

# Northwest Atlantic Fisheries Organization (NAFO)



## Meeting Proceedings of the General Council and Fisheries Commission for 2002/2003

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## **Foreword**

This issue of the Proceedings contains the reports of all meetings of the General Council and Fisheries Commission including their subsidiary bodies held in the twelve months preceding the Annual Meeting in September 2003 (between 1 September 2002 and 31 August 2003). This follows a NAFO cycle of meetings starting with an Annual Meeting rather than the previous issues that compiled reports by calendar year starting in January.

This present 2002/2003 issue is comprised of the following sections:

SECTION I contains the Report of the General Council including subsidiary bodies reports (STACFAD and STACFAC), 24<sup>th</sup> Annual Meeting, 16-20 September 2002, Santiago de Compostela, Spain.

SECTION II contains the Report of the Fisheries Commission including subsidiary body (STACTIC), 24<sup>th</sup> Annual Meeting, 16-20 September 2002, Santiago de Compostela, Spain.

SECTION III contains the Report of the STACTIC Working Group (pilot project) Meeting, 18-20 November 2002, NEAFC Headquarters, London, United Kingdom.

SECTION IV contains the Report of the Working Group on Allocation of Fishing Rights to Contracting Parties of NAFO, 26-27 March 2003, Miami, Florida, USA.

SECTION V contains the Report of the Standing Committee on International Control (STACTIC), 16-19 June 2003, Copenhagen, Denmark.

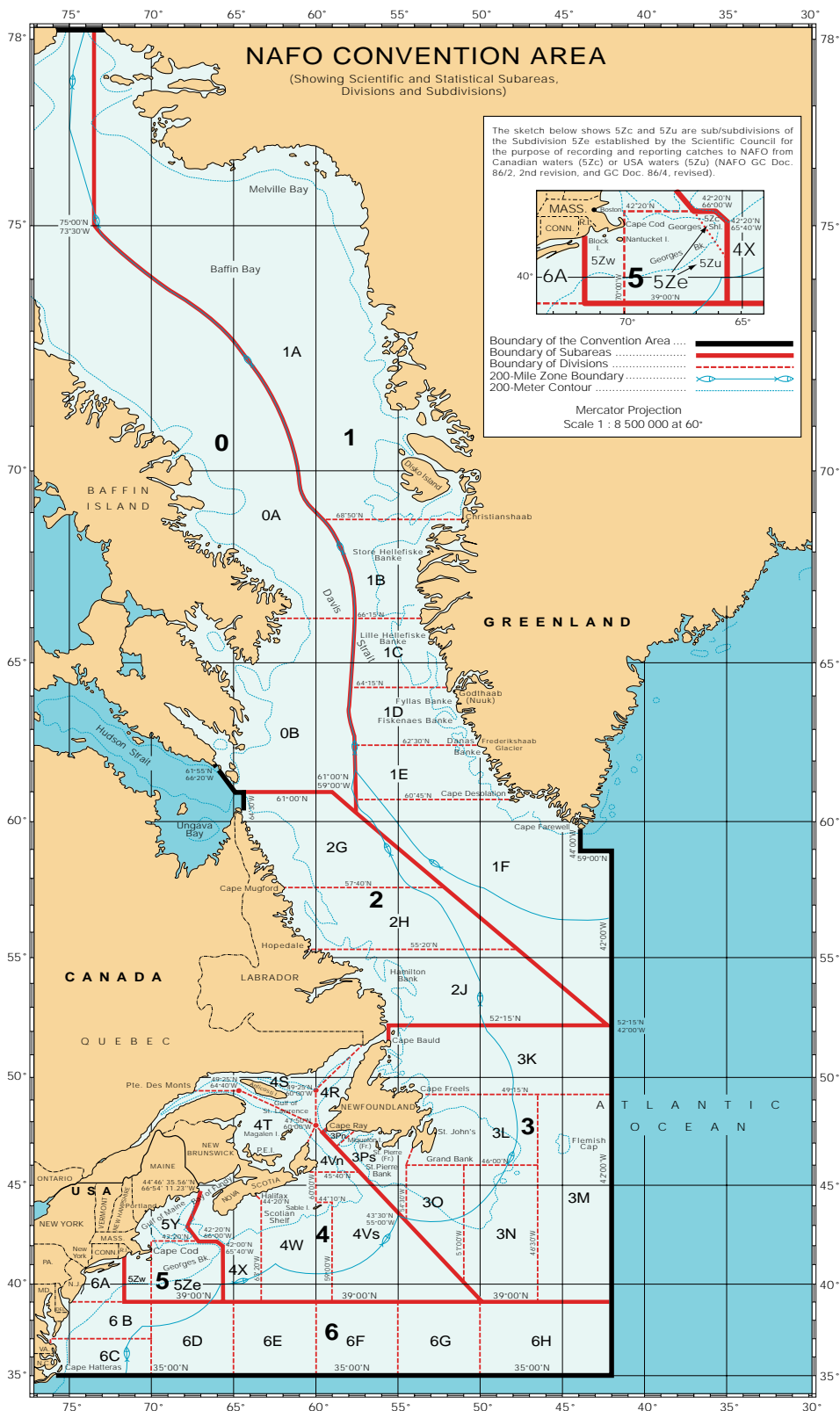


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**Structure of the Northwest Atlantic Fisheries Organization (NAFO)  
(as at 31 August 2003)**

**Contracting Parties**

Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union (EU), France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, Romania, Russia, Ukraine and United States of America (USA).

**President**

E. Oltuski (Cuba)

**Constituent Bodies**

General Council	Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, EU, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Korea, Latvia, Lithuania, Norway, Poland, Romania, Russia, Ukraine and USA.	<i>Chairman</i> – E. Oltuski (Cuba) <i>Vice-Chairman</i> – P. Chamut (Canada)
Scientific Council	Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, EU, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Korea, Latvia, Lithuania, Norway, Poland, Romania, Russia, Ukraine and USA.	<i>Chairman</i> – R. Mayo (USA) <i>Vice-Chairperson</i> – J. Morgan (Canada)
Fisheries Commission	Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, EU, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Korea, Latvia, Lithuania, Norway, Poland, Poland, Russia, Ukraine and USA.	<i>Chairman</i> – D. Swanson (USA) <i>Vice-Chairman</i> – B. Prischepa (Russia)

**Standing Committees**

General Council	Standing Committee on Finance and Administration (STACFAD)	<i>Chairman</i> – G. F. Kingston (EU) <i>Vice-Chairman</i> – D. Kramer-Warner (USA)
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General Council (cont'd)	Standing Committee on Fishing Activity of Non-Contracting Parties in the Regulatory Area (STACFAC)	<i>Chairman</i> – D. Silvestre (France in respect of St. Pierre et Miquelon) <i>Vice-Chairperson</i> – N. Bouffard (Canada)
Scientific Council	Standing Committee on Fishery Science (STACFIS) Standing Committee on Research and Coordination (STACREC) Standing Committee on Publications (STACPUB) Standing Committee on Fisheries Environment (STACFEN)	<i>Chairman</i> – D. Stansbury (Canada) <i>Chairperson</i> – J. Morgan (Canada) <i>Chairman</i> – M. Stein (EU-Germany) <i>Chairman</i> – E. Colbourne (Canada)
Fisheries Commission	Standing Committee on International Control (STACTIC)	<i>Chairman</i> – D. Bevan (Canada)

#### **Secretariat**

Executive Secretary	L. I. Chepel
Assistant Executive Secretary	T. Amaratunga
Administrative Assistant	F. D. Keating
Senior Secretary	B. J. Cruikshank
Accounting Officer	S. M. Goodick
Statistical Officer/Conservation Measures Officer	G. M. Moulton
Desktop Publishing/Documents Clerk	F. E. Perry
Graphic Arts/Printing Technician	R. A. Myers
Graphic Arts/Printing Technician	B. T. Crawford
Word Processing Secretary	D.C.A. Auby
Statistical Clerk	B. L. Marshall
Statistical Clerk	C. L. Kerr

#### **Headquarters Location**

2 Morris Drive, Dartmouth, Nova Scotia, Canada

**SECTION I**  
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(STACFAD and STACFAC), 24<sup>th</sup> Annual Meeting  
16-20 September 2002  
Santiago de Compostela, Galicia, Spain**

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## PART I

### Report of the General Council Meeting

(GC Doc. 02/4)

#### 24<sup>th</sup> Annual Meeting, 16-20 September 2002

#### Santiago de Compostela, Galicia, Spain

##### 1. Opening of the Meeting (items 1-5 of the Agenda)

- 1.1 The Meeting was opened by the Chair of the General Council, E. Oltuski (Cuba).
- 1.2 The Representatives of seventeen (17) Contracting Parties were present: Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland-DFG), Estonia, European Union, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, Russia, Ukraine and the United States of America (Annex 1).
- 1.3 The Chairman welcomed the delegates to the 24<sup>th</sup> Annual Meeting wishing them productive discussions and successful results of the upcoming discussions. He emphasized the NAFO commitments and goals of sustainable management of fish resources in the NAFO Convention Area.
- 1.4 The Honorable Minister of Fisheries of Galicia, Mr. Enrique Cesar Lopez Veiga, on behalf of the host country and Galician fishermen cordially invited the NAFO Meeting delegates to Galicia in the name of the Spanish Government and Galician Government. He said that "Galicia is one of the main fishing regions in Europe. We appreciate the NAFO's choice to convene this meeting in Galicia and we wish you all well and success at this meeting. Galicians believe that the sea helps to bring people together and such cooperation brings the maritime nations together for better understanding and close collaboration. We are friendly people and in this spirit, wishing you full consensus in all your agreements. And when you successfully adjourn your Annual Meeting, we would be glad to show you our friendly land and people so that you would wish sometime to come back to visit us again. Thank you very much! Again, welcome to the Land of Galicia!".
- 1.5 The Heads of Delegations from Canada, European Union, Republic of Korea, Ukraine and the United States forwarded their opening statements to the NAFO Secretariat (Annexes 2-6).
- 1.6 The Executive Secretary of NAFO, L. Chepel, was appointed as Rapporteur.
- 1.7 The adopted Agenda is attached in Annex 7.
- 1.8 Admission of Observers was addressed by the Executive Secretary reporting on his invitations to FAO, ICCAT, ICES, NAMMCO, NASCO, NEAFC and NPAFC in accordance with the Rules of Procedure. These organizations acknowledged NAFO's invitations and all, except FAO, NEAFC, NAMMCO, advised that they would not take part in the NAFO event due to their busy internal schedules.

FAO was represented by Mr. D. Doulman, NAMMCO was represented by the delegate of Iceland and NEAFC was represented by the delegate of Denmark (DFG).

With regards to non-Contracting Parties harvesting fishing resources in the NAFO area, invitations were dispatched to Belize, Honduras, Sao Tome e Principe and Sierra Leone. No responses from those countries have been received.

- 1.9 On the item of "Publicity", the meeting agreed to the existing procedure that no statements should be made to the media until after the conclusion of the meeting, when the NAFO Secretariat would issue a Press Release. The Press Release was finalized and issued at the closing session of the General Council, September 20, 2002 (Annex 8).

## **2. Supervision and Coordination of Organizational, Administrative and Other Internal Affairs (items 6-8)**

- 2.1 The membership of NAFO was 18 Contracting Parties, the members of the General Council and Scientific Council. The membership of the Fisheries Commission (those member participating in fishery in the NAFO Area) was 16 as Bulgaria and Romania did not participate in NAFO fishery.
- 2.2 The Representative of Bulgaria was in attendance (first time since 1993), and he addressed the Meeting noting Bulgaria's intention to fully participate in NAFO activities and settle all required organizational and financial commitments according to the NAFO Convention and Financial Regulations. He further introduced Bulgaria's paper (Annex 9) explaining their schedule of repayment of the contributions "in arrears" to the end of 2004. This matter was referred to STACFAD.

At the closing session of the General Council, September 20, 2002, the Council discussed the presentation by STACFAD, and the Chairman ruled that Bulgaria's voting rights under the provisions and functions of the NAFO Convention shall be in effect from the date of Bulgaria's first instalment-debt repayment for 2001-2002 to the NAFO budget. Then Bulgaria will fulfil its outstanding financial obligations during 2003-2004. There was a consensus on this matter.

- 2.3 With respect to Romania's participation in NAFO affairs, the Meeting noted the Romanian note of withdrawal from the NAFO Convention effective 31 December 2002 (Annex 10).
- 2.4 Item 7 "Administrative Report" was referred to STACFAD. At the closing session, on the advice of the Chair of STACFAD, the Report was adopted by the General Council.
- 2.5 Under Item 8 "Selection of the Executive Secretary", the Heads of Delegations elected (by secret ballot) a new Executive Secretary – Johanne Fischer (European Union), who should take the office from 01 January 2003. She was introduced to the General Council by the Chairman and welcomed by the Delegates with cheerful acclamation and applause.

## **3. Coordination of External Relations (items 9-11)**

- 3.1 Under item 9 "Communication with the United Nations", the Chairman noted the NAFO paper (GF/02-380, June 19, 2002) forwarded to the UN Secretariat regarding "large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments" in the NAFO Convention Area. This paper was finalized from the Executive Secretary's draft through review and approval by Contracting Parties.
- 3.2 Under item 10 "FAO International Plans of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing", the Secretary presented a compilation report including the FAO guidelines and Norwegian paper on this subject. There was no decision for further action by the General Council.

The Representative of Norway noted that the initial reference (by the Executive Secretary) to the management of shark fisheries and incidental catch of seabirds in long line fisheries was not relevant to the main subject of this item.

- 3.3 For the item 11, "NAFO cooperation with ICES", the Executive Secretary explained that the General Secretary of ICES, Dr. David de Griffith, was in favour, through mutual discussions, to develop closer relations between ICES and NAFO, and for this purpose the signing of a Memorandum of Understanding (MoU) between these two organizations would be a useful tool for improvement of such relations. The draft MoU was tabled by the Executive Secretary advising that this draft was reviewed and accepted provisionally in its letter and spirit by the General Secretary of ICES. This matter was referred to the Scientific Council for advice. At the closing session, the Chairman of the Scientific Council, Dr. Ralph Mayo, presented the Scientific Council's consideration along the lines that ICES-NAFO cooperation has at all times been on the scientific frontiers with several projects underway without complication and in a good cooperative spirit. He advised further that no specific MoU would be required to continue such cooperation at the present time.

Several Contracting Parties supported the idea of an MoU, and some Contracting Parties suggested that there was not need to formalize NAFO-ICES relations in such a form. Finally, the Chairman of the General Council concluded that General Council would accept the consideration by the Scientific Council (Annex 11).

- 3.4 Item 11a, "Participation in the Northwest Atlantic Regional Fisheries Organizations Meetings". The Executive Secretary explained this item of cooperation between regional (North Atlantic) fisheries organizations (NARFMO) that was initiated by the NEAFC Secretariat. There has been extensive exchange intersessionally between NAFO Contracting Parties and the Executive Secretary, who explained this idea in detail and asked for permission and mandate to take part in NARFMO meetings. Several Contracting Parties expressed their concern regarding the agenda of such meetings which should not be in the frame of policy/legal issues of NAFO, which have not been finalized or agreed by Contracting Parties, e.g. dispute settlement procedures (DSP) or precautionary approach (PA). The General Council agreed on the following interpretation/position regarding this matter (from GC W.P. 02/5 by Denmark):

"While the Executive Secretaries of the North Atlantic RFMO's obviously have no competence to decide upon the substance of the issues dealt with by the Organizations, it was generally agreed that benefits would be gained by an exchange of experience in the practicalities of running the Organizations. On this basis the General Council encouraged the Secretariat to participate in the next Meeting of North Atlantic RFMO Secretariats."

