

Recommendation to amend Article 28 of the NEAFC Scheme

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

Article 28 of the NEAFC Scheme of Control and Enforcement should be modified as follows:

Article 28 - Infringement Procedures

1. *If the inspectors find that there are clear grounds for believing that a fishing vessel flying the flag of another Contracting Party has engaged in any activity contrary to this recommendation or other NEAFC recommendations they shall:*
 - a. *note the infringement in the report referred to in Articles 17, 18 or 27;*
 - b. *take all necessary measures to ensure security and continuity of the evidence for subsequent dockside inspection. An identification mark may be affixed securely to any part of the fishing gear which appears to the inspector to have been in contravention of applicable measures;*
 - c. *in order to facilitate Contracting Party action on the infringement, immediately attempt to communicate with an inspector or designated authority of the flag State of the inspected fishing vessel.*
2. *The Contracting Party inspecting a fishing vessel shall communicate in writing the details of an infringement to the designated authorities of the Contracting Party of the inspected vessel within the working day following the inspection whenever possible. Where appropriate, the inspecting Contracting Party shall also communicate the findings of such inspection to the Contracting Party in waters under whose national jurisdiction the infringement took place and the State of which the vessel's master is a national.*
3. **In case of infringement of NEAFC rules noted in the report referred to in Article 27 (PSC 3 inspection report), the inspecting Contracting Party will either take appropriate enforcement measures or notify by e-mail the designated authorities of the Contracting Party of the inspected fishing vessel about the infringement in which case the latter Contracting Party shall take appropriate enforcement measures. This procedure is without prejudice to the jurisdiction of both Contracting Parties to enforce their own legislation and to the jurisdiction of the flag State Contracting Party regarding fishing activities within the NEAFC Regulatory Area.**
4. ~~3.~~ *An original of the inspection report with any supporting documentation, shall be forwarded without delay to the appropriate authorities of the Contracting Party of the inspected fishing vessel as well as a copy to the Secretary.*
5. ~~4.~~ *The appropriate authorities of a Contracting Party notified of an infringement committed by a fishing vessel of that Party shall take prompt action to receive and consider the evidence of the infringement and, conduct any further investigation necessary for the follow up to the infringement and, whenever possible, inspect the fishing vessel concerned. Each Contracting Party shall designate the appropriate authorities mandated for receiving evidence of infringement and shall inform the Secretary of the address of those authorities. The Secretary shall subsequently inform all other Contracting Parties.*

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6. ~~5.~~ *Each Contracting Party shall consider and act on reports from inspectors of other Contracting Parties under the Scheme on the same basis as reports from its own inspectors. Contracting Parties shall co-operate in order to facilitate judicial or other proceedings arising from a report submitted by an inspector under the Scheme.*