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**PECHE 203**

## **DECLASSIFICATION**

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of document: 9618/97 RESTREINT  
dated: 4 July 1997  
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Subject: NEAFC: Future of NEAFC  
- Control and Enforcement Scheme

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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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RESTREINT

PECHE 203

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## OUTCOME OF PROCEEDINGS

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of: Working Party on External Fisheries Policy

dated: 30 June 1997

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No. previous doc: 8475/97 PECHE 160

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Subject: NEAFC: Future of NEAFC

- Control and Enforcement Scheme

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1. The Working Party examined the issues to be discussed at the forthcoming NEAFC Working Group meetings in Reykjavik from 2-9 July 1997.

### Future of NEAFC

1. The Commission representative explained that a number of views had been expressed by the various Contracting Parties on changes to NEAFC and possible amendments to the NEAFC Convention. The suggestions included:
- i) amendment to the preamble to include reference to the UN Agreement on Straddling Stocks;
  - ii) limitation of the scope of NEAFC activities to the high seas only;
  - iii) establishment of new committees:
    - a committee to provide scientific advice (Russia)

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- a separate committee for each stock (Iceland);
  - iv) relocation of the secretariat to Iceland or the Faroes;
  - v) introduction of dispute settlement procedures, and
  - vi) decision-making through consensus.
1. In the view of the Commission representative the only proposal which would require an amendment to the Convention was the one on dispute settlement and it had been agreed to await the outcome of similar deliberations within NAFO. None of the other suggestions was acceptable to the Commission.
  1. The Russian proposal on a scientific committee should be rejected. The Commission preferred to rely on ICES. Similarly the idea of relocating the secretariat was unacceptable, not only on logistical grounds, but also because Iceland had a strategic interest in transforming NEAFC into a regional organisation dominated by one coastal State. Ideally the secretariat should remain in London.
  1. The Commission had misgivings about a decision-making process through consensus, since this would inevitably lead to vetoes.
  1. The Commission representative announced that a mandate would be available for the annual meeting in November. He indicated that the negotiating directives would seek to ensure that the results of any changes to NEAFC would be consistent with the UN Convention on the Law of the Sea of 1982, the UN Agreement on Straddling Stocks and would take account of the FAO Code of Conduct.
  1. The Commission's reactions to the proposals put forward by the Contracting Parties were endorsed by a majority of delegations.
  1. The United Kingdom delegation added that, although the Ministry of Agriculture, Fisheries and Food would no longer be able to accommodate the NEAFC Secretariat, alternative headquarters were currently being sought in London. This assumed that NEAFC would have an independent, full-time secretariat.
  1. The Commission representative confirmed this assumption, but warned that this would imply an increase in the financial contribution of three to five times the present level.

### **Control and Enforcement Scheme**

1. Following the discussion in the Working Party on 23 May 1997, the Commission

representative introduced a revised version of the Non-Paper containing Draft Recommendations in respect of management and control. The Working Party proceeded to a further Article-by-Article examination of the Commission's revised Non-Paper.

#### Article 2 - Recording of fishing and fish processing vessels and authorisation to fish

1. The Commission representative felt that the Portuguese question relating to its small-scale fleet engaged in deep sea fisheries could be resolved by a better definition in Article 1 - Scope. The problem was related more to the size of the NEAFC area than the size of individual fleets.

#### Article 4 - Marking of gear

1. Indicating the size, number of hooks etc. (Art 4.3) was unnecessary (**P, UK**). The Commission representative agreed that it might not be relevant for Community vessels, but might be for other Contracting Parties.

#### Article 5 - Recording of catch and fishing effort

1. In Article 5.1.b) the terms "either" and "or" should be deleted (**UK**). The same phrase was used in the NAFO scheme (**Cion**).
1. The Commission representative confirmed that where there were no regional rules on the tolerance levels between catches recorded in the logbook and what was landed, Community rules (20%) would apply.

#### Article 7 - Satellite tracking

1. The reference should be to ICES rather than NEAFC divisions (**P**).

#### Article 8 - General principles

1. Article 8.4 should be amended to read "... a Contracting Party shall ensure that its inspectors do not carry arms and refrain from using force. The use of or the threat of arms in relation to the inspections is prohibited." (**F, ESP, I, P**).

#### Article 9 - Means of inspection

1. The Community should have its own inspection vessel and not be obliged to cooperate jointly with other Contracting Parties (**ESP**).

#### Article 11 - Surveillance procedure

1. It was not appropriate to forward originals of surveillance reports to the other Contracting Party, since these would be required for any Court action (UK).

#### Article 15 - Serious infringement procedures

1. There appeared to be some ambiguity in the term "flag Contracting Party", particularly as it applied to the European Community. A waiting reservation was entered by the Spanish delegation.
1. This Article should also cover possible malfunctioning of the satellite monitoring system (UK).

#### Article 19

1. The Commission representative agreed that Article 19 c) could be moved to Article 15.

#### Annexes

1. The Commission representative confirmed that Annex I would be similar to that of the current NEAFC Regulation, with a list of species and geographical divisions.