#### **4. Fishing Activities in the Regulatory Area Adverse to the Objectives of the NAFO Convention (items 12-14)**

- 4.1 Under item 12, the Contracting Parties briefly exchanged their views on the current situation of NCP fishing in the Regulatory Area. The Canadian representative noted the increased activity of NCP presence fishing in Subarea 1, Div. 1F on Redfish fishery and proposed STACFAC to consider this matter in greater detail during its following sessions.
- 4.2 Under item 13, the STACFAC Chairman, Daniel Silvestre (France-SPM), presented his report to the Meeting with the following highlights and recommendations (for complete details, please see Part III of this Report):
- The Executive Secretary send a letter to the Russian Federation seeking information on the registration of the six Belizean flagged fishing vessels and encouraging the Russian Federation to take action vis à vis the transshipment to a Russian flagged cargo vessel by a Non-Contracting Party vessel;
  - the President of NAFO write to Belize and Cyprus seeking more information on the registration of the Belizean fishing vessels and that these letters be delivered by the Governments of France and Canada respectively;
  - The Secretariat be asked to produce annually a table compiling past communications (including responses) with Non-Contracting Parties regarding fishing in the NAFO Regulatory Area;
  - The NAFO Secretariat write to the NEAFC Secretariat suggesting that information on sightings of Non-Contracting Party vessels fishing in their respective regulatory areas always be exchanged without delay;
  - STACFAC be mandated to determine if measures relating to all relevant provisions of the IPOA on IUU have been established in NAFO or whether further action is desirable and report its assessment to General Council. In this respect STACFAC draws to the attention of the General Council that the IPOA on IUU is relevant to both Non-Contracting Parties and Contracting Parties but that STACFAC is limited to assessing the IPOA with regard to Non-Contracting Parties;
  - Contracting Parties submitting information pursuant to paragraph 6 of the Scheme should mark it accordingly for easy identification by the Secretariat, and STACFAC should develop guidance on implementation of paragraph 11 of the Scheme;
  - The specific discrepancies noted between the Scheme and the Conservation and Enforcement Measures per agenda item 10 above be drawn to the attention of the Fisheries Commission for STACTIC's consideration;
  - Contingent upon adoption of relevant proposals by the Fisheries Commission, that oceanic redfish (pelagic *Sebastes mentella*) be added to annex A or B, as appropriate, of the Scheme;
  - It recommend to the Fisheries Commission that the Drafting Group engaged in the overhaul of the Conservation and Enforcement Measures review the possible incorporation of the entirety of the Scheme in the Conservation and Enforcement Measures as part of its work.

The Representatives approved the STACFAC recommendations and expressed their support to STACFAC activity.

The Representative of Canada emphasized that one of the most important topics of NARFMO cooperation (see item 11a) should be the exchange and monitoring of information on NCP fishing activities in the North Atlantic, and this should be a prime task for the NAFO Executive Secretary.

The Representative of the Russian Federation explained that the reference to Russian Federation vessels (Belizean flag..) would not be appropriate as the six noted vessels do not have any Russian Federation registration at present time, do not belong to any Russian Company, and, therefore there is no legal connection to the Russian Federation on this matter. These vessels probably were under Russian jurisdiction at one time but not at the current time. With respect to the transshipment to a Russian flag vessel, this will be thoroughly investigated by Russian authorities who will report the results to the NAFO Secretariat. Russia would not accept the principle of a double standard and continues to maintain stringent control of its vessels.

The Representative of the European Union acknowledged very elaborate work and recommendations by STACFAC. He underlined that NAFO approach in the matters of communication with NCP governments should be both strong administrative and diplomatic actions. It would not be adequate to just politely ask one NCP-Belize about vessel registrations. NAFO needs a comprehensive and effective system to exchange information among Contracting Parties on transshipments and other issues of illegal, unregulated and unreported (IUU) fishing. In this case, the proposed cooperation of NARFMO would be very useful, in particular the experience of the International Commission for the Conservation of Atlantic Tunas (ICCAT) could be helpful. The EU Representative advised that the European Union is currently developing its policy of targeting IUU fishing in the context of its Common Fishery Policy, and this document, when finalized, could be circulated to Contracting Parties.

The Representative of the United States emphasized on the importance of the NCP issue to the USA as well as a number of regional fisheries management organizations, and welcomed the Russian Federation's cooperation on this matter within NAFO. He further supported the idea of close cooperation with other regional organizations on NCP fisheries and to use the experience of organizations such as ICCAT. He further advised that the USA supports the FAO initiatives and action plans on IUU fishing, responsible fisheries, shark, and seabird conservation. He urged all Contracting Parties to cooperate closely on these issues.

The General Council adopted the STACFAC Report as a whole.

- 4.3 Item 14 "Consideration of the status of the Working Group on Dispute Settlement Procedures (DSP)". The DSP Working Group met in 2001 (June 12-14) and its report (GC Doc. 01/4) was presented to the General Council by the Chairman, Mr. F. Wieland, at the Helsingør meeting (Denmark, January 2002). There were different comments on the status of the report, and the final decision was that the report should be noted as received for further consideration by the General Council at the 24<sup>th</sup> Annual Meeting.

The Contracting Parties exchanged opinions on the status of the Working Group and possible continuation of DSP discussions in the framework of a Working Group. The European Union Representative supported the continuation of the DSP Working Group with the aim of developing a NAFO dispute settlement procedure relevant to NAFO and reflecting the Contracting Parties' needs and their experience in the Northwest Atlantic fisheries affairs.

The Representative of Canada stated that Canada would be prepared to work towards finalization of the work of the Working Group on Dispute Settlement Procedures on the understanding that Canada would not agree to its application until other provisions of the 1995 United Nations Agreement on Straddling and Highly Migratory Fish Stocks are implemented in NAFO. In this regard, he stated that Canada would be prepared to re-examine its position on all bracketed language in the Consolidated Text 2001 (DSP WG WP 01/7-Revision 2). However, he noted that Canada would insist on incorporating in the text a clear statement that where the dispute settlement provisions of the UN Fish Stocks Agreement or the United Nations Convention on the Law of the Sea (UNCLOS) apply, nothing in a NAFO dispute settlement provision would be interpreted as depriving a party to the UN Fish Stocks Agreement or UNCLOS of its right to seek resolution of the dispute under those treaties.



The European Union Representative proposed to organize consultations between Canada, the EU and the USA to identify the grounds for discussions and possible avenues to achieve progress on this matter. The outcome of such consultations will be reported to the Chairman of the General Council, and then there should be a decision on whether to proceed with a Working Group meeting. The Representatives of Canada and United States supported the EU suggestion.

The Representative of Latvia emphasized that in this matter, all Contracting Parties should take active participation as DSP procedures would be very important not only for Canada, EU and USA.

The General Council agreed to undertake consultations between interested Contracting Parties, and, if necessary, then to convene the DSP Working Group.

## **5. Finance** (items 15-16)

5.1 Items 15-16 were referred to the Standing Committee on Finance and Administration (STACFAD). The STACFAD proceedings are presented in Part II of this General Council Report.

5.2 The Chairman of STACFAD, G F. Kingston (EU), presented its report to the General Council on 20 September and highlighted the following recommendations:

- a) the 2001 Auditors' Report be adopted.
- b) the Secretariat engage a Human Resources Consultant, at an estimated cost of \$2,400, to prepare job descriptions for 3 other employees that had previously been in the CR category, which would then be forwarded to Canada for its analysis.
- c) the contribution from Romania be deemed uncollectable and that the amount be applied against the Accumulated Surplus Account. The Chairman noted Romania's announcement to withdraw from NAFO as of 31 December 2002.
- d) that contributions, which had been deemed uncollectable in prior years, shall be returned to the Accumulated Surplus Account. The distribution of these recovered contributions shall be returned to Contracting Parties as a reduction of the following year's assessed contributions. The distribution shall be calculated on the same basis as the year of the original billing distribution when the contributions were deemed uncollectable.
- e) that \$75,000 be maintained as a minimum balance in this account in order to fulfill NAFO's financial obligations in early 2003 until contributions are received. The remaining estimated accumulated surplus balance of \$106,286 at the end of 2002 would be used to reduce contributions due from Contracting Parties in 2003.
- f) the starting salary of the incoming Executive Secretary be set at the maximum level in the EX-2 Category of the Canadian system. Under this system there is the eligibility for a performance bonus at the end of her first year in office (as per the previous paragraph). (Appraisal at Annual Meeting, September 2003.)

It was agreed that the establishment of this salary for the incoming Executive Secretary should not presuppose future considerations of job classification and/or salary scale.

STACFAD further agreed that the broad issue of possible changes in the job classification system and salary scale of the Executive Secretary be deferred to the 2003 Annual Meeting, including the possibility of enhanced duties and responsibilities.

- g) the budget of \$1,385,400 for the year 2003 be adopted.
- h) the dates for the 2005 Annual Meeting be as follows, with the location in Halifax, unless an invitation to host is extended by a Contracting Party and accepted by the Organization:

Scientific Council	-	07-16 September
General Council	-	12-16 September
Fisheries Commission	-	12-16 September

The dates of the 2003 and 2004 Annual Meetings, as previously agreed upon, are as follows:

2003	Scientific Council	-	10-19 September
	General Council	-	15-19 September
	Fisheries Commission	-	15-19 September
2004	Scientific Council	-	08-17 September
	General Council	-	13-17 September
	Fisheries Commission	-	13-17 September

5.3 Regarding NAFO Publications and Public Information STACFAD recommended that:

- the Secretariat continue to accelerate the transition from print to electronic (outgoing) communication to both the public and Contracting Parties with a view to dramatically reducing costs and improving efficiency and timeliness of such transmissions;
- in principle, the primary means of disseminating information to Contracting Parties should be via e-mail and website access, utilizing password protected links as necessary;
- a regular review of e-mail addresses be undertaken to ensure that they are valid and up-to-date; and
- the Secretariat continue to vigorously pursue avenues to improve the day-to-day operations of the Organization and to modernize its communication systems and procedures.

In principle, the primary means of providing information to the public be through the NAFO website with the availability of hardcopy material at a nominal fee in order to recover printing and mailing costs.

5.4 The General Council discussed the STACFAD recommendations and adopted the 2003 budget and report as a whole.

## **6. Closing Procedures** (items 17-20)

6.1 Item 17, "Time and Place of Next Annual Meeting" was reported by STACFAD (above).

6.2 Under item 18 "Other Business", the Chairman introduced a "Schedule of NAFO Intersessional Meetings, 2002-2003" which was adopted by the General Council (Annex 12).

6.3 The draft Press Release was circulated to Heads of Delegations on Thursday, September 19, and was finalized by the Secretariat after the Meeting incorporating the relevant comments by Contracting Parties (Annex 8).

6.4 At the conclusion, the Chairman and Heads of Delegations wished all the best to the outgoing Executive Secretary, Leonard Chepel, who in response took the floor and expressed his gratitude to Contracting Parties and his colleagues at the Secretariat for their cooperation during his 12-year assignment with NAFO. Mr. Chepel presented all Contracting Parties' delegations with his memorable token of historical book – "Northwest Atlantic: Fisheries, Science, Regulations, XX Century", which summarizes all major developments and decisions by two international organizations in the Northwest Atlantic – ICNAF and NAFO during XX Century.

6.5 The meeting adjourned at 1300, September 20, 2002.

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**Annex 2. Opening Statement by the Representative of Canada**  
(P. S. Chamut)

- Mr. Chairman, distinguished Representatives, Ladies and Gentlemen;
- It is indeed a pleasure to participate at this twenty-fourth annual meeting of NAFO in the magnificent surroundings of Santiago de Compostela. This is a city that has both a richness of history and hospitality, and on behalf of the entire Canadian delegation, I wish to express how delighted we are to be here.
- I would also thank the Spanish authorities for hosting this meeting, and for their warm and generous hospitality.
- As we begin today, I want to reflect on the importance of this meeting for the Canadian delegation, and for this Organization.
- The past decade has been a difficult one for Canadian fishermen, and fishing communities in Atlantic Canada. So too has it presented very substantial challenges to NAFO.
- Within Canadian fisheries, we have confronted the collapse of groundfish stocks, closures of fisheries and processing plants and the economic devastation of communities sustained by the fishery for hundreds of years.
- We have learned the hard way about the need for conservation and sustainable fishing practices.
- Although it has been difficult and painful, we have transformed our fishing industry.
- At the same time, it has also been difficult times within NAFO. We have had to confront the harsh reality of moratoria, and the effect the closures have had on fishermen from distant communities that had also enjoyed the benefits of the abundant stocks on the Grand Banks.
- We have recognized the need for NAFO to invest in improved conservation, and stock rebuilding. Progress has been made, and as an organization, we can take credit for what has been done.
- Although we have come a long way over the past 15 years, recent information shows that progress is being eroded. We cannot let past progress distract us from tackling the difficult challenges that remain.
- We have a long and difficult road to travel to ensure the rebuilding of once plentiful stocks. Many stocks continue to be at historically low levels, despite the fishing moratoria. Progress to stock recovery is very slow, and fragile. Achieving recovery depends upon the actions taken around this table, to adopt the right conservation measures, and to ensure they are adhered to.
- It is clear to us in Canada that the well-being of groundfish stocks – and the economic future of our fishing communities – depends upon the decisions made here.
- It is for this reason that NAFO is so important to the people who are represented by the Canadian delegation. In the absence of the commitment of all Contracting Parties to stock rebuilding and sustainable fishing practices, the future of our fishing industry is bleak. Our fishermen have nowhere else to go. Their future is directly and uniquely dependent on the success of NAFO in meeting its responsibility.
- It is for this reason that the outcome of this meeting is being watched so closely in Newfoundland, and elsewhere in Canada.
- The level of scrutiny reflects not only the importance of the outcome to domestic interests. It also reflects an increasing skepticism that NAFO can successfully address the challenges it must face.

- This skepticism stems from the increasing trends in non-compliance with NAFO conservation measures. It is also validated by the observations in many Scientific Council reports about bycatch of species under moratoria, and the harvest of juvenile fish.
- This growing dissatisfaction with NAFO's performance is being expressed politically in the form of demands for strong action by government to assert Canadian interests in the protection of groundfish stocks.
- For example, a report to our Parliament by the Standing Committee on Fisheries and Oceans advocates that Canada withdraw from NAFO, and institute custodial management of fish resources.
- At this meeting, this organization will be judged by actions we take to demonstrate that NAFO can protect and rebuild stocks, and manage sustainably.
- With this as backdrop, I want to be clear about the Government of Canada's objective for this session.
- Our intent, and commitment, is to work with all Parties to achieve an objective which I believe is shared – to find ways to make NAFO more effective.
- We believe this objective can be advanced by showing that we are rectifying problems of compliance; that all Contracting Parties are following up to deter non-compliance; that we are adopting more effective conservation measures; and by demonstrating that science is the basis for setting TACs.
- Making NAFO more effective is a collective challenge. We believe that this organization can find the will to continue to strengthen its performance, and to serve as a model for other regional fisheries management organizations to emulate.
- Canada is looking forward to a constructive meeting – one which will advance the interests of this organization and its members, and provide a brighter future for all who depend upon the fishing resources under our stewardship.
- Thank you.



### **Annex 3. Opening Statement by the Representative of the European Union** (Mr. J. Spencer)

Mr. Chairman,  
Distinguished Delegates,

Firstly, as a European-Celtic origin it is for me a particular pleasure to be in this part of Europe, which has historical strong ties with coastal communities in Europe and particular ties between Galicia and other parts of Europe, such as Ireland and Great Britain.

It is a great pleasure for me on a personal basis to find myself in Galicia and also in the part of Europe along with our cousins to the south in Portugal, which were art the very foundation and originators of fishing in the Northwest Atlantic so many centuries ago. And that tradition and that commitment to continue sustainable fishery is a driving force behind our involvement in NAFO. We would like to thank the Spanish Government and regional authorities for the facilities they put at our disposal, which would facilitate our constructive dialogue between all parties around the table.

Mr. Chairman, I shall be rather brief with my presentation. I think it rather hinges around five-six words. Those key words are beginning with the letter "C". First of all, our objective, and I hope this objective is shared around the table that we are seeking to arrive at the *consensus* on the range of issues confronting us at this Annual Meeting. We do not see any distinctions between this meeting and any other previous meetings of NAFO. We are firmly committed to the NAFO process that has been at the beginning and we remain so. We think that this is only the way forward to achieve the sustainability of fisheries that has truly strengthened the international cooperation. So this is the first key word – consensus.

