreed that PECCOE would have two further meetings during 2015, on 14-15 April and 9-10 September. It was noted that these would in both cases be two full working days, and that delegates should make their travel arrangements accordingly.

It was further noted that, in the future, greater care should be taken to avoid PECCOE meetings clashing with meetings of NAFO STACTIC, as some delegates would ideally attend meetings of both committees.

7. Report to the 2015 Annual Meeting

The draft report of the meeting was circulated on 2 February 2015, and the final report was adopted through correspondence on 10 February 2015.

8. Closure of the meeting

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