

### **Background**

*At the 41<sup>st</sup> Annual Meeting of the North-East Atlantic Commission, it was agreed to give PECMAC the task of carrying out a comprehensive review of NEAFC's regulation of transshipment to ensure consistency with the FAO Voluntary Guidelines on Transshipment, while adapting them to NEAFC's circumstances as appropriate, with the aim of presenting a proposal to the Annual Meeting of NEAFC in 2024. Some Contracting Parties established a task force, led by Norway, to present a proposal on how the FAO Voluntary Guidelines on Transshipment can be implemented in the NEAFC scheme.*

### **About the proposal**

*The proposal focuses on transshipment at sea, and the main changes are made in Article 13. In addition to the proposal on a new Article 13, the proposal includes changes to other parts of the Scheme, such as definitions. These changes are deemed necessary to align the Scheme with the FAO Voluntary Guidelines on Transshipment. In addition, the Transshipment Authorisations Template, which can be found on NEAFC's website, is proposed to be amended, and a new, similar template for the donor vessel is added (see the appendices to this proposal).*

*The Parties emphasise the importance of strengthening the control measures regarding transshipments. Transshipment at sea without appropriate control measures is considered a high-risk activity for compliance and so has been prioritised when aligning the scheme with the FAO guidelines. The task force will continue to consider further provisions on transshipment before the Annual Meeting in 2026.*

### **Implementation Plan**

*In order to ensure sufficient time to implement the changes in the organisation, it is proposed that an entry into force date is set for some provisions where FLUX implementation or changes are required. These dates are indicated in the proposed text, where considered relevant.*

*This will give the Parties and the Secretariat time to make necessary changes to NEAFC's IT systems. The ERS Implementation Group will be tasked with writing the implementation documents to support this proposal, and JAGDM will also be consulted in this work.*

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**Recommendation to amend the NEAFC Scheme of Control and Enforcement to ensure consistency with the FAO Voluntary Guidelines on Transshipment**

The Commission hereby adopts the following recommendation pursuant to Article 8 of the Convention:

**Articles 1, 4, 5, 9, 11, 12, 13, 14 and 29 of the New NEAFC Scheme of Control and Enforcement are amended as follows:**

**Article 1 – Definitions**

[...]

**h. “donor vessel” means any vessel engaged in a transshipment operation, that transfers any quantity of fisheries resources retained onboard to another vessel;**

**i. “receiving vessel” means any vessel engaged in a transshipment operation, that receives any quantity of fisheries resources from another vessel;**

Art. 1 h. is renumbered and becomes j.

**k. “landing (landed)” means all transfers of any quantity of fisheries resources from on board a vessel to land, other than transshipment;**

Art. 1 i. is renumbered and becomes l. and is amended as follows:

“transshipment operation” means the **direct transfer of any quantity of fish onboard**, ~~over the side, of any quantity of fisheries resources or products thereof retained on board,~~ from one fishing vessel to another **vessel that has not previously been landed;**

Art. 1 j.- u. are renumbered and become m.-x.

**Article 4 – Authorisation to Fish**

The title of Article 4 becomes **Authorisation to Fish conduct fishing activities.**

[...]

**3. A master of a fishing vessel shall not engage in transshipment operations as both donor and receiving vessel during the same trip, which is any given period beginning with an exit from a port and ending with the next port entry. A master of a fishing vessel engaged in transshipment operations which on loads quantities on board as a receiving vessel, shall not engage in any other fishing activity, including joint fishing operations, during the same trip.**

**Article 5 - Notification of Fishing Vessels**

1. Each Contracting Party shall notify, in computer readable form, to the Secretary prior to 1 January of each year if possible, or in any case before the vessel's entry into the Regulatory Area, all fishing

vessels authorised to fish and notably whether the vessel is authorised to fish **for** one or more regulated resources. No fishing vessel shall conduct fishing activities in the Regulatory Area unless it is listed as a notified vessel. **No vessel shall conduct transhipment of fisheries resources caught in the Regulatory Area, regardless of the area where the transhipment takes place, unless it is listed as a notified vessel.** The notification shall include for each fishing vessel the information listed in the format of Annex II: Notification of Fishing Vessels. This also applies to any vessel that conducts or plans to conduct refuelling or re-supplying to fishing vessels. Each Contracting Party shall notify any modifications to this information without delay.

[...]