The second key word for the European Community is the word *compliance*. It is essential that we have more involvement of parties around the table in the compliance effort, and, I say that in regard of the current observer scheme, which is under review, but also to inspection presence. In our view, the rights to fish go hand in hand with the responsibility to ensure the ability to control vessels. We have been consistently present in the NAFO Regulatory Area many years now with a permanent control presence, and the investments in terms of manpower, in terms of material and in terms of costs have been considerable. But it is towards the basic obligations we have vis-à-vis of our involvement in the Area. And we would hope that in the course of this week, we would hear echoed from the other parties their willingness not simply looking for quotas and for different technical conditions, but their wish to cooperate in involving themselves in the compliance effort. We will have an opportunity to put on the table of the Fisheries Commission a report that we have drawn-up in very non-technical language on our findings in relation to compliance in the last years. It would give a picture, which results from the inspection on all vessels, and I say that ..."on all vessels"... with very much emphasis since our vessels, without question, are the most inspected and controlled vessels in the NAFO Area and have been for years.

The third "C" is the term *consistency*. We have to be careful that when we approach different agreed measures and management proposals that we have to be consistent in the outlook. There have been several problems in NAFO with the closure of many of the key historical fisheries. And we have the responsibility to ensure that those fisheries recover. We have taken certain measures of technical measure to address issues and have to be extremely vigilant on the by-catch issue. But we equally have to avoid what I would term a unilateral action whereby one NAFO party departs from the NAFO approach in relation to the management of the stocks. And I am talking about 2J3KL cod stock, where it is clear from the international scientific advice available to us that there should be a closure, but, unfortunately, that closure has been ignored on a number of occasions in recent time. And this is an issue that we would come back to in detail at the Fisheries Commission discussions.

*Cooperation*, Mr. Chairman, is the key word. Without the cooperation of the parties around the table, NAFO cannot achieve its objectives. We think that NAFO has made a substantial contribution to promote international cooperation, but we cannot be complacent and we are not complacent. And, therefore, we would trust that different issues that we address this week, be those of a management or technical nature, be addressed in a straight-forward and constructive manner so that we improve what we have already and we build upon it.

And finally, Mr. Chairman, the letter "C" and there I would talk about XXI Century. We have now moved into a new century and we have new responsibility, and I trust we will be wise in the selection of our Executive Secretary so that he or she would be able to bring us forward in a constructive and dynamic way in order to improve what is the very foundation of this organization, the NAFO Secretariat.

Mr. Chairman, I will close my comments. There are many issues that in five "Cs" I have mentioned that will underpin our involvement in this NAFO Annual Meeting.

Thank-you Mr. Chairman.

**Annex 4. Opening Statement by the Representative of the Republic of Korea**  
(Mr. Oh Choong-Shin)

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen.

It is a great honor for me to take part in the 24<sup>th</sup> Annual Meeting of NAFO as the representative of the Republic of Korea in the historic city, Santiago de Compostela.

I would like to give my thanks to the Secretariat of NAFO for the preparation of the Meeting. And my thanks also go to the Spanish Government for hosting this Conference.

The Republic of Korea, as a responsible fishing Country, has been actively making all efforts in establishing international fishery regimes.

In this connection, my country will also continue to cooperate with the member countries of NAFO for the conservation and management of fishery resources. Even though the Republic of Korea became a member country of NAFO in December, 1993 in order to join the activities to conserve and manage fishery resources, the fishing allocated to Korea has not reached the level which even one vessel can harvest since Korea's entrance to NAFO and moreover, the allocated quota has been on the decrease.

Korea has contributed to the development of NAFO by sharing its contribution with sincerity. All member countries of NAFO should keep in mind that according to Article 11 of the UN Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the fishing quota must be allocated properly to the member country which has cooperated in conserving and managing fishery resources.

Korea has suspended catching in the NAFO Regulatory Area at the same time with its entrance to the Organization, because the profitable fishing quota was not secured.

If the above situation continues to Korea, the Korean government will lose the justifiable reason for the continuous participation to NAFO.

Therefore, the Korean government is making a demand for the favorable allotment of the fishing quota. Korea has also continued to improve the present quota system of NAFO, because the current quota allocation devised by NAFO is somewhat outdated and it is no longer applicable to the present reality.

And the fishing quota should be allocated fairly on the basis of historical fishing activities and efforts for the conservation and management among member countries.

The member countries which have operated in the NAFO Regulatory Area should put themselves in other's place.

I would like to touch roughly the observer program. The observer program is necessary and helpful to conserve and manage fishery resources. However, because the main role of observers is to collect scientific data about fisheries, the number of observers should be at a minimum to achieve their purpose without disturbing the fishing activities.

Even though a little amount of the fishing quota is given to Korea, Korean vessels cannot operate fishing activities owing to lack of the profitable quota.

Therefore, in order to utilize effectively the allocated quota the transfer of the fishing quota should be permitted between the member countries of NAFO.

I think this Organization has met two big problems. One is the recovery of fishery resources in the NAFO Convention Area, and the other is the proper allocation of the fishing quota among the Contracting Parties. I hope these two subjects will be discussed fully and this Meeting will get a successful result.

Thank-you!

**Annex 5. Opening Statement by the Representative of Ukraine**  
(Mr. V. Chernik)

Dear Mr. President,

Dear Colleagues,

We all come to this meeting on the sacred Land of Galicia with our best hopes to discuss and successfully resolve the issues of the Agenda of the 24<sup>th</sup> Annual Meeting. And even if we could not resolve all of them, we would be able to develop and agree on the follow-up and new measures of the conservation and utilization of fish resources of the NAFO area in most effective way. We have to find such methods of resources allocation that those should be fair, transparent and understandable. Today, we would recognize the insufficiency of the approach of the resources distribution, which would be based only on the achieved basis.

Such an approach would allow sometimes to artificially expedite fishery and catches even exaggerate the results for the sake of obtaining a larger quota(s). In such situations, there would be an undesirable intent to "swap/trade" quotas not only for necessity, but as a commercial trade.

The Ukrainian Delegation is thankful to the host Contracting Party and the Galician Government for the excellent organization of this Annual Meeting in Santiago de Compostela. We hope that the selection of a new Executive Secretary of NAFO and other decisions of this meeting would reflect in our memories with satisfaction for those achievements.

The Ukrainian Delegation wishes to all participants of this meeting very fruitful and productive work!

Thank-you!

**Annex 6. Opening Statement by the Representative of the  
United States of America (Mr. J. H. Dunnigan)**

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen:

It is a great pleasure for the United States to participate in the 24<sup>th</sup> annual meeting of this fine organization. It is a personal honor for me to be here for the first time as the head of my country's delegation. We very much look forward to this week as an opportunity to strengthen an international organization that is already recognized as a leader in the conservation and management of ocean fisheries.

In the United States we are committed to an aggressive program of conservation and management of our fisheries, one that focuses on securing the benefits of these resources over the long term to our fishermen, their families, and all who depend on our fisheries. We all know how difficult this can be. We all recognize the hardships that are being faced by our coastal communities. Our New England and Mid-Atlantic fishermen, for example, are facing increasingly difficult limitations as we seek to rebuild groundfish stocks to a point where they can produce the maximum sustainable yield. Many of these fishermen had fathers and grandfathers who relied on fisheries that are now regulated by NAFO. Our government, in collaboration with our industry, struggles to find the best solution to the challenges of conservation. And yet we do it because we have proven to ourselves that conservation works. We have seen it happen in our fisheries. The great lesson of our experience over the past decade has been that fishery resources can recover if government and industry and other organizations with an interest in our fisheries work together in a program of prudent and precautionary management. And we are convinced that along with our colleagues in NAFO, we can all find the same, common success in the fisheries managed under the NAFO umbrella.

All of this begins with sound science, and a commitment to applying it wisely. The NAFO Scientific Council has an outstanding record of providing the advice to the fishery managers in NAFO. They have been creative and supportive of our needs as managers, understanding the difficulties that we all face. The United States is proud to be a strong contributor and supporter of NAFO science, and are committed to its application to our common management problems.

Sound conservation and management continues with the development and application of an effective system of governance. In this area we look forward to working with our colleagues in NAFO to continue to strengthen the conservation and management program to which we are all committed. We believe that NAFO has the opportunity to strengthen its approach toward monitoring and control in a manner that ensures compliance with its allowable catch and control measures. And we believe that NAFO has the opportunity to continue to make progress in the development of an approach that will ensure in the future that the conservation and management measures that we apply are wise, cautionary, and aim to secure the greatest long-term benefits from our resources.

We must also continue to strive for a management program that is fair and equitable to all. The United States remains committed to developing an approach to allocations that will allow all members to share in the benefits of conservation as our NAFO stocks recover. We continue to believe that the NAFO conservation program will result in greater opportunities over the long term for all fishermen, including our own. We very much look forward this week to working with our colleagues to reinvigorate our efforts to develop an long-term approach to making allocations decisions.

Mr. Chairman, NAFO also has the opportunity this week to commit itself to effective and vigorous staff leadership. The United States takes note of the excellent efforts of the NAFO Executive Secretary over the past ten years, and we wish graciously to acknowledge and thank Dr. Chepel for his outstanding service. Our belief that this fine organization continues to deserve strong staff leadership is a symbol of our commitment to NAFO. We face exciting times ahead. We face difficult times ahead. It will be essential that we be guided by a staff and an Executive Secretary who are experienced, who understand the ways in which countries work together toward common purpose, and who are committed to the mutual success of all. Given our recognition of the long-term nature of the commitments we make and the benefits that we expect to receive, we believe that this is one of the most significant decisions we have to make this week. And we look forward to working with our colleagues around this table to ensure the ongoing success of NAFO.

And finally, Mr. Chairman, let us take note of the historic and cultural significance of the location of this meeting. One cannot help but be impressed by the beauty of our surroundings and by the warmth of friendship of the people of this region. Coming from a country and a culture that is only a few hundred years old, I am reminded of how much we have to learn. In our country we were struck by horrible tragedy only a year ago last week. The pain of that time is still fresh in our minds, and we are grateful for the expressions of concern and support provided by our colleagues at NAFO. The resiliency and the dedication of a people over many millennia, as we witness in Spain and in Galicia, are a witness from which we can learn much. We thank the government of Spain and of Galicia for graciously hosting this most important meeting.

Thank you Mr. Chairman.

## **Annex 7. Agenda**

### **I. Opening Procedure**

1. Opening by Chairman, E. Oltuski (Cuba)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity

### **II. Supervision and Coordination of the Organizational, Administrative and Other Internal Affairs**

6. Review of Membership
  - a) General Council
  - b) Fisheries Commission
  - c) Reports from Contracting Parties on their communication with Bulgaria
7. Administrative Report
8. Selection of the Executive Secretary

### **III. Coordination of External Relations**

9. Communication with the United Nations General Assembly (Resolution 55/8, October 30, 2000)
10. FAO International Plans of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing
11. NAFO cooperation with ICES
  - a) Participation in North Atlantic Regional Fisheries Management Organizations (NARFMO) Meetings

### **IV. Fishing Activities in the Regulatory Area Adverse to the Objectives of the NAFO Convention**

12. Consideration of non-Contracting Party activity in the NAFO Regulatory Area and agreement on the task of STACFAC at the current meeting
13. Report of STACFAC at the Annual Meeting and decisions on actions
14. Consideration of the status of the Working Group on Dispute Settlement Procedures (DSP)

### **V. Finance**

15. Report of STACFAD at the Annual Meeting
16. Adoption of the Budget and STACFAD recommendations for 2003

### **VI. Closing Procedure**

17. Time and Place of Next Annual Meeting
18. Other Business
19. Press Release
20. Adjournment

### **Annex 8. Press Release**

1. The 24th Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) was held in Santiago de Compostela, Galicia, Spain, during 16-20 September 2002, under the chairmanship of Enrique Oltuski (Cuba), President of NAFO. The NAFO constituent bodies - General Council, Fisheries Commission and Scientific Council convened their sessions at the Galicia Congress and Exhibition Centre.
2. The meeting was attended by 200 delegates from seventeen Contracting Parties - Canada, Bulgaria, Cuba, Denmark (in respect of Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, Russia, Ukraine and United States of America.
3. Prior to the Annual Meeting, the following NAFO meetings occurred during 2001: (1) Special Meetings (General Council and Fisheries Commission) in a framework of the 23<sup>rd</sup> Annual Meeting (Helsingør, Denmark, Jan. 29 – Feb. 01); (2) Standing Committee on International Control (Copenhagen, Denmark, May 6-9); (3) Working Group of Technical Experts on Precautionary Approach (Dartmouth, N.S., Canada, June 20-21); (4) Working Group on Management of Oceanic Redfish (Dartmouth, N.S., Canada, June 24-25); (5) Scientific Council Regular Meeting (Dartmouth, N.S., Canada, June 6-20); (6) STACTIC Drafting Group to Overhaul Conservation and Enforcement Measures (Ottawa, Canada, July 9-11).
4. The Scientific Council, under the chairmanship of Ralph Mayo (USA), reviewed and assessed the status of fish stocks in the NAFO Area. The scientific advice and recommendations from the Scientific Council were presented to the Fisheries Commission. The Scientific Council agreed that major groundfish stocks still remain at low abundance and, therefore, should not be recommended for directed fisheries during 2003. The biomass and fishery potentials of Yellowtail flounder in Div. 3LNO were assessed as stable with the possibility of a sustainable fishery. The Scientific Council Symposium on Elasmobranch Fisheries (held in advance of Annual Meeting) brought new ideas on shark management, harvest strategies and stock assessment.
5. The Fisheries Commission, under the chairmanship of Dean Swanson (USA), considered the advice of the Scientific Council in relation to the conservation of fish stocks in the Regulatory Area and agreed to conservation and enforcement measures.

The Fisheries Commission agreed to continue moratoria ("no directed fishery") in 2003 on the following stocks: Cod in Divisions 3M, 3L (that portion within the Regulatory Area) and 3NO, Redfish in Div. 3LN, American plaice in Divisions 3M and 3LNO, Witch flounder in Div. 3NO and 3L (that portion within the Regulatory Area); and Capelin in Div. 3NO. The Quota Table for 2003 was adopted (Attachment 1).

With respect to management measures for cod in Div. 2J3KL, Contracting Parties other than Canada expressed their serious concern that management measures for this stock may not be consistent throughout its range in the Convention Area in the year 2002.

The Fisheries Commission adopted new rules for assessing the compliance of the NAFO Contracting Parties with the Conservation and Enforcement Measures in the NAFO Area.

The Fisheries Commission agreed on continuing restrictive conservation measures in shrimp fishery on Flemish Cap and Division 3L by employing selective sorting grates for by-catch avoidance and 40mm mesh size. The fishing days in Div. 3M should be 90% of an earlier benchmark historical record. The Fisheries Commission also agreed on specific rules for controlling and monitoring by-catches and minimizing incidental catches in directed fisheries and modifications to the Automated Hail/Vessel Monitoring System for continuous effective monitoring of fishing activities in the Regulatory Area.

