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NAFO electronic observation program

This paper outlines a possible revision of Articles 1, 30 and 38 of the NAFO CEM in order to incorporate an electronic observation program. The paper is based on the recommendations established in STACTIC Working Paper 22-48 (Rev. 2) and STACTIC WP 23-01 Rev 1.

- In Article 1, the following definition is added:

“Electronic Monitoring System (EMS)” means a system on board a fishing vessel that acquires, stores and, as appropriate, transmits data from sensors and video camera footage that can be reviewed and analysed by a human reviewer, data analysis software, or edge based automation;

- Article 30 is amended as follows:

CHAPTER V OBSERVER SCHEME

Article 30 – Observer Program

General provisions

1. The purpose of this observer program is to collect reliable, independent information and data on activities in the NAFO Regulatory Area. The information and data collected through the observer program shall be made available to any NAFO body requesting it.
2. This program shall apply to all Contracting Parties’ fishing vessels operating in the Regulatory Area.
- 2 **bis. All observers’ data, electronic reports and the data collected under the electronic observation program under this Chapter and supporting documentation shall be treated as confidential.**

Duties of the flag State Contracting Party

3. Each flag State Contracting Party shall:
 - (a) adopt appropriate measures and set up all administrative, legal, and technical structures necessary to:
 - (i) effectively and fully implement the NAFO observer program;
 - (ii) utilize the data originating from the observer program for control, inspection, enforcement, and as appropriate scientific purposes;
 - (iii) take appropriate action with respect to its vessels to ensure safe working conditions, and the protection, security, and welfare of observers in the performance of their duties, consistent with international standards and guidelines; and
 - (iv) establish corrective measures regarding observers, observer providers, vessel masters and owners, where necessary, in order to ensure that the program meets the requirements specified in this Article.
 - (b) take all necessary steps to ensure that an observer is removed from a fishing vessel flying its flag if, during deployment, it is determined that a serious risk to the observer exists, unless and until the risk is addressed;
 - (c) ensure that its observers:
 - (i) have no financial or beneficial interest in, and are paid in a manner that demonstrates financial independence from the fishing vessel being monitored;

- (i) execute their duties and functions in an unbiased manner regardless of nationality and of which flag the vessel is flying;
- (ii) are free from undue influence or benefit linked to the fishing activity of the vessel;
- (iii) are independent and impartial;
- (iv) treat all data and information related to the fishing operations collected during their deployment, including images and videos taken, in a confidential manner;
- (v) have the training, knowledge, skills and abilities to perform all of the duties, functions and requirements as specified in this Article;
- (vi) can always establish direct and confidential communication with the flag State FMC when deployed by:
 - (1) ensuring the observer is provided with an independent satellite two-way communication device at sea, and/or
 - (2) ensuring the observer is provided with a communication device and ensuring that the observer is provided by the vessel master with unhindered independent data and voice internet access on board at all times; and
 - (3) ensuring that protocols are put in place for the observer to safely and directly contact the flag State FMC to report safety concerns.
- (d) establish ongoing list of observers that it intends to deploy to vessels entitled to fly its flag operating in the Regulatory Area;
- (e) require its vessels to carry an observer from the list it submitted to the Executive Secretary;
- (f) to the extent practicable, ensure that individual observers are not deployed on consecutive fishing trips on the same vessel;
- (g) ensure that the masters of its vessel cannot refuse an observer deployment nor be involved in the process to select the observer to be deployed;
- (h) upon receipt of a report from its observers on ***potential non-compliance discrepancies*** with the CEM or an incident, including any instances of obstruction, intimidation, interference with, or otherwise prevention of the observer from performing their duties:
 - (i) treat the report with the utmost sensitivity and discretion, in a confidential manner;
 - (ii) assess the reported ***potential non-compliance discrepancies*** and conduct any follow-up action deemed appropriate;
 - (iii) use the information for risk assessment for inspection, control and surveillance at sea and in port; and
 - (iv) create a report on follow-up actions;
- (i) unless otherwise agreed with another Contracting Party, bear the costs of remunerating every observer it has deployed;

(j) submit to the Executive Secretary:

- (i) the list of observers referred to in paragraph 3(d) and any changes thereof without delay and before the deployment of an observer on its vessels;
- (ii) without delay and in advance of the fishing trip, a notification including the details of the circumstances preventing a 100% observer coverage referred to in paragraph 4(a);
- (iii) without delay, all documents and data relating to its vessels subject to electronic observation program in accordance with paragraph 4(b);
- (iv) without delay, the PSC-3 report referred to in paragraph 5;
- (v) without delay following its receipt, the daily OBR report referred to in paragraph 7(a);
- (vi) without delay following its receipt, the observer trip report information referred to in paragraph 7(b);
- (vii) by 1 March each year for the previous calendar year, a report on its compliance with the obligations outlined in this Article, including:
 - (1) the follow-up actions referred to in paragraph 3(h)(iv); and
 - (2) a report containing a comparison of all relevant catch and fishing activities showing the difference between the fishing trips where the vessel had an observer on board and those where the observer was withdrawn;

(k) subject to the exception in paragraph 4, ensure that every fishing vessel flying its flag:

- (i) carries at all times at least one observer in accordance with the provisions of this program while conducting fishing activities in the Regulatory Area; and
- (ii) does not carry out fishing activities until an observer is deployed on the vessel.

