

COORDINATING WORKING PARTY ON FISHERY STATISTICS

Twenty-third Session

Hobart, Tasmania. 22-26 February 2010

REVIEW DOCUMENT - "IUU vessels scheme"

Author: NEAFC

The NEAFC Scheme of Control and Enforcement the following rules apply:

Article 37 - Sightings and identifications of non-Contracting Party vessels

1. Contracting Parties shall transmit to the Secretary without delay any information regarding non-Contracting Party vessels sighted or by other means identified as engaging in fishing activities in the Convention Area. The Secretary shall transmit this information to all Contracting Parties within one business day of receiving this information according to the same procedure, and to the flag State of the sighted vessel as soon as possible.
2. The Contracting Party which sighted the non-Contracting Party vessel shall attempt to inform such a vessel without delay that it has been sighted or by other means identified as engaging in fishing activities in the Convention Area and unless its flag State has been accorded the status of co-operating non-Contracting Party provided for under Article 34, is consequently **presumed to be undermining the Recommendations established under the Convention.**
1. In the case of a non-Contracting Party vessel sighted or by other means identified as engaging in transshipment activities, the presumption of undermining conservation and enforcement measures applies to any other non-Contracting Party vessel that has been identified as having engaged in such activities with that vessel.

Article 38 - Inspections at sea, Article 39 - Entry into port, Article 40 - Inspections in port, Article 41 - Landings, transshipments and joint fishing operations, Article 42 - Notification of presumed IUU activities and Article 43 - Reports on IUU activities, define activities that undermine NEAFC measures and reporting procedures included approaches to the flag state of the vessel to get explanations reports on its own measures to stop IUU activity.

Article 44 - IUU vessel lists

1. Unless their flag State has been accorded the status of co-operating non-Contracting Party provided for under Article 34, vessels which have been sighted or by other means identified according to information received pursuant to Article s 37, 38 and 40a as engaging in fishing activities in the Convention Area are presumed to be undermining the effectiveness of Recommendations established

under the Convention. The Secretary shall place such vessels on a provisional list of IUU vessels ('A' list).

2. A vessel of a co-operating non-Contracting Party shall immediately be added to the 'A' list by the Secretary if it is revealed that it has failed to establish that the fishing activities took place in compliance with all relevant Recommendations established under the Convention.
3. Each year, on the basis of the reports drawn up pursuant to Article 42(3) and Article 43 as well as any other relevant information the PECCOE shall consider the 'A' list and as appropriate recommend to the Commission that the vessels be removed or transferred to a confirmed IUU list ('B' list).
4. At the same time PECCOE shall undertake a review of the 'B' list and as appropriate recommend to the Commission that vessels are added or removed. PECCOE shall only recommend that the Commission remove a vessel from either the 'A' or 'B' list if the flag State of the vessel concerned satisfies the Commission that:
 - a) it has taken effective action in response to the IUU fishing activities in question, including prosecution and imposition of sanctions of adequate severity, or
 - b) it has taken measures to ensure the granting of the right to the vessel to fly its flag will not result in IUU fishing activities, or
 - c) the vessel has changed ownership and that the new owner can establish the previous owner no longer has any legal, financial, or real interests in the vessel, or exercises control over it and that the new owner has not participated in IUU fishing, or
 - d) the vessel did not take part in IUU fishing activities, or
 - e) the vessel only had on board unregulated resources caught in the Regulatory Area at the time it was engaged in the fishing activities which led to its being placed on the IUU list in accordance with 44(1), or
 - f) the vessel has sunk, been scrapped, or permanently reassigned for purposes other than for fishing activities.

PECCOE may also recommend that the vessel be removed from the "A" or "B" list if a Contracting Party provides satisfactory evidence that the conditions under f) have been met.

5. The Secretariat shall transmit the IUU B-List and any amendments thereto as well as any relevant information regarding the list, to the Secretariats of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Northwest Atlantic Fisheries Organization (NAFO) and the South East Atlantic Fisheries Organisation (SEAFO). The Secretary shall also circulate the IUU B-List to other Regional Fisheries Management Organisations.
6. After having been notified by CCAMLR, NAFO and SEAFO of vessels that have been confirmed as having been engaged in IUU fisheries, the Secretary shall without delay place the NCP vessels on the NEAFC IUU B-List. Vessels placed on the IUU B-List in accordance with this paragraph may only be removed if the RFMO which originally identified the vessels as having engaged in IUU fishing activity has notified the NEAFC Secretary of their removal from the list.
7. The Secretary shall place the 'A' and 'B' lists on the NEAFC website without delay as well as updates.

Article 45 describes the measures NEAFC Contracting Parties have to undertake with respect to vessels appearing on the IUU lists.