6. The General Council, under the chairmanship of Enrique Oltuski (Cuba), deliberated several substantive issues regarding internal and external NAFO policy and finance on the following terms:
  - Standing Committee on non-Contracting Party Fishing Activity in the Regulatory Area (STACFAC) shall continue the study for application of the FAO International Plans of Action on Illegal, Unregulated and



Unreported Fishing (IUU) to NAFO needs;

- Concern was expressed with regards to non-Contracting Party fishing activity in the NAFO Regulatory Area in the second half of 2002, and STACFAC was instructed to review and monitor this situation.
  - The President of NAFO will contact the non-Contracting Parties (Belize and Cyprus) whose flag vessels were involved.
  - The General Council considered the re-establishment of the voting rights of Bulgaria based on Bulgaria's commitment to re-pay its outstanding contributions.
7. The General Council of NAFO elected a new Executive Secretary – Johanne Fischer (European Union), who will replace the outgoing Executive Secretary – Leonard Chepel effective January 01, 2003.
8. The following elections of NAFO officers took place:
- |   |   |
|---|---|
| Chairman of Standing Committee on Fishing Activities of non-Contracting Parties in the Regulatory Area (STACFAC)      | - D. Silvestre (France in respect of St. Pierre et Miquelon) (re-elected) |
| Vice-Chairman of Standing Committee on Fishing Activities of non-Contracting Parties in the Regulatory Area (STACFAC) | - N. Bouffard (Canada) (re-elected)                                       |

NAFO General Council  
20 September 2002

NAFO Secretariat  
Dartmouth, N.S.  
Canada

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 2003 of particular stocks in Subareas 1-4 of the NAFO Convention Area. The values listed include quantities to be taken both inside and outside the 200-mile fishing zone, where applicable.

Contracting Party	Cod		Redfish		American plaice		Yellowtail	Witch	Capelin	G. halibut	Squid ( <i>Illex</i> ) <sup>3,3</sup>	Shrimp
	Div. 3M	Div. 3NO	Div. 3M	Div. 3LN	Div. 3M	Div. 3LNO						
1. Canada	0	0	500	0	0	0	14137 <sup>7</sup>	0	0	4 668	N.S. <sup>4</sup>	5 000
2. Cuba	0	-	1750	0	-	-	-	-	0	-	510	67
3. Denmark (Faroe Islands and Greenland)	0	-	69	-	-	-	-	-	-	-	-	67
4. European Union	0	0	3100	0	0	0	290 <sup>7</sup>	-	0	17 226	N.S. <sup>4</sup>	67
5. France (St. Pierre et Miquelon)	-	-	69	-	-	-	-	-	-	-	453	67
6. Iceland	-	-	-	-	-	-	-	-	-	-	-	67
7. Japan	-	-	400	-	-	-	-	-	0	3 189	510	67
8. Korea	-	-	69	-	-	-	-	-	-	-	453	67
9. Norway	0	-	-	-	-	-	-	-	0	-	-	67
10. Poland	0	-	-	-	-	-	-	-	0	-	227	67
11. Estonia	-	-	-	-	-	-	-	-	-	-	-	67
12. Latvia	-	-	-	-	-	-	-	-	-	-	-	67
13. Lithuania	0	0	13 850 <sup>1</sup>	0	0	-	-	0	0	-	1 133 <sup>1</sup>	67
14. Russia	-	-	-	-	-	-	-	-	-	3 969	-	67
15. Ukraine	-	-	-	-	-	-	-	-	-	-	-	67
16. United States of America	-	-	69	-	-	-	-	-	-	-	453	67
17. Others	0	0	124	0	0	0	73 <sup>7</sup>	0	-	2 070 <sup>5</sup>	794	0
Total Allowable Catch	* <sup>9</sup>	*	5 000 <sup>6</sup>	*	* <sup>9</sup>	*	14 500 <sup>8</sup>	*	*	31 122	34 000	6 000

<sup>1</sup> Quotas to be fished by vessels from Estonia, Latvia, Lithuania and the Russian Federation. The provisions of Part I, Section A.3 of the NAFO Conservation and Enforcement Measures shall apply.

<sup>2</sup> The opening date for the Squid (*Illex*) fishery is 1 July.

<sup>3</sup> Any quota listed for squid may be increased by a transfer from any "coastal state" as defined in Article 1, paragraph 3 of the NAFO Convention, provided that the TAC for squid is not exceeded. Transfers made to Contracting Parties conducting fisheries for squid in the Regulatory Area shall be reported to the Executive Secretary, and the report shall be made as promptly as possible.

<sup>4</sup> Not specified because the allocation to these Contracting Parties are as yet undetermined, although their sum shall not exceed the difference between the total of allocations to other Contracting Parties and the TAC.

<sup>5</sup> Of which no more than 60% (1242 t) may be fished before 1 May 2003.

<sup>6</sup> Each Contracting Party shall notify the Executive Secretary bi-weekly of catches taken by its vessels from this stock. Not more than 2500 tons may be fished before July 1, 2003. The Executive Secretary shall notify without delay all Contracting Parties of the date on which, for this stock, accumulated reported catch taken by vessels of the Contracting Parties is estimated to equal 50 and then 100 percent of the TAC for that stock.

<sup>7</sup> Contracting Parties shall inform the NAFO Executive Secretary before (1 December 2002) of the measures to be taken to meet the advice of the NAFO Scientific Council, i.e. to ensure that total catches do not exceed the levels indicated.

<sup>8</sup> The provisions of Part I, Section A.5c) of NAFO Conservation and Enforcement Measures shall apply.

<sup>9</sup> Applicable to 2003 and 2004.

\*No directed fishing – The provisions of Part I, Section A.5a and c of NAFO Conservation and Enforcement Measures shall apply.

		Oceanic Redfish (pelagic <i>Sebastes mentella</i> )
		<u>NAFO SA 2 and Divisions 1F and 3K</u>
Denmark (Faroe Islands and Greenland)	}	25,000 <sup>1);2);3)</sup>
European Union		
Iceland		
Norway		
Poland		
Russia		
Canada	}	7,500 <sup>1);3)</sup>
Cuba		
Estonia		
France (St. Pierre et Miquelon)		
Japan		
Korea		
Latvia		
Lithuania		
Ukraine		
USA		

- <sup>1)</sup> The Contracting Parties shall notify the Executive Secretary bi-weekly of catches taken by its vessels from this allocation. The Executive Secretary shall notify without delay all Contracting Parties the dates on which accumulated reported catch taken by vessels of Contracting Parties estimated equal to 50% and then 100% of that allocation.
- <sup>2)</sup> As acceptance of this decision the quantities taken from that allocation in the NAFO Convention Area by respective Contracting Parties shall be deducted from the quotas allocated to these Contracting Parties in the NEAFC Convention Area.
- <sup>3)</sup> This arrangement applies to 2003 and is without prejudice to sharing arrangements for this stock in future years.

**Annex 9. Bulgarian Declaration on Repayment of the Bulgarian  
outstanding contributions (for the years 1993-2002)**

(GC Working Paper 02/6)

The Bulgarian Delegation at the 24<sup>th</sup> Annual Meeting of NAFO states the following:

- a) Bulgaria acknowledges its outstanding contributions to NAFO Budget for the years 1993-2002 in the amount of \$171,061.42 Cdn
- b) Bulgaria declares the following schedule of the noted outstanding contribution repayment:
  - For the years 2001-2002 in the amount of \$41,264.67 to the end of 2002.
  - For the years 1993-2000 in the amount of \$129,796.75 during 2003-2004.

Pursuant to the above-noted commitment, the Bulgarian Government requests the General Council of NAFO to restore Bulgaria's voting rights under the provisions of Article XVI.9 of the NAFO Convention.

**Annex 10. Letter regarding Romania's withdrawal from NAFO**

**EMBASSY OF ROMANIA  
OTTAWA  
AMBASSADE DE ROUMANIE**



**655 RIDEAU STREET, OTTAWA, ON  
CANADA, K1N 6A3  
TEL. : (613) 789-3709, 789-5345  
789-4037, 789-4038  
FAX : (613) 789-4365**

**No. 380**

The Embassy of Romania presents its compliments to the Department of Foreign Affairs and International Trade - the Legal Affairs Bureau - and has the honour to notify hereby that through Law no.793 of December 29, 2001, the Parliament of Romania has adopted the decision that Romania renounces its membership in the Convention on Future Multilateral Co-operation in the Northwest Atlantic Fisheries - NAFO, signed in Ottawa on October 21, 1978.

This notification is made in conformity with the provisions of Article XXIV of the said Convention. The Embassy of Romania is kindly requesting the Legal Affairs Bureau to acknowledge receipt of the present Note and confirm the annulment of Romania's membership in NAFO.

The Embassy of Romania avails itself of this opportunity to renew to the Department of Foreign Affairs and International Trade - the Legal Affairs Bureau - the assurance of its highest consideration. *gg*

Ottawa, February 15, 2002



**DEPARTMENT OF FOREIGN AFFAIRS  
AND INTERNATIONAL TRADE**

**The Legal Affairs Bureau**

**Annex 11. Scientific Council Consideration of Memorandum of  
Understanding with ICES**  
(GC Working Paper 02/7)

The Scientific Council considered a proposal presented by the Executive Secretary to develop a Memorandum of Understanding (MoU) with ICES and referred to it by General Council.

Scientific Council noted that it has had a long-standing working relationship with ICES in many scientific activities of mutual interest. The Council at present continues to work effectively with ICES, e.g. Scientific Council nominees attending ACFM Meetings of ICES, a Joint NAFO/ICES Working Group on Harp and Hooded Seals, conducting co-sponsored Symposia, etc. Under the circumstances Scientific Council is unclear as to the incremental benefits that would accrue through a formal document such as a MoU. It was accordingly decided there is not any need for a formal MoU at this stage. Scientific Council, however, agreed this matter could be considered at a later date based on any additional documentation that may be prepared outlining, in more detail, the benefits and advantages of any MoU.

**Annex 12. Schedule of NAFO Intersessional Meetings, 2002-2003**  
(GC Working Paper 02/8)

## Meetings

STACTIC W.G. on Pilot Project	D. Bevan (Canada)	18-20 Nov 2002 (after NEAFC AM)	London (NEAFC)
W.G. of Fisheries Commission on Allocation (FC WP 02/30 Rev.)	.... (EU)	26-28 March <sup>1)</sup> or 18-20 February	Florida, USA
W.G. of the General Council on Dispute Settlement (if decided)	?	29-30 April	Brussels
W.G. (small) of STACTIC to overhaul Conservation and Enforcement Measures	?	before STACTIC June Meeting	"preferably by phone"
STACTIC:	D. Bevan	16-20 June	Copenhagen Denmark
<ul style="list-style-type: none"> <li>- Evaluation of Part VI (incl. STACTIC W.P. 02/31)</li> <li>- Pilot Project (proposal from STACTIC W.G.)</li> <li>- Green Bible – CEM (proposal from small group)</li> <li>- Compliance (structure of work for September STACTIC Meeting)</li> <li>- Others</li> </ul>			

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<sup>1)</sup>Heads of Delegations will be notified by September 27, 2002 of the chosen dates upon notification from the US delegation.

## **PART II**

### **Report of the Standing Committee on Finance and Administration (STACFAD)**

#### **1. Opening by the Chairman**

The first session of STACFAD was opened by Fred Kingston (EU) on 16 September 2002.

Present were delegates from Bulgaria, Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), European Union (EU), France (in respect of St. Pierre et Miquelon), Japan, Latvia, Norway, Russian Federation, Ukraine and United States of America (USA) (Annex 1).

The Chairman welcomed delegates to Santiago de Compostela.

#### **2. Appointment of Rapporteur**

Sofea Horsey (Canada) and Stan Goodick (NAFO Secretariat) were appointed Rapporteurs.

#### **3. Adoption of Agenda**

Delegates were presented with and accepted a revised agenda (Annex 2), which incorporated additional items for review and discussion:

- Item 15c) Amendments to Rule 7.1 of NAFO Staff Rules.
- Item 15d) Request from Bulgaria to re-establish voting rights in NAFO.

#### **4. Auditors' Report**

The Executive Secretary presented the Auditors' Report and Financial Statements of the Northwest Atlantic Fisheries Organization for the year ended 31 December 2001. The Auditors' Report, signed by Deloitte & Touche, was circulated to the Heads of Delegation prior to the 24<sup>th</sup> Annual Meeting. No comments had been received on the report.

As stated in Note 4 of the Auditors' Report entitled "Provision for Employee Termination Benefits", the Committee noted the Organization's practice of funding this liability at the rate of \$10,000 per annum as approved by the General Council at the Special Meeting in January 2002.

The Executive Secretary gave a brief overview of Notes 2 and 9 of the Auditors' report regarding a claim that the staff assessment under Rule 6.2 of the Financial Regulations should not have been deducted from the salary of the Executive Secretary. Document GF/02-366 was also circulated, which contained a legal opinion obtained by the Executive Secretary to support this claim.

STACFAD recommended that NAFO engage the services of its own legal counsel at a cost of approximately \$3,000 to investigate this claim in order to provide a legal opinion and to advise on an appropriate course of action.

STACFAD recommended that the 2001 Auditors' Report be adopted.

#### **5. Status of the spending for the implementation of the Automated Hail/VMS System**

STACFAD W.P.02/22 (Annex 3) was reviewed.

Following STACFAD's request at its last meeting, the Chairman of STACTIC provided an overview on the implementation of the system. His summary analysis of operations drew attention to both restrictions in its current



application as well as to its potential to enhance tracking and reporting of vessel location and activity. It was once more pointed out that the Hail/VMS System was greatly underutilized by some Contracting Parties and the STACTIC Chairman provided STACFAD with an excerpt of a report (FC Doc 02/11) indicating how Contracting Parties are currently using the system.

STACTIC Working Paper 02/24 was tabled outlining a proposal submitted by Norway, which was subsequently agreed to by the Fisheries Commission indicating that an extra \$45,000 from the 2003 Budget would be required to implement changes to enhance the automated reporting system. This amount would be in addition to forecasted expenditures of \$34,000 for ongoing operating costs and \$10,000 in other programming changes.

An additional amount of \$30,000 from the 2003 Budget was also envisaged to implement further changes to the system arising from a proposal for a Pilot Project on Observers.

#### **6. Review and evaluation of work descriptions for NAFO employees in the CR category with respect to consideration and application of Canadian Pay Equity Settlement**

Following STACFAD's recommendation to General Council at Helsingor in January 2002, a Human Resources Consultant was engaged to prepare the job descriptions consistent with the Universal Classification System (UCS) requirement for 4 employees in the CR category at the NAFO Secretariat. The Consultant's Report is contained in STACFAD W.P.02/30. Canada agreed to have its Human Resources Classification specialists review and assess the classification category and level and report back their findings in advance of the next Annual Meeting.

STACFAD also recommended that the Secretariat engage a Human Resources Consultant, at an estimated cost of \$2,400, to prepare job descriptions for 3 other employees that had previously been in the CR category, which would then be forwarded to Canada for its analysis.

STACFAD again agreed that this issue should be treated as a priority and addressed at the 2003 Annual Meeting. The Secretariat noted that the potential cost to the NAFO Budget by the retroactive application of pay equity from 1985 to 2002, following the Canadian Pay Equity Settlement, could be as high as \$237,000.

Canada stated that the practice of promoting Secretariat staff to the next classification level once the employee had reached the maximum pay scale of their original classification level was not consistent with the NAFO Staff Rules 6.1 and 6.4.

#### **7. Meeting of the Pension Society**

The Executive Secretary presented STACFAD Working Paper 02/24, which summarized the key points regarding the Annual Meeting of the International Fisheries Commissions Pension Society, which took place in Chicago, USA 30 April - 2 May 2002.

#### **8. Administrative and Financial Statements for 2002**

The Chairman introduced NAFO/GC Doc 02/3 (Revised).

Concerning the Financial Statements, the Executive Secretary stated that salaries were over budget due to economic increases as indicated in footnote a. In response to a request made at the last meeting, STACFAD W.P.02/26 was tabled to provide salary details. An additional \$3,000 was added under "Other Contractual Service" for legal advice on the appropriateness of applying a staff assessment to the Executive Secretary (see Agenda item 4).

STACFAD noted outstanding contributions from Bulgaria (\$21,271.62), Cuba (\$21,348.20), France (\$26,426.55), Poland (\$22,037.40), Romania (\$21,271.62) and the Ukraine (\$21,271.62). France indicated that its 2002 contribution would be paid shortly. As in prior years, STACFAD recommended that the contribution from Romania be deemed uncollectable and that the amount be applied against the Accumulated Surplus Account. The Chairman noted Romania's announcement to withdrawn from NAFO as of 31 December 2002.