5. The Secretary shall make the lists of all vessels notified and all fishing vessels authorised to fish in the NEAFC Regulatory Area publicly available on the NEAFC website by providing the following information:

- Vessel Name
- Vessel IMO Number (where available)
- Flag State
- External Registration Number (where available)
- IRCS
- Vessel Type (where available)
- Vessel Tonnage
- Vessel Length
- Vessel Power

[...]

#### **Article 9 - Recording of Catch and Fishing Effort**

1. Each Contracting Party shall ensure that all fishing vessels flying its flag and conducting fishing activities under Article 2 keep an electronic fishing logbook and, where appropriate, a production logbook and stowage plan. ~~However, a Contracting Party may be exempt from keeping an electronic fishing logbook for a vessel engaged in transhipment operations which on-loads quantities on board. Such vessels shall report as outlined in Annex VIII: Communication of Reports from Vessels without an Electronic Logbook.~~

[...]

4. Fishing vessels engaged in fishing activities which process and/or freeze their catch **or that receive processed and/or frozen catch from other vessels** shall in addition:

- a. record their cumulative production by species in accordance with Annex IV: Recording of Catch and Fishing Effort B) Production Log Book Recording;

b. stow in the hold all processed catch in accordance with Annex IV: Recording of Catch and Fishing Effort C) Stowage Plan;

[...]

~~6. Vessels exempt from keeping a fishing logbook pursuant to paragraph 1 shall record data in a production logbook and stowage plan in accordance with Annex IV: Recording of Catch and Fishing Effort B) Production Log Book Recording & C) Stowage Plan;~~

Article 9 paragraphs 7-10 are renumbered and become paragraphs 6-9.

#### **Article 11 - Vessel Monitoring System**

[...]

4. Each Contracting Party shall ensure that a fishing vessel with a defective VMS tracking device shall communicate, at least every 4 hours, reports containing the information in paragraph 1(b) to the FMC in accordance with the format set out in Annex VII: VMS and EEZ Delimitation c)

Communication of VMS Reports. **A vessel with a defective VMS which is planning to, or engaging in, transshipment activities shall communicate the reports in this paragraph at least every 1 hour, from the submission of the transshipment notification to the submission of the transshipment declaration.**

[...]

#### **Article 12 - Communication of Fishing Activities**

1. Each Contracting Party shall ensure that its fishing vessels shall communicate by electronic means data set out in Annex IV: Recording of Catch and Fishing Effort; including all catches when engaged in fishing activities for fisheries resources as defined in Article 1(2) **b)** of the Convention by electronic means to the FMC.

The Secretary shall provide the information reported under the first paragraph in respect of any catches in the Regulatory Area by vessels of Contracting Parties of species under the competence of other RFMOs to those RFMOs. The Permanent Committee on Monitoring and Compliance (PECMAC) shall be informed about the transmission of this detailed information and shall report on those transmissions to the Annual Meeting.

[...]

4. The **Prior notification of Exit** (Annex IV: Recording of Catch and Fishing Effort A. Electronic Logbooks 2. Fishing Activity Types e) Prior Notification of Exit) shall be transmitted to the FMC before exiting the Regulatory Area. This notification shall be made no more than 8 hours and at least 2 hours in advance of each exit from the Regulatory Area and shall include the total quantity on-board by species. **For vessels engaged in transshipment activities as receiving vessel this notification shall be made no more than 16 and at least 12 hours in advance of the exit from the Regulatory Area.**

The prior notification of exit report may be cancelled before leaving the Regulatory Area. If the vessel has engaged in fishing activities after sending the prior notification of exit report and before leaving the RA, the catches shall be corrected by transmitting a correction for the prior notification

of exit report prior to leaving the RA. The catch on board figures, date and time and exit position shall be corrected in these cases. In addition these fishing activities shall be recorded and transmitted as set out in point 3 before transmitting the correction to the prior notification of exit.

[...]