Partial withdrawal of observers

4. By way of derogation from paragraph 3(k), a flag State Contracting Party may allow its vessels to carry an observer for less than 100%, but not less than 25% of the fishing trips conducted by its fleet or of the days the vessels are present in the Regulatory Area calculated for a prior period of one calendar year in the following cases:

- (a) for vessels targeting species in areas where negligible bycatch of other species is expected to occur; or where the flag State Contracting Party has provided information on why a 100% coverage is not applied; or extraordinary and unforeseeable circumstances duly documented and justified by the flag State Contracting Party preventing 100% observer coverage; or
- (b) where a vessel ~~utilizes~~ **deploys** an electronic observation program ***compliant with the requirements established in paragraph 9, approved by the flag State Contracting Party and;***
 - (i) ~~the Contracting Party provides the Executive Secretary with a copy of their electronic observation standards and guidelines; and~~
 - (ii) ~~the Contracting Party submits a completed copy of the Annex II.M Observer Report within 3 months of the electronically observed trip.~~

5. For each fishing trip of its vessels without an observer on board pursuant to paragraph 4, the flag State Contracting Party shall physically inspect the landing of the vessel in its ports or otherwise evaluate as appropriate each landing in its ports, following risk assessment. Inspections shall be documented in the format prescribed in Annex IV.C (PSC 3).
6. Where an inspector issues a notice of an infringement to a fishing vessel that is not carrying an observer, in accordance with the derogation referred to in paragraph 4(a), at the time of the notice, the infringement shall be deemed a serious infringement for the purpose of Article 38.1 and, where the flag State Contracting Party does not require the fishing vessel to proceed immediately to port in accordance with Article 38.3, it shall deploy an observer to the fishing vessel without delay.

Duties of the Observers

7. Each flag State Contracting Party shall ensure that its observers perform, at a minimum, the duties listed below:
 - (a) transmit the OBR report as set out in Annex II.G to the flag State FMC daily before 12:00 UTC for the day preceding the report, by division, whether the vessel was fishing or not;
 - (i) report without delay to the flag State FMC any ***potential non-compliance discrepancies*** with the CEM and any instances of obstruction, intimidation, interference with or otherwise prevention of the observer from performing their duties;
 - (b) complete the observer trip report as set out in Annex II.M, noting that data collection on Greenland sharks shall be carried out minimizing the damage to the sampled individuals;
 - (c) monitor the vessel's product labelling, production logbook, and stowage plan against requirements in Articles 27 and 28, and record in the observer trip report any ***potential non-compliance discrepancies*** identified;
 - (d) record any observed interruption or interference with VMS;
 - (e) submit the information in Annex II.M by electronic means to the flag State FMC and to the port State FMC as soon as possible after leaving the Regulatory Area and at the latest at the arrival of the vessel in port for landing;
 - (f) make themselves available to inspectors at sea, or in port upon arrival of the vessel, for the purposes of providing information related to the fishing activities of the vessel;
 - (g) maintain detailed records, including relevant images and video footage, of any circumstances and information related to any instances of ***potential non-compliance discrepancies*** with the CEM, for transmission to the flag State FMC at the earliest opportunity, and at the latest upon the arrival of the vessel in port for landing.
8. A flag State Contracting Party may make use of the software developed by the Executive Secretary to transmit the information referred to in Annexes II.G and II.M in accordance with paragraphs 7(a) and (e).

Electronic observation program

9. Each Contracting Party making use of the derogation in paragraph 4(b) shall ensure that:

- (a) ***the EMS installation and components of each fishing vessel are approved by the competent authorities and correspond to a EMS Vessel Monitoring Plan (VMP);***