Bulgaria addressed STACFAD and stated its intention to pay its outstanding contributions to NAFO (see GC Working Paper 02/6, Annex 4). STACFAD welcomed this statement of intent. STACFAD recommended that such contributions, which had been deemed uncollectable in prior years, shall be returned to the Accumulated Surplus Account. The distribution of these recovered contributions shall be returned to Contracting Parties as a reduction of the following year's assessed contribution. The distribution shall be calculated on the same basis as the year of the original billing distribution when the contributions were deemed uncollectable.

A schedule of outstanding contributions detailing the total amounts due from Bulgaria and Romania is attached (Annex 5).

### **9. Review of Accumulated Surplus Account**

The Accumulated Surplus Account was reviewed and it was noted that the year-end balance is estimated to be \$181,286, provided that all outstanding member contributions (excluding Romania) were received.

As in previous years, STACFAD recommended that \$75,000 be maintained as a minimum balance in this account in order to fulfil NAFO's financial obligations in early 2003 until contributions are received. The remaining estimated accumulated surplus balance of \$106,286 at the end of 2002 would be used to reduce contributions due from Contracting Parties in 2003.

### **10. Salary Scale for the NAFO Executive Secretary**

Some delegates expressed interest in increasing the salary level of the Executive Secretary in order to attract candidates internationally. It was noted that similar positions in other regional fisheries management organizations are classified at the D-1 level of the UN salary scale. (STACFAD Working Paper 02/20).

In order to provide some flexibility and address the concerns of certain Contracting Parties, Canada introduced STACFAD WP 02/34, proposing that the base salary of the Executive Secretary be augmented through a performance bonus, following the Canadian Public Service Executive Category. The Executive Secretary's position is currently classified in this Executive Category (EX-2).

Canada explained that in the Canadian Public Service a performance bonus is applicable in the Executive Category in the context of an annual appraisal based on agreed performance objectives. Bonuses are possible under a two-tier system:

- Part 1 would provide the Executive Secretary with a 5% increase on the base salary if established ongoing commitments of the position are "met" (or better) with a cap when the incumbent reaches the maximum of the salary scale. A 7% increase applies on the base salary if the incumbent "surpasses" ongoing commitments.
- Part 2 would provide for up to a 10% increase on the base salary if key commitments are achieved or surpassed.

STACFAD recommended that the starting salary of the incoming Executive Secretary be set at the maximum level in the EX-2 Category of the Canadian system. Under this system there is the eligibility for a performance bonus at the end of her first year in office (as per the previous paragraph). (Appraisal at Annual Meeting, September 2003.)

It was agreed that the establishment of this salary for the incoming Executive Secretary should not presuppose future considerations of job classification and/or salary scale.

STACFAD further agreed that the broad issue of possible changes in the job classification system and salary scale of the Executive Secretary be deferred to the 2003 Annual Meeting, including the possibility of enhanced duties and responsibilities.

## **11. Budget Estimate for 2003**

GC Working Paper 02/3 (Revision 4) was tabled. It was noted that all items were standard with the exception of those items highlighted below:

### 6. Other Contractual Services

Consulting Fees – total estimate \$10,400 consisting of:

- Human Resources Consultant to write 3 job classifications - estimate \$2,400 (see Agenda item 6)
- Computer Technology Advisor to assess the state of current computer holdings and provide recommendations on necessary course of action to modernize/upgrade to acceptable working level - estimate \$8,000

### 10. Meetings - Symposia

Participation at the Co-ordinating Working Party on Fisheries Statistics (CWP) sessions in the function of the Chair of STACREC who is also the Scientific Council Vice-Chair - estimate \$5,000 – on the basis of a recommendation of the Scientific Council contained in Annex 6.

It was noted that STACFAD could expect a request for funding on an ongoing biannual basis to cover travel costs for the Chair of STACREC's attendance at the CWP. It was agreed in principle that financial provisions could be made, on a case by case basis, for officers of the Scientific Council who are required to attend meetings or symposia wherein they represent the interests of NAFO rather than those of a Contracting Party.

### 11. Computer Services

- Purchase of desktop and laptop to replace outdated and deficient computer equipment - estimate \$10,000.
- Program changes to the Automated Hail/VMS System - estimate \$45,000 (see Agenda item 5), to be added to \$10,000 already in forecasted programming changes.

STACFAD recommended that the budget of \$1,385,400 for the year 2003 be adopted (Annex 7).

The preliminary calculation of the 2003 billing is \$1,279,114 (Annex 8).

## **12. Budget forecast for 2004**

STACFAD reviewed the preliminary budget forecast for 2004 of \$1,311,000 (Annex 9) and approved the forecast in principle. It was noted that the budget for 2004 will be reviewed in detail at the next Annual Meeting.

## **13. Recruitment of the new Executive Secretary**

STACFAD reviewed the process for the recruitment of the new Executive Secretary, set-up at the 2002 Special Meeting in Helsingor, Denmark, to evaluate its effectiveness. Delegates expressed overall satisfaction with the process. Using the website with password protection was efficient and worked well to expedite the entire process.

It was noted, however that:

- Four Contracting Parties did not provide preferred candidates;
- Not all Contracting Parties complied with the deadline for submitting their selection of 10 preferred candidates;
- Some Contracting Parties experienced technical difficulties and could not download files due to the inability of their systems to handle the size of the files transmitted;
- Four Contracting Parties did not submit a full list of 10 candidates (out of the total number received), although it did not affect the selection of the four final candidates. It was suggested that

perhaps Contracting Parties could be asked to select less than 10 preferred candidates when a future selection process is undertaken;

- Discretion was required by the Secretariat in screening applications received to ensure they were relevant to the position advertised; and
- It could have been confirmed in advance that candidates would be scheduled for interviews earlier in the week thereby eliminating the need to cover travel expenses for an entire week.

Canada tabled STACFAD W.P.02/33, a draft proposed contract between NAFO and the incoming Executive Secretary for review and consideration.

STACFAD recommended that NAFO seek independent legal counsel to review the proposed contract. This expense will be covered under the 2002 budget.

#### **14. Time and Place of 2004 and 2005 Annual Meetings**

The 2004 Annual Meeting will be held in Halifax, N.S., Canada, unless an invitation to host is extended by a Contracting Party and accepted by the Organization.

The dates of the 2004 Annual Meeting are as follows:

Scientific Council	-	08-17 September
General Council	-	13-17 September
Fisheries Commission	-	13-17 September

STACFAD recommended that the dates for the 2005 Annual Meeting be as follows, with the location in Halifax, unless an invitation to host is extended by a Contracting Party and accepted by the Organization:

Scientific Council	-	07-16 September
General Council	-	12-16 September
Fisheries Commission	-	12-16 September

#### **15. Other issues including any questions referred from the General Council during the current Annual Meeting**

##### **15a) Review and evaluation of survey results regarding disposition of NAFO publications and electronic communications**

Mindful of the need to accommodate those Contracting Parties with limited technological systems, and other Parties concerned, STACFAD recommended that:

- the Secretariat continue to accelerate the transition from print to electronic (outgoing) communication to both the public and Contracting Parties with a view to dramatically reducing costs and improving efficiency and timeliness of such transmissions;
- in principle, the primary means of disseminating information to Contracting Parties should be via e-mail and website access, utilizing password protected links as necessary;
- a regular review of e-mail addresses be undertaken to ensure that they are valid and up-to-date; and
- the Secretariat continue to vigorously pursue avenues to improve the day-to-day operations of the Organization and to modernize its communication systems and procedures.

##### **15b) Public information on NAFO activities**

Extensive discussion took place regarding public access to information on NAFO activities. STACFAD recognized the need to modernize access to NAFO information and to improve the flow of such information.

STACFAD recommended that, in principle, the primary means of providing information to the public be through the NAFO website with the availability of hardcopy material at a nominal fee in order to recover printing and mailing costs.

#### **15c) Amendments to Staff Rule 7.1**

STACFAD W.P.02/27 was tabled (Annex 10), which amends Rule 7.1 of the NAFO Staff Rules. These proposed changes are consistent with recent benefits negotiated between the Treasury Board of Canada and the Public Service Alliance of Canada. STACFAD recommended that this amendment be adopted.

#### **15d) Request from Bulgaria to re-establish voting rights in NAFO**

Bulgaria formally requested General Council to reinstate its voting rights in NAFO on the basis of a commitment to pay its 2001 and 2002 contributions (i.e. \$41,264.67) by the end of 2002 and to pay the balance of its outstanding contributions (\$129,796.75) during 2003-2004 (see GC Working Paper 02/6 - Annex 4). The delegates recognized that under Article XVI(9) of the NAFO Convention ... "A Contracting Party which has not paid its contributions for two consecutive years shall not enjoy any right of casting votes and presenting objections under this Convention until it has fulfilled its obligations, unless the General Council decides otherwise."

On this basis, STACFAD recommended that, once Bulgaria has paid its 2001-2002 contributions, General Council consider the issue of according voting rights to Bulgaria pursuant to Article XVI(9).

#### **16. Adjournment**

The final session of the STACFAD meeting adjourned on 19 September 2002 at 2035 hrs.

### Annex 1. List of Participants

<b>Name</b>	<b>Contracting Party</b>
Kostadin Kodzhabashev	Bulgaria
David Bevan	Canada
Sofeia Horsey	Canada
Greg Peacock	Canada
Bob Steinbock	Canada
Victor Sarda Espinosa	Cuba
Lars Madsen	Denmark (F&G)
Fred Kingston	European Union
Christophe Le Villain	European Union
Manfred Stein	European Union
Sarah Ausseil	France (SPM)
Keiko Suzuki	Japan
Ricards Derkacs	Latvia
Heidi Johansen	Norway
Victor Solodovnik	Russian Federation
Vasyl Chernik	Ukraine
Ralph Mayo	USA
Patrick Moran	USA
Leonard Chepel	NAFO Secretariat
Stan Goodick	NAFO Secretariat
Forbes Keating	NAFO Secretariat
Johanne Fischer	Incoming NAFO Executive Secretary (from 1 January 2003)

**Annex 2. Agenda**

1. Opening by the Chairman, G. F. Kingston (EU)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Auditor's Report
5. Status of the spending for the implementation of the Automated Hail/VMS System
6. Review and evaluation of work descriptions for NAFO employees in the CR category with respect to consideration of application of Canadian Pay Equity Settlement
7. Meeting of the Pension Society
8. Administrative and Financial Statements for 2002 (end July)
9. Review of Accumulated Surplus Account
10. Salary scale for the NAFO Executive Secretary
11. Budget Estimate for 2003
12. Budget Forecast for 2004
13. Recruitment of the new Executive Secretary
14. Time and Place of 2004-2005 Annual Meetings
15. Other issues including any questions referred from the General Council during the current Annual Meeting
  - a) Review and evaluation of survey results regarding disposition of NAFO publications and electronic communications
  - b) Public information on NAFO activities
  - c) Amendments to Rule 7.1 of NAFO Staff Rules
  - d) Request from Bulgaria to re-establish voting rights in NAFO
16. Adjournment

**Annex 3. Status of spending for the implementation of the Automated Hail/  
VMS System  
(STACFAD W.P. 02/22)**

	Budget <u>2002</u>	Forecast <u>2002</u>
<u>Automated Hail/VMS Expenditures (Computer Services):</u>		
Trackwell Software - Annual support and maintenance	\$18,300	\$18,300
Aliant Telecom - X.25 line	12,980	12,980
Trackwell Software - X.400 line	720	720
Trackwell Software – Additional billings (network connection problems, setting up Contracting Parties, proposals for changes to system)		4,000
	<b>\$32,000</b>	<b>\$36,000</b>



**Annex 4. Bulgarian declaration on repayment of the Bulgarian  
Outstanding contributions (for the years 1993-2002)**  
(GC W.P. 02/06)

The Bulgarian Delegation at the 24<sup>th</sup> Annual Meeting of NAFO states the following:

- a) Bulgaria acknowledges its outstanding contributions to NAFO Budget for the years 1993-2002 in the amount of \$171,061.42 Cdn
- b) Bulgaria declares the following schedule of the noted outstanding contribution repayment:
  - For the years 2001-2002 in the amount of \$41,264.67 to the end of 2002.
  - For the years 1993-2000 in the amount of \$129,796.75 during 2003-2004.

Pursuant to the above-noted commitment, the Bulgarian Government requests the General Council of NAFO to restore Bulgaria's voting rights under the provisions of Article XVI.9 of the NAFO Convention.

**Annex 5. Schedule of Outstanding Contributions from Bulgaria and Romania**  
(STACFAD W.P. 02/23)

The following is a summary of outstanding contributions from Bulgaria and Romania:

	<u>Bulgaria</u>	<u>Romania</u>
1 January – 31 December 1982		\$2,700.75
1 January – 31 December 1983		11,000.00
1 January – 31 December 1984		11,483.06
1 January – 31 December 1985		12,688.81
1 January – 31 December 1986		11,784.09
1 January – 31 December 1987		15,273.97
1 January – 31 December 1988		14,189.50
1 January – 31 December 1989		16,618.05
1 January – 31 December 1990		17,875.65
1 January – 31 December 1991		20,060.56
1 January – 31 December 1992		18,702.14
1 January – 31 December 1993	18,109.12	17,473.10
1 January – 31 December 1994	14,893.10	14,893.10
1 January – 31 December 1995	16,614.28	16,614.28
1 January – 31 December 1996	15,944.93	15,944.93
1 January – 31 December 1997	15,002.75	15,002.76
1 January – 31 December 1998	16,121.90	16,121.89
1 January – 31 December 1999	16,267.88	16,267.87
1 January – 31 December 2000	16,842.79	16,842.79
1 January – 31 December 2001	19,993.05	19,993.05
1 January – 31 December 2002	21,271.62	21,271.62
	\$171,061.42	\$322,802.09

**Annex 6. Scientific Council recommendation regarding CWP participation**  
(Scientific Council Report, SCS Doc. 02/19, page 73)

ii) CWP 20<sup>th</sup> Session, January 2003

The NAFO Secretariat announced that the CWP 20<sup>th</sup> Session is scheduled to be held at the Headquarters of the Indian Ocean Tuna Commission (IOTC) in the Seychelles during 21-24 January 2003. STACREC drew attention to the draft agenda included in SCS Doc. 02/11 and requested members to provide any suggested changes or additional agenda items to the Assistant Executive Secretary to communicate to the CWP Secretary.

Continuing the usual practice, STACREC **recommended** that *the Assistant Executive Secretary attend the CWP 20<sup>th</sup> Session to be held in the Seychelles during 21-24 January 2003.*

STACREC further noted that both the STACREC Chair and the Assistant Executive Secretary make valuable contributions to the CWP sessions. The Assistant Executive Secretary brings continuity and an international focus while the STACREC Chair brings a focus on the needs of the Scientific Council. STACREC recognises that significant costs can be associated with attending the CWP sessions. These costs for the STACREC Chair should be covered by the standard NAFO budget. STACREC therefore **recommended** that *the Rules of Procedure of the Scientific Council be modified to include participation at CWP sessions in the functions of the Vice-Chair who is also the Chair of STACREC and that the Scientific Council Chair address the budgetary aspect of this to the Executive Secretary with respect to the attendance at the 20<sup>th</sup> CWP Session and subsequent sessions.*

STACREC noted that the Scientific Council invites the participation of representatives of any Contracting Party (at national expense) at the CWP 20<sup>th</sup> Session, and requested interested parties to contact the NAFO Secretariat.