The existing Article 13 is deleted and replaced with the following:

#### **Article 13 – Control of Transhipment at sea**

- 1. This article applies to transhipment at sea of fisheries resources that have not been previously landed.**
- 2. Each Contracting Party shall ensure that transhipment operations at sea of fisheries resources caught in the Regulatory Area, regardless of the area where the transhipment takes place, and transhipment operations that take place within the Regulatory Area of fisheries resources caught outside the Regulatory Area, comply with the conditions set out in this Article.**
- 3. A donor or receiving vessel intending to conduct transhipment shall communicate by electronic means to their FMC a Donor Transhipment Notification or by 01 January 2028 Receiving Transhipment Notification containing the data set out in Annex IV at least 24 hours before the estimated transhipment time. The Donor or Receiving Transhipment Notification may not be corrected but may be cancelled before the transhipment commences. If a Donor or Receiving Transhipment Notification is cancelled and a new one is sent, the time limits specified in this paragraph shall still apply.**
- 4. Upon receipt of a Donor Transhipment Notification and before authorising the operation, the flag State of the donor vessel shall verify the vessel's compliance with relevant conservation, management and Monitoring, Control and Surveillance (MCS) measures, including real-time VMS-reporting. The flag State of the donor vessel shall also consider available information about the receiving vessel before authorising the transhipment.**
- 5. From the 01 January 2028 upon receipt of a Receiving Transhipment Notification and before authorising the operation, the flag State of the receiving vessel shall verify the vessel's compliance with relevant conservation, management and MCS measures, including real-time VMS-reporting. The flag State of the receiving vessel shall also consider available information about the donor vessel, including verifying that a transhipment authorisation from the flag state is in place before authorisation is provided.**
- 6. The flag State shall not issue Donor or Receiving transhipment authorisations allowing vessels to act as both donor and receiving vessel during the same trip, which is any given period beginning with an exit from a port and ending with the next port entry.**
- 7. The flag State shall require donor and receiving vessels entitled to fly its flag to obtain authorisation from the relevant coastal State before engaging in transhipment, if transhipment is intended to take place in areas under national jurisdiction of that coastal State.**
- 8. Transhipment operations may only commence after authorisation has been given by the competent authorities of the flag State or the coastal State, as appropriate, for both the donor and**

receiving vessels. The authorisation is only valid if the information transmitted in accordance with this article is made available to the Secretary according to Article 14.

9. No later than one hour after the transshipment has been finalised, both the donor and receiving vessels shall communicate by electronic means to their FMC a [ ] Receiver Transshipment Declaration and From the 01 January 2028 Donor Transshipment Declaration respectively containing the data set out in Annex IV.

10. From the 15 January 2027, the Secretary shall facilitate an electronic system where flag States' transshipments authorisations are handled and stored. The authorisations shall be made available for the Contracting Parties and Cooperating Non-Contracting Parties without delay.

11. Without prejudice to Chapter V, each Contracting Party shall ensure that receiving vessels and From the 01 January 2028 donor vessels flying its flag, after having been involved in transshipment(s) covered by the scope of this article, shall communicate by electronic means to their FMC a Port of Landing Notification containing the data set out in Annex IV: Recording of Catch and Fishing Effort A. Electronic Logbooks 2. Fishing Activity Types f) at least 24 hours in advance of any entry into port, regardless of whether the landing is to take place in a port inside or outside the Convention Area.

12. From the 01 January 2028, Without prejudice to Chapter V, each Contracting Party shall ensure that donor and receiving vessels flying its flag, that have been involved in transshipment(s) covered by the scope of this article, shall communicate by electronic means to their FMC a Port of Landing Declaration containing the data set out in Annex IV: Recording of Catch and Fishing Effort A. Electronic Logbooks 2. Fishing Activity Types g) at the latest 24 hours after having completed the landing operations notified as per paragraph 11.

13. If landing is to take place in a port outside the Convention Area, the fishing vessel shall only use a designated port of States that are acting in accordance with the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (FAO PSMA).

14. The Port of Landing Notification may not be corrected but may be cancelled. If a Port of Landing Notification is cancelled and a new one is sent, the time limits specified in paragraph 11 shall apply. After submission, the Port of Landing Declaration may not be cancelled or corrected by the master of the vessel.

15. In addition to Article 18, The following procedures apply for inspection of receiving vessels before leaving the Regulatory Area:

i. an inspection vessel that intends to inspect the receiving vessel may notify that receiving vessel and the Secretariat of the designated inspection point with coordinates within the Regulatory Area and no more than 40 nautical miles from the position of the receiving vessel at the time of the transmission of the receiving vessel prior notification of exit;

ii. following a notification in accordance with paragraph 15.i), the master of the receiving vessel shall proceed immediately to the designated inspection point and shall not engage in further transshipment operations, unless the inspection vessel cannot undertake

the at-sea inspection at the designated point within 24 hours following the notification of the inspection vessel or the inspection vessel notifies the master of the receiving vessel that it cancels the intended inspection.