- (b) the VMP includes at a minimum the following information:
- (i) the fishing vessel details and the identification of the owner;
 - (ii) pictures, the technical characteristics and specifications and the location on board of the EMS components, including cameras, sensors, antenna and control box;
 - (iii) pictures and the measurement details of sorting and discard areas;
 - (iv) the obligations of the master of the fishing vessel relating to
 - (1) the use of designated discard areas;
 - (2) the maintenance and cleaning of the EMS and its components;
 - (3) the testing and system diagnosis of the EMS; and
 - (4) the fallback procedures to be followed in case of system or power failures.
- (c) the EMS includes cameras in all designated discard areas placed in such a way as to allow the identification and quantification of discarded catch, the main deck or the area where the catches are hauled on board and the processing area;
- (d) the EMS includes, at a minimum, sensors providing information on the position, speed, winch or power block usage, and hold temperatures;
- (e) the EMS has a minimum data storage capacity sufficient to store the EMS data until all catch onboard from the NAFO Regulatory Area has been landed;
- (f) the footage and sensor data collected by the EMS follows a specified format allowing that all sensors and video footage data can be analysed using an EMS analyser software to identify and quantify the catch and discards from all fishing operations;
- (g) a copy of the VMP and changes thereof are submitted to the NAFO Executive Secretary for any vessels not carrying an observer before the beginning of a fishing trip in which the vessel will be subject to the electronic observation program referred to in paragraph 4(b);
- (h) the NAFO Executive Secretary is notified at least 72 hours in advance of the period during which a vessel will be subject to the electronic observation program referred to in paragraph 4(b);
- (i) the EMS is turned on, recording, and fully operational as soon as the vessel enters the NAFO NRA and until the vessel offloads all of its catch from the NRA, barring use of any system failure contingency plan outlined in the VMP; and
- (j) a fishing trip report based on the template of Annex II.M and fulfilled using the results of the EMS data analysis is sent to the NAFO Executive Secretary within 3 months after the end of the trip without human observer on board for at least 5% of the fishing trips subject to the electronic observation program.

Obligations of the Master

9. 10. Each flag State Contracting Party shall ensure that masters of vessels entitled to fly their flag:

- (a) extend such co-operation and assistance as may be required to enable the observer to carry out his or her duties, including providing the observer with such access as may be required to the catch retained on board and discards and catch registration documents (e.g. fishing logbook, production logbook, stowage plan);
- (b) provide food and accommodations to the observer of a standard no less than that provided to the vessel's officers. If officers' accommodations are not available, the observer shall be provided accommodations of a standard as close to an officer as practicable but no less than that provided to the crew;
- (c) provide access to all operational areas of the vessel and equipment necessary to complete their duties, including the vessel's hold(s), production area(s), bridge, and navigation, communication, and garbage processing equipment;
- (d) do not, personally or through their agents, employees, or crewmembers, obstruct, intimidate, interfere with, influence, bribe or attempt to bribe or compromise the safety of an observer in the performance of his/her duties;
- (e) include the observer in all emergency drills conducted on board;
- (f) notify the observer when an inspection party has signaled their intent to board the vessel; **and**
- (g) provide the observer with unhindered independent internet access on board at all times, unless the observer has available a fully operational two-way satellite communication device; **and**
- (h) **comply with the obligations and conditions established in the VMP of a vessel subject to electronic observation program in accordance with paragraph 4(b).**

Duties of the Executive Secretary

~~10-11.~~ The Executive Secretary:

- (a) posts without delay the information received in accordance with paragraphs 3(j)(i)-(vi) to the NAFO MCS Website and ensures it is made available without delay to all Contracting Parties, solely for control and enforcement purposes;
- (b) makes available upon request the observer data, including the daily OBR report, to other NAFO bodies;
- (c) makes available to flag State Contracting Parties software (NAFO Observer App) enabling the transmission of the information referred to in Annexes II.G and II.M in accordance with paragraphs 7(a) and (e);
- (d) where the information referred to in Annex II.G has not been received for 2 consecutive days, notifies the flag State Contracting Party and any Contracting Party participating in the at-sea Inspection and Surveillance Scheme that an OBR has not been received;
- (e) submits to STACTIC a synthesis of the Contracting Parties reports referred to in paragraph 3(j)(vii); **and**
- (f) where a Contracting Party has not provided the report required in paragraph 3(j)(vii) by the Executive Secretary by close of business on the specified deadline, submits a request for the report to the Contracting Party; **and**

- (g) posts without delay the information received in accordance with paragraph 9(g), (h) and (j) in this Article to the NAFO MCS website.

Implementation

~~11.~~ **12.** STACTIC will review the implementation of this observer program in 2027~~2025~~.

13. STACTIC will review the implementation of the Electronic observation program in 2026.

Article 38 – Additional Procedures for Serious Infringements

List of Serious Infringements

1. Each of the following violations constitutes a serious infringement:

[...]

- (m) committing an infringement where there is no observer on board and the vessel is not subject to electronic observation;

[...]

- (s) failing to carry on board an EMS contrary to Article 30.9, if required, or to tamper with the EMS;

- (t) failing to comply with the obligations of the master established in the VMP in a manner that prevents the EMS on board from being fully operational;