**Annex 7. Budget Estimate for 2003****Northwest Atlantic Fisheries Organization**

(Canadian Dollars)

	Approved Budget for 2002	Projected Expenditures for 2002	Preliminary Budget Forecast for 2003	Budget Estimate for 2003
1. Personal Services				
a) Salaries	\$ 735,000	\$ 748,000	\$748,000	\$759,000 <sup>a</sup>
b) Superannuation and Annuities	81,000	73,000	80,000	73,000
c) Group Medical and Insurance Plans	69,000	69,000	71,000	76,000
d) Termination Benefits	22,000	61,000	20,000	22,000 <sup>b</sup>
e) Accrued Vacation Pay	1,000	14,000	1,000	1,000
f) Termination Benefits Liability	10,000	10,000	10,000	10,000
2. Travel	26,000	21,000	4,000	19,000 <sup>c</sup>
3. Transportation	1,000	1,000	1,000	1,000
4. Communications	60,000	56,000	41,000	59,000
5. Publications	30,000	30,000	30,000	30,000
6. Other Contractual Services	48,000	51,000	45,000	58,400
7. Additional Help	1,000	1,000	1,000	1,000
8. Materials and Supplies	30,000	30,000	30,000	30,000
9. Equipment	5,000	5,000	5,000	5,000
10. Meetings				
Annual General Meeting and Scientific Council Meetings	66,000	85,000	66,000	76,000 <sup>d</sup>
Inter-sessional Meetings	55,000	56,000	30,000	40,000 <sup>e</sup>
Symposium	8,000	8,000	-	5,000
11. Computer Services	48,000	52,000	48,000	120,000
12. Recruitment and Relocation	73,000	73,000	-	-
	<b>\$1,369,000</b>	<b>\$1,444,000</b>	<b>\$1,231,000</b>	<b>\$1,385,400</b>

<sup>a</sup> NAFO's salaries budget estimate for 2003 includes a 2.5% economic increase.

<sup>b</sup> This figure is for 2003 credits and conforms with NAFO Staff Rule 10.4(a).

<sup>c</sup> Travel costs for 2003 include: (i) the Assistant Executive Secretary and the Chair of STACREC to the Co-ordinating Working Party on Fishery Statistics (CWP) of the Food and Agriculture Organization (FAO) of the United Nations, January 2003, Seychelles; (ii) the Assistant Executive Secretary to the 25<sup>th</sup> Session of the Committee on Fisheries (COFI) at FAO in February 2003, Rome and the Regional Fishery Bodies to be held immediately after the COFI Meeting; (iii) two invited experts to a Scientific Council Workshop on Precautionary Approach in 2003.

<sup>d</sup> This figure includes the cost for the 25<sup>th</sup> Annual Meeting, September 2003, Dartmouth, Canada, the Scientific Council Meeting, June 2003, Dartmouth, Canada and the Scientific Council Shrimp Meeting, November 2003, venue to be determined.

<sup>e</sup> General provision for 4 or 5 inter-sessional meetings (Quota Allocation, Precautionary Approach, Drafting Group/STACTIC) during 2003.

## Annex 8. Preliminary Calculation for 2003

### NORTHWEST ATLANTIC FISHERIES ORGANIZATION

Preliminary calculation of billing for Contracting Parties  
against the proposed estimate of \$1,385,400 for the 2003  
financial year (based on 17 Contracting Parties to NAFO)  
(Canadian Dollars)

Budget Estimate.....	\$1,385,400.00
Deduct: Amount from Accumulated Surplus Account.....	<u>106,286.00</u>
Funds required to meet 2003 Administrative Budget.....	<u>\$1,279,114.00</u>

60% of funds required = \$767,468.40  
30% of funds required = 383,734.20  
10% of funds required = 127,911.40

Contracting Parties	Nominal Catches for 2000	% of Total Catch in the Convention Area	10%	30%	Amount 60%	Billed
Bulgaria	-	-	-	\$22,572.60	-	\$ 22,572.60
Canada	508,877	57.00	\$81,888.36	22,572.60	\$437,456.98	541,917.94
Cuba	46	0.01	-	22,572.60	76.74	22,649.34
Denmark (Faroes & Greenland) <sup>1,2</sup>	118,435	13.26	19,058.53	22,572.60	101,766.31	143,397.44
Estonia	13,415	1.50	-	22,572.60	11,512.03	34,084.63
European Union	37,047	4.15	-	22,572.60	31,849.94	54,422.54
France (St. Pierre et Miquelon)	5,200	0.58	836.78	22,572.60	4,451.32	27,860.70
Iceland	9,363	1.05	-	22,572.60	8,058.42	30,631.02
Japan	2,816	0.32	-	22,572.60	2,455.90	25,028.50
Republic of Korea	-	-	-	22,572.60	-	22,572.60
Latvia	3,397	0.38	-	22,572.60	2,916.38	25,488.98
Lithuania	4,047	0.45	-	22,572.60	3,453.61	26,026.21
Norway <sup>1</sup>	3,974	0.45	-	22,572.60	3,453.61	26,026.21
Poland	1,732	0.19	-	22,572.60	1,458.19	24,030.79
Russian Federation	22,067	2.47	-	22,572.60	18,956.47	41,529.07
Ukraine	-	-	-	22,572.60	-	22,572.60
United States of America <sup>1</sup>	162,365	18.19	26,127.73	22,572.60	139,602.50	188,302.83
	892,781	100.00	\$127,911.40	\$383,734.20	\$767,468.40	<u>\$1,279,114.00</u>
Funds required to meet 1 January - 31 December 2003 Administrative Budget						<u>\$1,279,114.00</u>

<sup>1</sup> Provisional Statistics used when calculating 2000 nominal catches which have not been reported from some Contracting Parties.

<sup>2</sup> Faroe Islands = 8,531 metric tons  
Greenland = 109,904 metric tons

**Annex 9. Preliminary Budget Forecast for 2004**  
(Canadian Dollars)

1.	Personal Services	
	a) Salaries	\$ 785,000
	b) Superannuation and Annuities	75,000
	c) Group Medical and Insurance Plans	78,000
	d) Termination Benefits	21,000 <sup>a</sup>
	e) Accrued Vacation Pay	1,000
	f) Termination Benefits Liability	10,000
2.	Travel	15,000 <sup>b</sup>
3.	Transportation	1,000
4.	Communications	45,000
5.	Publications	30,000
6.	Other Contractual Services	48,000
7.	Additional Help	1,000
8.	Materials and Supplies	30,000
9.	Equipment	5,000
10.	Meetings	
	Annual General Meeting and Scientific Council Meetings	76,000 <sup>c</sup>
	Inter-sessional Meetings	40,000
11.	Computer Services	50,000
		\$1,311,000

<sup>a</sup> This figure is for 2004 credits and conforms with NAFO Staff Rule 10.4(a).

<sup>b</sup> Travel costs for 2004 is for the Assistant Executive Secretary's attendance at a Co-ordinating Working Party on Fishery Statistics (CWP) inter-sessional meeting of the Food and Agriculture Organization of the United Nations (FAO) and two staff members to the annual meeting of Directors and Executive Secretaries of the International Fisheries Commissions Pension Society (IFCPS), April 2004, Washington, DC, USA.

<sup>c</sup> This figure includes the cost for the 26<sup>th</sup> Annual Meeting, September 2004 and Scientific Council Meetings June and November 2004.

## Annex 10. Amendments to Rule 7.1 of NAFO Staff Rules

Amendments to *Rule 7.1* of NAFO Staff Rules  
by  
NAFO Secretariat

As a result of negotiations and signed contracts between the Treasury Board of Canada and the Public Service Alliance of Canada that included some improvements to its annual leave provisions, Rule 7.1 of the NAFO Staff Rules should be amended accordingly. Please note that for comparison purposes the amendments to Rule 7.1 are underlined and the text from the current Rule 7.1 is in square brackets [ ].

### Rule 7.1

Members of the Secretariat shall be entitled to annual leave with pay at the following rates:

- a) one and one-quarter (1-1/4) days for each calendar month until the month in which the anniversary of the employee's eighth (8<sup>th</sup>) year of continuous employment occurs;
- b) one and two-thirds (1-2/3) days for each calendar month commencing with the month in which the employee's eighth (8<sup>th</sup>) anniversary of continuous employment occurs;
- c) one and five-sixths (1-5/6) days for each calendar month commencing with the month in which the employee's sixteenth (16<sup>th</sup>) anniversary of continuous employment occurs;  
[item c) is a new entitlement to annual leave]
- d) one and eleven-twelfths (1-11/12) days for each calendar month commencing with the month in which the employee's seventeenth (17<sup>th</sup>) anniversary of continuous employment occurs;
- e) two and one-twelfth (2-1/12) days for each calendar month commencing with the month in which the employee's eighteenth (18<sup>th</sup>) anniversary of continuous employment occurs;
- f) two and one-quarter (2-1/4) [two and one-third (2-1/3)] days for each calendar month commencing with the month in which the employee's twenty-seventh (27<sup>th</sup>) [twenty-eighth (28<sup>th</sup>)] anniversary on continuous employment occurs;
- g) two and one-half (2-1/2) days for each calendar month, commencing with the month in which the employee's twenty-eighth (28<sup>th</sup>) [twenty-ninth (29<sup>th</sup>)] anniversary of continuous employment occurs;
- h) For the purposes of leave entitlements in accordance with these staff rules, an employee of the Professional Category (Rule 3.1 (a)) may receive credit for continuous years of service prior to joining NAFO in federal or provincial governments (and international equivalencies), and years of service in other international organizations as agreed by a signed contract between the employee and NAFO;

## **PART III**

### **Report of the Standing Committee on the Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)**

#### **1. Opening by Chairman**

The meeting was called to order by the Chairman, Mr. Daniel Silvestre (France – SPM) at 2PM on 16 September 2002. The following Contracting Parties were present: Canada, Denmark (in respect of the Faroe Islands and Greenland), the European Community, France (in respect of St. Pierre and Miquelon), Japan, Norway, the Russian Federation and the United States of America. A representative from the Food & Agriculture Organization was also present as an observer. (Annex 1)

#### **2. Appointment of Rapporteur**

Ms. Allison Saunders (Canada) was appointed rapporteur.

#### **3. Adoption of Agenda**

The agenda was adopted with recognition that, as STACFAC did not meet in 2001, information from that year should also be considered so that there would be no gaps in STACFAC's work (Annex 2). The Chairman indicated that items 4 and 5 would be dealt with together.

#### **4. Review of 2002 information on activities of Non-Contracting Party vessels in the Regulatory Area**

#### **5. Review of 2002 information on landings and transshipments of fish caught by Non-Contracting Party vessels in the Regulatory Area**

Canada presented a report on Non-Contracting Party activity in the Regulatory Area (STACFAC WP 02/1) and circulated photographs of the activity. The report highlighted that to date in 2002 six vessels flagged to Belize have harvested an estimated 6000 tonnes of oceanic redfish in divisions 1F and 2J. Canada also indicated that through communications with the vessels and with Belize and Cyprus, it had determined that one of the vessels (Kadri) was of Belizean registry but that several of the vessels (Olchan, Oyra and Okhotino) were of dual registration, having been registered in Cyprus but "chartered-in" to the Belizean registry with effect from 29 March 2002 – 28 March 2003. Canada indicated that it continued to seek information from Belize and Cyprus regarding the registration of the vessels Ostroe and Ostrovets. Canada further advised that the Ostroe had been photographed transshipping fish to the Russian flagged cargo vessel Metelitsa. Canada stressed that further information was required from Russia regarding these vessels.

The Russian Federation indicated it had only recently received information on these vessels. Inquiries had revealed that the vessels were all formerly Russian and that the ship owner had decided to reflag to pursue 1F redfish. The representative of the Russian Federation confirmed that the Metelitsa was registered in Murmansk but that it had not landed or transhipped into a Russian port. The Russian Federation stated its willingness to investigate these issues and report to NAFO but stressed the need for an official paper, such as a letter from NAFO, to commence this process.

While Canada's report will be circulated to all Contracting Parties by the Secretariat pursuant to paragraph 6 of the Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO ("Scheme"), it was agreed to also recommend to the General Council that the Executive Secretary send a letter to the Russian Federation seeking information on the registration of the six fishing vessels and encouraging Russia to take action vis à vis the transshipment to the Metelitsa (Annex 3). Canada also undertook to provide copies of the circulated photos as well as more detailed information regarding the vessels (eg: call signs) to the Russian Federation.



There was some discussion as to whether the transshipment activity to a Contracting Party fell more properly within the purview of STACTIC or STACFAC. It was noted that this question of forum would arise with any activity that involved both Contracting and Non-Contracting Parties.

In addition to the notification of the flag state by the Secretariat required by paragraph 6 of the Scheme, it was also agreed to recommend to the General Council that letters from the President of NAFO seeking more information on the registration of the fishing vessels be sent to Belize and Cyprus (Annexes 4 and 5). France (SPM) agreed to deliver the letter to Belize through diplomatic channels and Canada undertook to similarly deliver the letter to Cyprus.

#### **6. Review of information on imports of species regulated by NAFO from Non-Contracting Parties whose vessels have fished in the Regulatory Area**

There was no information under this agenda item.

#### **7. Reports by Contracting Parties on diplomatic contacts with Non-Contracting Party Governments concerning fishing in the Regulatory Area**

The representative of the European Community reported that they had sent a letter to Sao Tome and Principe on 17 October 2000 to which no reply had been received. The Chair noted that in response to an unrelated matter, the Government of France had received a response from Sao Tome and Principe advising that Sao Tome and Principe now only registered fishing vessels for fisheries in its coastal waters.

The representative of Canada advised that in spring 2001, letters had been sent to Panama and Honduras but the only response had been an acknowledgement of receipt. The USA noted that it had sent letters to Belize and Sierra Leone.

It was noted that follow up on responses or lack thereof from Non-Contracting Parties was important. To facilitate effective follow up, it was agreed to recommend to the General Council that the Secretariat be asked to produce annually a table compiling past communications (including responses) with Non-Contracting Parties. It was further noted that, once compiled, STACFAC could consider sharing this table with other regional fisheries management organizations.

#### **8. Reports by Contracting Parties on legal, administrative and practical actions that have been taken to implement the NAFO Scheme**

The EC noted that the Non-Contracting Party vessels observed fishing in the NAFO Regulatory Area in 2002 had also been sighted fishing in the NEAFC Regulatory Area. The representative of Denmark (in respect of the Faroe Islands and Greenland) noted that sightings of Non-Contracting Party vessels in the NEAFC Regulatory Area are reported by the NEAFC Secretariat to the NAFO Secretariat at the time of the sighting for distribution to all parties. He noted that such sharing of information appeared to be happening on an informal basis but that it would be useful to ensure that such information would be exchanged. It was agreed to ask the NAFO Secretariat to write to the NEAFC Secretariat suggesting this information always be exchanged without delay.

#### **9. Discussion of the FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing**

The representative for the European Community noted that the IPOA on IUU encouraged countries to complete a national plan of action no later than 2004. In this respect, he noted the EC planned to reinforce control measures, including its contribution to the international surveillance network. As well, anticipating the entry into force of the FAO Compliance Agreement, the European Community, in 2003, would continue to provide fleet information to FAO as required by article 6 of that Agreement. The European Commission has provided a proposal to member states underlining the need for consistency between actions taken by regional fisheries management organizations on IUU fishing and emphasizing the necessary definition of the "genuine link" between a flag state and its vessels as well as the necessary definition of the rights and obligations of port states. This document will be presented to the European Council of Ministers as part of the reform of the Common Fisheries Policy. Thus, the EC anticipates that it

will be able to present the community plan of action on IUU fishing to the 2003 meeting of the FAO Committee on Fisheries.

The observer from FAO drew attention to its publication of technical guidelines under the IPOA on IUU as well as a plain language version of the IPOA. Copies of these publications may be obtained from FAO in multiple languages. The observer also noted that FAO will be hosting, from 4-6 November 2002 in Rome, an expert consultation to review port state measures to combat IUU fishing.

The Chairman then drew attention to a paper prepared by the Norwegian delegation and circulated at the General Council meeting in January 2002 as GC WP 02/1. The paper is a review by Norway of the portions of the IPOA on IUU relating to regional fisheries management organizations and presents Norway's assessment as to whether NAFO has already established measures indicated in the IPOA. Given the limited time available, delegates briefly reviewed the Norwegian paper and decided to recommend to General Council that STACFAC be mandated to determine if measures relating to the provisions of the IPOA on IUU had been established in NAFO or whether further action by NAFO was desirable. STACFAC would then report its assessment to General Council to seek guidance on the development of proposals. Canada observed that the Norwegian paper assessed the portion of the IPOA on IUU of most relevance to NAFO. Canada noted that the IPOA on IUU was also relevant to Contracting Parties and indicated that in seeking its mandate from General Council, STACFAC should voice its limitations in this respect.

