

Recommendation to amend the NEAFC Scheme of Control and Enforcement on the time for the authorisation to land, tranship and make use of port services

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

- (i) Article 23 of the NEAFC Scheme of Control and Enforcement is amended as follows:

Article 23 - Landing or transhipment and other use of ports

1. *In response to a notification transmitted pursuant to Article 22 (2a and 2b) the flag State of the vessel intending to land, tranship or make other use of port services, or where the vessel has engaged in transhipment operations outside a port, the flag State or States of donor vessels, shall confirm by completing Part B of Annex XV (a) or Annex XV (b), as appropriate, stating that:*
 - a. *the fishing vessels declared to have caught the fish had sufficient quota for the species declared;*
 - b. *the quantities of fish on board have been duly reported and taken into account for the calculation of any catch or effort limitations that may be applicable;*
 - c. *the fishing vessels declared to have caught the fish had authorisation to fish in the areas declared;*
 - d. *the presence of the vessel in the area of catch declared has been verified according to VMS data.*
2. *Landing, transhipment operations or other use of port services, may only commence after authorisation has been given by the competent authorities of the port State, by completing Part C of Annex XV (a) or Annex XV(b), as appropriate. Such authorisation shall only be given if the confirmation from the flag State referred to in paragraph 1 has been received.*
3. **The master of a fishing vessel shall not commence landing, transhipment operations, or make use of other port services, before authorization has been given by the port State and the Estimated Time of Arrival (ETA) as reported in the prior notification (PSC1 or PSC2) has expired. However, landing, transhipment operations and use of other port services may commence prior to ETA with permission from the competent authorities of the port State.**
4. ~~3.~~ *By way of derogation from paragraph 2 the port State may authorise all or part of a landing in the absence of the confirmation but in such cases shall keep the fish concerned in storage under the control of the competent authorities. The fish shall only be released to be sold, taken over or transported once the confirmation referred to in paragraph 1 has*

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been received. If the confirmation has not been received within 14 days of the landing the port State may confiscate and dispose of the fish in accordance with national rules.

5. ~~4.~~ *Landing, transshipment and other use of port services shall not be authorised if the port State receives clear evidence that the catch on board was taken in contravention of applicable requirements of a Contracting Party in respect of areas under its national jurisdiction.*
6. ~~5.~~ *The sender, pursuant to Article 22.1 of the prior notification of landing and the vessel's flag Contracting Party shall be informed of the completion of Part C of Annex XV (a) or Annex XV (b), or any derogation thereof. The port State shall notify without delay its decision whether or not to authorise the landing or transshipment and other use of port services to the master of the vessel or his representative, to the flag Contracting Party and to the Secretary by completing as appropriate Part C of the relevant notification. The Secretary shall put this information on the NEAFC website without delay.*

(ii) Article 29(h) of the NEAFC Scheme of Control and Enforcement is amended as follows:

- h. *landing or transshipment without authorisation of the port State **or before the prenotified estimated time of arrival without permission of the port State** as referred to in Article 23;*