**16. The Secretary shall provide the information reported under paragraphs 3. and 9. in respect of any catches in the Regulatory Area by vessels of Contracting Parties of species under the competence of other RFMOs to those RFMOs. PECMAC shall be informed about the transmission of this detailed information and shall report on those transmissions to the Annual Meeting.**

**17. Nothing in these provisions prevents a donor and receiving vessel from transshipping in cases of force majeure or distress. Both the donor and receiving vessel should report the transshipment activities using the notifications set out in Annex IV including circumstances giving rise to the force majeure or distress immediately after the force majeure- or distress situation has ended.**

#### Article 14 - Communication to the Secretary

[...]

9. The Secretary shall make available as soon as possible the information received under this Article to other Contracting Parties. All reports and messages communicated pursuant to Articles 11, 12 and 13 shall be treated ~~in a confidential manner~~ **confidentially**.

**10. From 1 March 2027, the Secretary shall compile for the Annual Compliance Report an analysis of all transshipment and related landings notifications, declarations, and reports under this Chapter.**

[...]

#### Article 29 - Serious Infringements

[...]

f. ~~repeated failure to comply with the provisions of Articles 12, and, as appropriate, 13 relating to regulated resources;~~

**g. failure to comply with the provisions of Article 13 relating to regulated resources;**

Article 29 g.-p. are renumbered and become h.-q.

## Appendix 1 – Authorisation Template for Donor Vessels

Authorisation of transhipment by flag Contracting Party of the donor vessel in accordance with Article 13.8 of the NEAFC Scheme of Control and Enforcement			
<i>Authorisation Details</i>			
<b>Authorisation Issued By</b> <i>(Please include Flag State and Competent Authority)</i>	<b>Purpose</b> <i>(Original or replacement)</i>	<b>Referenced ID</b> <i>(Assigned by the system to original Authorisations, must be added to any replacement versions)</i>	
<i>Identification of Vessels:</i>			
<b>Identifier</b>	<b>Donor Vessel</b>	<b>Receiver Vessel</b>	
IRCS			
IMO			
Name			
Flag State			
<i>Estimated Transhipment details:</i>			
<b>Date</b>	<b>Time (UTC)</b>	<b>Location (LA/LO)</b>	
<i>Estimated Quantity to be transferred by species: Add rows as necessary</i>			
<b>FAO 3 Letter Code</b>	<b>Common Name</b>	<b>Live weight in KG</b>	
<i>Please add any additional catch rows above this row.</i>			
<i>Details of Authorising Party</i>			
<i>Uploading this form to the NEAFC website is confirmation that this transhipment is authorised, and that the above information is complete true, and correct to the best of my knowledge and belief.</i>			
<b>Name</b>	<b>Job Title</b>	<b>Signature: Electronic or handwritten</b>	



## Appendix 2 – Authorisation Template for Receiving Vessels

Authorisation of transhipment by flag Contracting Party of the receiving vessel in accordance with Article 13.8 of the NEAFC Scheme of Control and Enforcement			
<i>Authorisation Details</i>			
<b>Authorisation Issued By</b> <i>(Please include Flag State and Competent Authority)</i>	<b>Purpose</b> <i>(Original or replacement)</i>	<b>Referenced ID</b> <i>(Assigned by the system to original Authorisations, must be added to any replacement versions)</i>	
<i>Identification of Vessels: Note that a separate form must be completed for each Donor Vessel</i>			
<b>Identifier</b>	<b>Receiver Vessel</b>	<b>Donor Vessel</b>	
IRCS			
IMO			
Name			
Flag State			
<i>Estimated Transhipment details:</i>			
<b>Date</b>	<b>Time (UTC)</b>	<b>Location (LA/LO)</b>	
<i>Estimated Quantity to be transferred by species: Add rows as necessary</i>			
<b>FAO 3 Letter Code</b>	<b>Common Name</b>	<b>Live weight in KG</b>	
<i>Please add any additional catch rows above this row.</i>			
<i>Details of Authorising Party</i>			
<i>Uploading this form to the NEAFC website is confirmation that this transhipment is authorised, and that the above information is complete true, and correct to the best of my knowledge and belief.</i>			
<b>Name</b>	<b>Job Title</b>	<b>Signature: Electronic or handwritten</b>	