### **10. Report and Recommendations to the General Council**

The representative of Denmark (in respect of the Faroe Islands and Greenland) indicated that the most recent incident of fishing by Non-Contracting Parties in the Regulatory Area highlighted the need for procedural improvements. Notably, he indicated that Contracting Parties submitting information pursuant to paragraph 6 of the Scheme should mark it accordingly for easy identification by the Secretariat. There was general agreement on this suggestion.

The representative of Denmark (in respect of the Faroe Islands and Greenland) also recommended clarification of the processes to be followed by Contracting Parties in implementing paragraph 11 of the Scheme. He sought the views of the Committee on the application of paragraph 11 to transshipment at sea. In response, the representative of Canada indicated her understanding that as the term "transshipment" was not modified in the Scheme, it applied to all types of transshipment. She further noted that the Drafting Group engaged in overhauling the NAFO Conservation and Enforcement Measures had recommended incorporation of a definition of "fishing vessel" which included transshipment vessels. The USA agreed with the points made by Canada and stated that the Scheme defined "fishing activity" to include transshipment and that under the Scheme a "fishing vessel" was simply one engaged in a "fishing activity". The USA indicated that the ambiguity in paragraph 11 lay with whether a Contracting Party vessel which had received a transshipment of fish from a Non-Contracting Party vessel was covered by the landing and transshipment restriction applicable to Non-Contracting Party vessels. The EC concurred and noted that article 4 of its Council Regulation 1262/2000 of 8 June 2000, implementing the Scheme, prohibited transshipment from Non-Contracting Party vessels, including transshipment at sea.

The representative of Canada indicated that while guidance from STACFAC on the implementation of paragraph 11 might be helpful, the Scheme should not prescribe how Contracting Parties were to fulfill their obligations. By way of example, she further noted that Canada fulfilled its obligation in this regard by requiring a licence for all transshipments occurring in Canadian ports or waters. There was general agreement that developing guidance on paragraph 11, perhaps to be included as an annex to the Scheme, would be useful.

The representative of Canada also indicated that given the fishery on which the recent Non-Contracting Party activity was occurring, it would be useful to add oceanic redfish (pelagic *Sebastes mentella*) to annex A or B of the Scheme as appropriate.

The representative of Canada also drew attention to several discrepancies between the Scheme and paragraphs of the NAFO Conservation and Enforcement Measures and suggested that it might be appropriate to rectify them. In particular, she highlighted that section I.J of the Conservation and Enforcement Measures referred only to Contracting Parties ensuring that "their fishing vessels" do not receive transshipments from Non-Contracting Parties

as opposed to “their vessels” and that, for clarity, VII.1(i) should refer to port calls by Non-Contracting Party and Contracting Party vessels that have engaged in fishing for stocks in the Regulatory Area. In addition, she suggested that it would be useful for the Drafting Group engaged in the overhaul of the Conservation and Enforcement Measures to review the possible incorporation of the entirety of the Scheme in the Conservation and Enforcement Measures. There was general approval for this suggestion, although it was acknowledged that there had been some discussions in STACTIC with respect to the Scheme in the past.

STACFAC thus recommends to the General Council that:

1. the Executive Secretary send a letter to the Russian Federation seeking information on the registration of the six Belizean flagged fishing vessels and encouraging the Russian Federation to take action vis à vis the transshipment to a Russian flagged cargo vessel by a Non-Contracting Party vessel;
2. the President of NAFO write to Belize and Cyprus seeking more information on the registration of the Belizean fishing vessels and that these letters be delivered by the Governments of France and Canada respectively;
3. the Secretariat be asked to produce annually a table compiling past communications (including responses) with Non-Contracting Parties regarding fishing in the NAFO Regulatory Area;
4. the NAFO Secretariat write to the NEAFC Secretariat suggesting that information on sightings of Non-Contracting Party vessels fishing in their respective regulatory areas always be exchanged without delay;
5. STACFAC be mandated to determine if measures relating to all relevant provisions of the IPOA on IUU have been established in NAFO or whether further action is desirable and report its assessment to General Council. In this respect STACFAC draws to the attention of the General Council that the IPOA on IUU is relevant to both Non-Contracting Parties and Contracting Parties but that STACFAC is limited to assessing the IPOA with regard to Non-Contracting Parties;
6. Contracting Parties submitting information pursuant to paragraph 6 of the Scheme should mark it accordingly for easy identification by the Secretariat.
7. STACFAC develop guidance on implementation of paragraph 11 of the Scheme;
8. the specific discrepancies noted between the Scheme and the Conservation and Enforcement Measures per agenda item 10 above be drawn to the attention of the Fisheries Commission for STACTIC’s consideration;
9. contingent upon adoption of relevant proposals by the Fisheries Commission, that oceanic redfish (pelagic *Sebastes mentella*) be added to annex A or B, as appropriate, of the Scheme;
10. it recommend to the Fisheries Commission that the Drafting Group engaged in the overhaul of the Conservation and Enforcement Measures review the possible incorporation of the entirety of the Scheme in the Conservation and Enforcement Measures as part of its work.

### **11. Election of Chairman and Vice-Chairman**

The Chairman brought to the attention of the Committee that the terms of service of both the Chairman and the Vice-Chairman would soon expire. Mr. Daniel Silvestre (France – SPM) was re-elected as Chairman for the next two years. Ms. Nadia Bouffard (Canada) was re-elected as Vice-Chairman for the next two years.

### **12. Other Matters**

No other matters were discussed.

### **13. Adjournment**

The Committee adjourned at 7:30PM on Wednesday 18 September 2002.

**Annex 1. List of Participants**

Canada	Ms. Nadia Bouffard Ms. Judy Dwyer Ms. Allison Saunders
Denmark (in respect of the Faroe Islands and Greenland)	Mr. Einar Lemche Mr. Árni Ólafsson
European Community	Mr. Yan Becouarn Mr. Per Heller Mr. Christophe Le Villain
France (in respect of Saint Pierre and Miquelon)	Ms. Sarah Ausseil Mr. Daniel Silvestre
Japan	Mr. Sato Tsuneaki
Norway	Ms. Turid Rodrigues Eusébio
Russian Federation	Mr. Alexander Okhanov Mr. Vadim Agalakov
USA	Mr. Gene Martin
<b>Observers</b>	
FAO	Mr. David Doulman

**Annex 2. Agenda**

1. Opening by Chairman, Daniel Silvestre (France – SPM)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of 2002 information on activities of Non-Contracting Party vessels in the Regulatory Area
5. Review of 2002 information on landings and transshipments of fish caught by Non-Contracting Party vessels in the Regulatory Area
6. Review of information on imports of species regulated by NAFO from Non-Contracting Parties whose vessels have fished in the Regulatory Area
7. Reports by Contracting Parties on diplomatic contacts with Non-Contracting Party Governments concerning fishing in the Regulatory Area
8. Reports by Contracting Parties on legal, administrative and practical actions that have been taken to implement the NAFO Scheme (the NAFO Scheme to promote compliance....)
9. Discussion of the FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing
10. Report and Recommendations to the General Council
11. Election of Chairman and Vice-Chairman
12. Other Matters
13. Adjournment

**Annex 3. Letter to Russian Federation**

Address (Russian Head of Delegation to NAFO)

Dear \_\_\_\_\_:

I am writing officially to draw your attention to a report on fishing activities by Non-Contracting Parties in the NAFO Regulatory Area (STACFAC WP 02/1). This report indicates that during 2002 six Belizean flagged fishing vessels were sighted engaged in fishing activities in the NAFO Regulatory Area by Canadian surveillance. As there is some indication that these vessels were formerly registered in Russia, I would be grateful for your confirmation that the following vessels are no longer on the register of the Russian Federation or entitled to fly its flag: Olchan, Oyra, Kadri, Okhotino, Ostroe and Ostrovets. Any information you can provide on the current registry of these vessels would also be greatly appreciated. As you are aware, there is some indication that a number of the vessels may be registered in Belize and Cyprus and NAFO is also seeking information from these countries in this regard.

I would also like to officially draw your attention to an incident of transshipment, also noted in the attached report, from one of these Non-Contracting Party vessels (Ostroe) to a Russian flagged cargo vessel (Metelitsa). As a Contracting Party of NAFO, I would draw to your attention paragraph 11 of the Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO. This paragraph requires Contracting Parties to ensure that their vessels do not receive transshipments of fish from Non-Contracting Party vessels that have been sighted and reported as having engaged in fishing activities in the NAFO Regulatory Area.

I would be grateful for your prompt attention to these matters and look forward to your response.

Sincerely,

Executive Secretary

**Annex 4. Letter to Belize**

Address (appropriate interlocutor, Foreign Ministry of Belize)

Dear \_\_\_\_\_:

I am writing at the request of the Contracting Parties of the Northwest Atlantic Fisheries Organization (NAFO) to raise the highest level of concern about six vessels flying the flag of Belize which have been sighted engaged in fishing activities in the NAFO Regulatory Area. The vessels in question are the Olchan, Oyra, Kadri, Okhotino, Ostroe and Ostrovets.

This letter is being sent to you pursuant to the Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO, which was adopted by Contracting Parties to NAFO in 1997. The Scheme calls for measures to be taken against Non-Contracting Party vessels sighted fishing in the NAFO Regulatory Area. A copy of the Scheme, which has been sent to you on previous occasions, is attached.

After several years without sightings of Belizean flagged vessels fishing in the NAFO Regulatory Area, the NAFO Contracting Parties are very concerned to see Belizean fishing vessels harvesting fish stocks in the NAFO Regulatory Area. The NAFO Contracting Parties are deeply concerned that Non-Contracting Parties which allow vessels flying their flag to fish in the NAFO Regulatory Area are undermining the effectiveness of NAFO's conservation and management measures as well as violating their duty to cooperate in the conservation and management of these fish stocks.

I would appreciate receiving any information you may have about the above-mentioned vessels as soon as possible. In addition, on behalf of the NAFO Contracting Parties, I would urge you to ensure that these vessels comply with conservation and management measures in force in areas in which they engage in fishing activities.

I look forward to your prompt response.

Sincerely,

President of NAFO

### **Annex 5. Letter to Cyprus**

Address (appropriate interlocutor, Ministry of Foreign Affairs)

Dear \_\_\_\_\_:

I am writing at the request of the Contracting Parties of the Northwest Atlantic Fisheries Organization (NAFO) to express concern about six vessels apparently registered in Cyprus which have been sighted engaged in fishing activities in the NAFO Regulatory Area. The vessels in question are the Olchan, Oyra, Kadri, Okhotino, Ostroe and Ostrovets.

This letter is being sent to you pursuant to the Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO, which was adopted by Contracting Parties to NAFO in 1997. The Scheme calls for measures to be taken against Non-Contracting Party vessels sighted fishing in the NAFO Regulatory Area. A copy of the Scheme is attached.

The NAFO Contracting Parties are deeply concerned that Non-Contracting Parties which allow vessels flying their flag to fish in the NAFO Regulatory Area are undermining the effectiveness of NAFO's conservation and management measures as well as violating their duty to cooperate in the conservation and management of these fish stocks.

I would appreciate receiving any information you may have about the above-mentioned vessels, specifically their registration and entitlement to fly the Cypriot flag, as soon as possible. In addition, on behalf of the NAFO Contracting Parties, I would urge you to ensure that these vessels comply with conservation and management measures in force in areas in which they engage in fishing activities.

I look forward to your early response.

Sincerely,

President of NAFO



**SECTION II**  
(pages 63 to 120)

**Report of the Fisheries Commission and its Subsidiary Bodies  
(STACTIC), 24<sup>th</sup> Annual Meeting  
16-20 September 2002  
Santiago de Compostela, Galicia, Spain**

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## PART I

### Report of the Fisheries Commission Meeting

(FC Doc. 02/24)

**24<sup>th</sup> Annual Meeting, 16-20 September 2002**

**Santiago de Compostela, Galicia, Spain**

#### 1. OPENING PROCEDURES (items 1-5 of the Agenda)

##### 1.1 Opening Remarks by the Chairman, D. Swanson (USA)

The meeting was called to order by the Chairman, Dean Swanson (USA), at 0920 hrs on September 17, 2002. Representatives from the following Contracting Parties (CP) were present: Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union (EU), France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, Russian Federation, Ukraine, and United States of America (Annex 1).

##### 1.2 Appointment of Rapporteur

Mr. Brian Lester (Canada) was appointed Rapporteur. It was noted that the Northwest Atlantic Fisheries Organization (NAFO) Secretariat would provide the Rapporteur at future meetings of the Fisheries Commission (FC).

##### 1.3 Adoption of Agenda

The provisional agenda was reviewed. The following changes were agreed upon:

- Items 8 and 9 combined under a new Item 9, Report of Standing Committee on International Control (STACTIC), May 2002 (Copenhagen); presentation proposals
- Addition of a new Item 8 "Presentations on Compliance" at the request of Canada and the EU
- Insertion of item 9 a) "review of program for observers and satellite tracking"

##### 1.4 Admission of Observers

Admission of observers was discussed at the meeting of the General Council (GC).

##### 1.5 Publicity

As in past meetings, it was agreed that there would be no public statements until the conclusion of the meeting, at which time a press statement would be released.

#### 2. ADMINISTRATIVE (Item 6)

##### 2.1 Review of Commission Membership

Review of membership was discussed at the opening session of the GC (under provisions of Article XIII.1 of the NAFO Convention). There were no additions to the membership of the FC.

#### 3. CONSERVATION AND ENFORCEMENT MEASURES (Items 7 – 14)

##### 3.1 Report of the Working Group on Precautionary Approach

With respect to Agenda item 7, the Chair of the Working Group on the Precautionary Approach, Mr. Jim Baird (Canada), provided an overview of the June 2002 Working Group (WG) meeting (FC Doc. 02/12). The

report recommended further progress on the Precautionary Approach (PA) issue as well as the overall implementation of the PA in NAFO. The WG recommended a joint Fisheries Commission-Scientific Council Working Group on the PA to meet intersessionally to consider the steps to develop plans for long-term management of different fleet sectors of the fisheries. Following discussions within the FC, no action was taken to initiate a joint Fisheries Commission-Scientific Council Working Group on the PA.

### 3.2 Presentations on Compliance

With respect to Agenda item 8, two presentations on compliance were provided: one by Canada and one by the EU.

- As a follow-up presentation to the one provided in Helsingor at the Special Meeting of NAFO, in January 2002, Canada provided a more detailed presentation “Canadian Assessment of Compliance in the NAFO Regulatory Area (NRA)”. The Canadian assessment was based on the review of observer and other information from 1999-2001. Canada expressed its concern with the increasing trend in non-compliance in six areas and provided specific examples of each. Areas of concern were identified as follows:
  - i) directed fishing-excessive by-catch of moratoria species
  - ii) exceeding allocations/misreporting
  - iii) directed fishing after closure (3L shrimp)
  - iv) increased frequency of mesh size violations
  - v) increase in issuance of citations for apparent infringements
  - vi) non-submission or late submission of observer reports.
- The EU introduced FC Working Paper 02/29, “Compliance in the Regulatory Area” that provided results of European Community inspection activities in 2001 and 2002. Based on this document, the representative of the EU concluded that the level of compliance was satisfactory in the Regulatory Area and that the current situation could not in any case be compared to the one in the early 1990:s. The EU suggested the establishment of a compliance committee whereby CPs would identify incidents of non-compliance and address questions and follow-up action. This was supported by Canada.
- The EU requested that other CPs increase their involvement in inspections in the NRA given the large number of vessels that some CPs have in this area without any inspection presence. Canada shared the concern of the EU. Canada noted that while inspections at-sea and at dockside were important, observers are a very important aspect of monitoring at sea. Denmark (in respect of the Faroe Islands and Greenland) noted that the Faroe Islands had an inspection presence in the NRA for 6 weeks in 2002.

