COMMISSION REGULATION (EEC) No 712/93

of 26 March 1993

laying down detailed rules for the application of the NAFO pilot observer scheme

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3928/92 of 20 December 1992 establishing a NAFO pilot observer scheme applicable to Community fishing vessels operating in the Regulatory Area of the Northwest Atlantic Fisheries Organization (NAFO) [1], and in particular Article 3 thereof,

Whereas detailed rules should be laid down for implementing the NAFO pilot observer scheme, hereinafter referred to as 'the observer scheme' and, in particular with regard to the participation of Community observers in the observer scheme, and the cooperation of the Member States and the Commission in these matters;

Whereas cases of *force majeure* should be dealt with by the Member States in accordance with the principles laid down in the case law of the Court of Justice;

Whereas the Management Committee for Fishery Resources has not delivered on opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. Member States shall appoint the number of observers to participate in the observer scheme necessary to ensure that the level of observer deployment is equivalent to that laid down in point 1 (i) of the Annex to Regulation (EEC) No 3928/92.

2. Member States shall forward to the Commission by 15 March of each year the number of observers and the number and types of vessel to which observers will be assigned. The names of the vessels and the names of the observers shall be notified to the Commission prior to the embarkation of the observers.

3. On the basis of the information referred to in paragraph 2, the Commission, in cooperation with the Member States, shall draw up a provisional plan for participation in the observer scheme for the calendar year in question and notify the said plan to the Executive Secretary of NAFO.

Article 2

A Member State whose vessels are not expected to exceed 50 days per annum on ground in the NAFO Regulatory Area in the period 1 January 1993 to 30 June 1994 shall be exempt from the requirement to deploy observers under the observer scheme.

Article 3

1. Member States shall specify in the Community observers' contract of employment the precise duties to be carried out by the said observers. These duties shall correspond to those set out in point 2 of the Annex to Regulation (EEC) No 3928/92.

2. The notification referred to in Article 1 (2) shall indicate the qualifications and bank account details of each observer.

Article 4

1. The Commission shall pay the Community observers assigned to the observer scheme by means of a *per diem* allowance. This allowance shall be calculated on the same basis and at the same rate as that employed by the Commission to reimburse national experts attending Commission meetings.

2. On receipt of the information requested in Article 3, the Commission shall advance a maximum of 30 % of the total estimated *per diem* allowance for each Community observer. The remaining portion of the allowance shall be payable within 20 days of receipt of the observation report and all supporting documentation.

3. The *per diem* allowance shall be paid directly to the Community observer.

Article 5

1. The Community observer shall complete observation reports in the format prescribed in Annex I.

2. During the observation period the observers shall keep a log of all fishing activities engaged in by the vessel under observation. Guidelines on the preparation of this log are set out in Annex II.

3. The observation report, a copy of the daily log and any other supporting documents shall be forwarded to the competent authorities of the flag State within 10 days of the termination of the observation period.

Article 6

The observer report and any supporting documentation shall be treated as confidential by the observers. The master of the vessel observed may, on his own request, be provided with a copy.

[1] OJ No L 397, 31. 12. 1992, p. 78.

Article 7

1. On receipt of the observer reports, Member States shall evaluate the said reports and, in the event that the reports indicate that the vessel observed has engaged in fishing practices at variance with conservation measures, the authorities of the said Member States shall take all appropriate action to investigate the matter in order to prevent such practices.

2. Member States shall forward copies of all observation reports and any supporting documentation to the Commission within 10 days of receipt of the said reports.

Article 8

1. Member States shall designate their respective competent authorities to evaluate and decide upon all claims of *force majeure* entailing a decision by the master of the vessel not to accept an observer on board or to limit the observation period as provided for in point 3 (ii) of the Annex to Regulation (EEC) No 3928/92.

2. In the event that the competent authorities accede to claims of *force majeure* as referred to in paragraph 1, all pertinent information pertaining to these decisions shall be forwarded to the Commission, within five days of the date of the decisions.

Article 9

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities.*

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 26 March 1993.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

ANNEX I

TRIP REPORT FROM ..... TO ..... 199 . .

1. Vessel ..... Reg No ..... Nationality ..... Type .....

   Observer's name ..... Reference daily report Nos ..... to .....

   EEC logbook, sheet Nos ..... to .....

   Production logbook sheet Nos ..... to .....

2. No of days in NRA .....

   No of days in subdivision 3 L ..... 3 M ..... 3 N ..... 3 O ....

3. Total catch per area. Quota species in kilograms. Observer's estimate. Live weight (LW); processed weight (PW).

Area	COD		RED		PLA		YEL		WIT				Discards	
	LW	PW	LW	PW	LW	PW	LW	PW	LW	PW	LW	PW	Species	LW
2J3KL														
3M														
3NO														
3LNO														
3LN														

4. Total catch per area. Non-quota species in kilograms. Observer's estimate.

Area													Discards	
	LW	PW	LW	PW	LW	PW	LW	PW	LW	PW	LW	PW	Species	LW

5. Transhipment. Transhipment declaration No .....

Date	Place/position	Species	Observer's estimate Amounts in kg	Receiving vessel/company	Nationality	Transhipment declaration, kg

6. Compliance with the NAFO conservation and enforcement measures ☐ yes ☐ no

If no :

Date	Part/section/paragraph	Nature of non-compliance

7. Date ..... Signature .....

8. Comments with references to serial numbers an points of daily reports

Date ..... Signature .....

ANNEX II

DAILY REPORT 00.00-24.00 LOCAL TIME ZT + ...

1. Serial No ..... Date ..... Observer's name .....

   Vessel ..... Registration No ..... Nationality .....

2. Type of gear ..... No of hauls ..... Mesh size ..... mm

   No of hooks .....

   No of gill nets ..... of ..... m

   Attachments to nets ..... Mesh size of attachments ..... mm

3. Position 12.00 UTC ..... N ..... W Depth ..... M NAFO subdivision .....

   Change of NAFO subdivision ☐ yes ☐ no Position ..... N ..... W Time ..... UTC

   Hail report transmitted ☐ yes ☐ no Code ..... Area .....

   Via ..... Radio DTG ..... UTC

   Does the actual position correspond with the latest transmitted hail report ☐ yes ☐ no

4. Catches kept on board. All species in kilograms.

Species	Observer's estimates in live weight (LW)		EEC logbook LW	Production logbook	How processed	Conversion factors used		Observer's estimates in processed weight	
3 - Alpha codes	Today	Accumulated totals	Sheet No	Sheet No		Obser-ver	Skipper	Today	Accumulated totals

5. Undersized fish observed ☐ yes ☐ no Species

   Amounts in kg

   in %

   Discards ☐ yes ☐ no Amounts in kg

6. Other discards ☐ yes ☐ no Species

Amounts in kg

7. Other observations .....

.....

8. Date ..... Signature .....