### 3.3 Report of STACTIC, May 2002 (Copenhagen); Presentation Proposals

With respect to Agenda item 9, the Chair of STACTIC, Mr. David Bevan (Canada), provided a report of the work undertaken by STACTIC at intersessional meetings in May 2002 (FC Doc 02/11) and presented seven proposals for consideration.

#### a) Review of Program for Observers and Satellite Tracking

Mr. Bevan provided an update on the review of the program for observers and satellite tracking. Following additional work of STACTIC at the Annual Meeting, FC was presented with STACTIC Working Paper (WP) 02/31, “Terms of Reference for a STACTIC Evaluation of the Program for Observers and Satellite Tracking”. FC adopted the working paper as provided.

#### b) Use of Observer Information for Scientific Purposes

Mr. Bevan noted the need for standardization and automation of observer reports and noted that the associated costs would be addressed as part of the evaluation of the review of the observer program as outlined in STACTIC WP 02/31 as noted above.

c) Evaluation of Options to Modify the Observer/Vessel Monitoring System (VMS)

While there was a certain level of support within STACTIC for an Icelandic proposal to modify the observer scheme, the Chair of STACTIC indicated that STACTIC had to resolve issues such as the scope of the pilot project and the method of evaluation before FC could give further consideration. Most CPs supported the recommendation of STACTIC. The Representative of the EU expressed dissatisfaction with the proposed timeline on the pilot project and suggested that it should be accelerated. He noted that the Observer Program was limited in time and that it would end in 2003 unless it was explicitly prolonged by the Fisheries Commission. In view of the fact that the Fisheries Commission had endorsed the recommendation of STACTIC to prolong the current program for one more year (Section 7b of the September STACTIC Report), he considered it essential to launch the pilot project as soon as possible so that it could run in parallel with the current Scheme during 2003 and that the results could be fed into the ongoing review process.

The EU suggestion that STACTIC should meet as soon as possible to further develop the technical elements of the pilot project, including the scope and evaluation, was supported by several CPs.

The Representative of Canada responded to the EU intervention indicating that Part VI of the NAFO Conservation and Enforcement Measures indicates that the elements of this program are subject to review and revision, but that the continuation of the observer program was not in question.

Following discussion at heads of delegation, the FC agreed that a Working Group of STACTIC would meet in November 2002 to develop the scope and evaluation criteria for the pilot project. Section 11 of the STACTIC Report says, *inter alia*, that STACTIC [will] meet intersessionally in June to review the Conservation and Enforcement Measures, the scope and evaluation criteria of the Pilot Project, to review the observer and VMS Scheme and initiate work on a compliance report.

The Representative of Iceland expressed disappointment that its proposal on the observer pilot project did not go forward this year and noted that Iceland would continue to object to 100% observer coverage.

d) Confidential Treatment of Electronic Reports and Messages and Improvements to Hail/VMS Systems

The Chair submitted two working papers regarding the confidential treatment of electronic reports and messages and improvements to the hail /VMS systems. The proposals in STACTIC WP 01/15 (revised) and STACTIC WP 02/5 were adopted.

e) Modernization of the Conservation and Enforcement Measures

The Chair provided STACTIC WP 02/30 (revised) "Proposal by the European Community Relating to the Overhaul of NAFO Conservation Measures", which outlines the process for finalizing the amendments. The proposal was adopted.

f) Control/Avoidance of Incidental Catches

The FC approved two elements of STACTIC WP 02/15 (i.e. amended definition of the directed fishery and amended method for calculating by-catch). Several CPs expressed concerns with the two separate by-catch limits as set out in the WP and it was generally agreed that further work is required to determine if the percentage of by-catch limits need to be reduced. The Chair of the FC referred the question of the percentage of by-catch limits to STACTIC for further review. The current by-catch limits will remain in place.

g) Compliance Issues (Rules of Procedure of the Fisheries Commission)

STACTIC WP 02/14 (revised) "Review of Compliance" and STACTIC WP 02/8 "Amendment to the Rules of Procedure for the Fisheries Commission – For New Terms of Reference" were prepared and agreed to by STACTIC at the intersessional meeting held in May. These working papers were adopted.

### **3.4 Review of the Provisions on Chartering Operations in the NRA**

With respect to Agenda item 10, as requested at the Special Meeting in Helsingor, the NAFO Secretariat prepared two working papers - FC WP 02/23 "Overview of Charter Arrangements (2000-2002)" and FC WP 02/24 "Overview of Charter Compliance with Part I.B.7 of the Conservation and Enforcement Measures".

While some CPs expressed opposition to the continuation of chartering operations in the NRA, the majority suggested the continuation of the current arrangements for one more year. The FC agreed to extend Part I.B. of the Conservation and Enforcement Measures for 2003. The FC also adopted FC WP 02/36 that amended Part I.K., paragraph 9 of the Conservation and Enforcement Measures on the fishing vessel limit in the Division 3L shrimp fishery. The amended Part I.K. will allow each CP to have one vessel fishing for shrimp in Division 3L for each CP 3L shrimp allocation they are fishing. Under the former wording, CPs were limited to only one vessel fishing shrimp in 3L at a time no matter how many CP allocations of 3L shrimp it was harvesting.

### **3.5 Increase of Inspection Presence in the NRA**

With respect to Agenda item 11, the EU and Canada expressed concern that outside of a limited presence by Denmark (in respect of the Faroe Islands and Greenland) (6 weeks) in 2002, they continue to be the only two CPs with an inspection presence in the NRA. Both parties expressed that it was inappropriate that inspections were the responsibility of only two of the 16 CPs and that these costs are being borne by just the two CPs. It was noted that some CPs are not meeting their obligations for a mandatory inspection presence when they have more than 15 vessels operating in the NRA. The EU noted that some CPs are requesting a reduction in observer coverage but this must be linked with increased inspection capacity. Canada recommended that all CPs should have a designated inspector to respond to compliance issues.

Denmark (in respect of the Faroe Islands and Greenland) indicated that the Faroe Islands would continue inspection presence in the NRA in 2003. Norway committed to an inspection presence if more than 15 of its vessels were fishing in the NRA.

### **3.6 Quota Allocation Issues**

With respect to Agenda item 12, following discussions in which several CPs expressed a desire to look at the issue of allocations, the FC adopted FC WP 02/30 (revised), which provided terms of reference for a working group on the allocation of fishing rights to Contracting Parties of NAFO. It was subsequently decided that the working group would be reconvened March 26-28, 2003 in order to report to the FC at its 25th Annual Meeting.

### **3.7 Report of STACTIC at the Annual Meeting**

With respect to Agenda item 13, the Chair of STACTIC provided an overview of the STACTIC meetings at the 24<sup>th</sup> Annual Meeting and submitted the Committee's report. Following discussion and concurrence on the time and place of the meeting of the Commission's WG on Allocations and on the STACTIC WG on the Pilot Project on Observers, the report was adopted.

### **3.8 Canadian Management Measures for 2J3KL Cod for 2002**

With respect to Agenda item 14, a number of CPs expressed disappointment with Canada's decision to permit a commercial harvest of 5,600t of 2J3KL cod within Canadian waters in 2002. They stressed the need of consistent and coherent management measures for the entire area of distribution of the stock (ie both inside and outside the Canadian EEZ). In particular, they held that such a unilateral decision disregards the scientific recommendations for the stock and retards any possible rebuilding of the stock, that it undermines the moratoria established by NAFO in International waters, that not less than 603 violations occurred in 2002 inter alia leading to an overshoot of the unilateral quota and that according to Canada's own Scientists, a quota of 200 tonnes would be largely sufficient for scientific purposes. In view of this situation, Contracting Parties urged Canada to review its position in this regard. The Representative of Canada expressed the right for

Canada to establish a TAC within its territorial waters and reiterated points from its letter to NAFO, GF 02/567, that stated that this fishery was tightly controlled, and for inshore small boats only. Canada indicated that there would be a full review of this stock before a decision is taken for 2003.

#### 4. CONSERVATION OF FISH STOCKS IN THE REGULATORY AREA (Items 15-19)

##### 4.1 Summary of Scientific Advice by the Scientific Council (SC)

With respect to Agenda item 15a, the Chair of the SC (Dr. Ralph Mayo, USA) provided a stock by stock overview of SC Advice/Recommendations as per SCS DC. 02/19.

Recommendations for one year - 2003 were provided for four stocks:

Species	Recommendation for 2003
Redfish 3M	3,000-5,000t, by-catch of juvenile redfish at lowest possible level
American plaice 3LNO	no directed fishery, lowest possible by-catch
Greenland halibut 2 + 3KLMNO	catches not to exceed average level of 2000 and 2001 level of 36,000t, reduced harvest of juveniles
Capelin 3NO	no directed fishery

The SC also provided two-year (2003/2004) advice for five other stocks:

Species	Recommendation for 2003/2004
Cod 3M	no directed fishery, lowest possible by-catch
American plaice 3M	no directed fishery, lowest possible by-catch
Witch 3NO	no directed fishery, lowest possible by-catch
Yellowtail flounder 3LNO	not to exceed 14,500t
Squid ( <i>Illex</i> ) 3+4	19,000 - 34,000t

SC noted that there was no significant change in three stocks (cod 3NO, redfish 3LN and witch 2J3KL) for which it provided two-year advice in 2001 and thus did not provide updated/revised advice for 2003.

The Chair of the SC also presented an overview of responses to special requests (as per NAFO SCS Doc. 02/19) including: the relationship between 3M witch and witch in 2J+3KL; distribution of shrimp in Divisions 3LNO and in 3M; and pelagic *Sebastes mentella* in NAFO Subareas 1-3 and adjacent to the ICES area.

SC concluded that witch in 3M in depths less than 730m do not appear to be linked with witch in 2J+3KL. Witch in the deep waters of the Flemish Pass (>730m) are likely to be more closely associated with witch along the slope of the Grand Banks in Division 3L.

SC provided the relative seasonal distribution for 3LNO shrimp biomass as follows:

Percentage of 3LNO shrimp biomass by division	Percentage of divisional biomass in the NRA
90% of biomass is in 3L	11-30% of 3L divisional biomass occurs in the NRA
<10% of biomass is in 3N	90% of 3N divisional biomass occurs in the NRA
1% of biomass is in 3O	

SC noted that age 2 shrimp were generally more abundant in depths <140 fathoms in Division 3M in all months. Multi-year spawners are more abundant in depths >140 fathoms in all months except March and April when they are more abundant in the shallower waters of Division 3M.

b) Decadal Trends in Environmental Conditions in the Northwest Atlantic

With respect to Agenda item 15b, Dr. M. Stein (EU) provided information on decadal trends in environmental conditions in the Northwest Atlantic that indicated relatively warm conditions in the 1950s and 1960s to a region in the 1970s to 1990s where temperatures were relatively cool. Dr. Stein provided a presentation on *Ocean Climatic Diversity in NAFO Waters*, which concluded that during the last three decades, the decreasing trends in temperatures have resulted in a decreased abundance of groundfish and an increased abundance of shellfish.

**4.2 Management and Technical Measures for Fish Stocks in the Regulatory Area, 2003** (Agenda item 16)

16.1 Cod 3M

Canada endorsed the SC recommendation that there be no directed fishery for 3M cod and that by-catch be kept at the lowest possible level for 2003 and 2004. Denmark (in respect of the Faroe Islands and Greenland) concurred but requested that CPs consider the possibility of a limited 3M cod fishery for science purposes. The FC agreed to extend the current moratorium for 2003 and 2004.

16.2 Redfish 3M

Latvia noted that there had been no new developments in the 3M redfish fishery and suggested that the status quo arrangement with a 5,000t TAC be kept in place for 2003. Lithuania and the EU supported this. The FC agreed to extend the current management measures for 2003.

16.3 American Plaice 3M

Canada endorsed the SC advice for 2003 and 2004 that there be no directed fishery for 3M American Plaice and that by-catch be kept at the lowest possible level. The EU supported the moratoria but suggested it should be for 2003 only. The US noted that in circumstances where stocks are under moratoria, it is more appropriate to use a multi-year approach. The FC agreed to follow the SC recommendation and extended the moratorium for 2003 and 2004.

16.4 Shrimp in Division 3M

There was considerable discussion on the management measures for shrimp in Division 3M and on the timing of SC advice on this stock. Several CPs agreed with the suggestion from the Representative from Estonia that the current effort limitation scheme should be maintained in the absence of any new information on this stock. It was noted that SC would review the shrimp stocks only in November 2002 but that a decision should be taken at the annual meeting to avoid a special meeting of FC to discuss shrimp. Iceland and the US indicated their concern with a continuation of an effort allocation system for managing this fishery.

Most CPs agreed that if the SC advice was relatively the similar to last year, the current system should be maintained, but if it changed significantly, a special meeting of the FC should be held or other means applied to change the decision taken. Canada submitted a proposal FC WP 02/41 to address issues related to the timing of the SC advice and determination of the TAC and/or effort control measures for this stock for 2003. Following discussions, FC WP 02/41 (revised) was adopted. The measures in place for 2002 will be rolled over for 2003, subject to the conditions and process outlined in FC WP 02/41 (revised).



#### **4.3 Management and Technical Measures for Fish Stocks Straddling National Fishing Limits, 2003** (Agenda item 17)

##### 17.1 Cod in Divisions 3NO

As SC advice from 2001 was for no directed fishery and by-catches at the lowest possible level for 2002 and 2003, the FC agreed to continue the current moratorium for 2003.

##### 17.2 Redfish in Divisions 3LN

The SC advice for 2002 and 2003 was for no directed fishery and by-catches at the lowest possible level. The FC agreed to continue the current moratorium for 2003.

##### 17.3 American Plaice in Divisions 3LNO

Canada noted the importance of this stock for Canadian fishermen noting that the SC recommendation must be viewed carefully. The EU noted larger increases of this stock in Divisions 3NO in recent years that could account for increased levels of by-catch.

The FC agreed to follow the SC advice of no directed fishery and by-catches at the lowest possible level. The current moratorium will continue for 2003.

##### 17.4 Yellowtail Flounder in Divisions 3LNO

While the SC provided positive advice that the TAC for this stock could be increased, the EU expressed concern that, given the high by-catches of American plaice in this fishery, it did not want the recovery of American plaice to be put in jeopardy. Canada responded to the EU concerns providing a detailed outline of measures it had taken to ensure by-catches of American plaice at the lowest possible level in this fishery.

The US tabled FC WP 02/31, which proposed a 1,000t allocation for the US if the TAC for this stock increased, maintaining that, in light of a number of considerations, it was time the US had an opportunity to fish in the NRA. This proposal was later withdrawn.

The Scientific Council advice was for a TAC of 14,500t for 2003 and 2004. Following discussion, the FC agreed to establish the TAC for 2003 consistent with this advice.

##### 17.5 Witch flounder in Divisions 3NO

The EU recommendation to follow the SC advice for no directed fishery and by-catches at the lowest possible level was supported by Canada. The FC agreed to continue the current moratorium for 2003.

##### 17.6 Capelin in Divisions 3NO

The Latvian proposal to follow the SC advice for no directed fishery and by-catches at the lowest possible level was agreed to by the FC. The current moratorium will continue for 2003.

##### 17.7 Squid (Illex) in Subareas 3 and 4

As the SC could not provide advice for this stock, Latvia proposed that the 34,000t TAC be maintained with the same footnotes as indicated in the quota table for 2002. The FC agreed to establish the TAC at 34,000t for 2003. The Protocol for Determining the Productivity of the Short-finned Squid Resource in NAFO Subareas 3+4, FC WP 00/10, will continue to be applicable for 2003.

### 17.8 Shrimp in Divisions 3LNO

There was considerable discussion on the management measures for this stock and on the timing of SC advice on this stock. Several CPs agreed with the Latvian proposal that the current measures should be maintained given that there was no new information on this stock and given that SC will review it only in November 2002.

Most CPs agreed that if the SC advice was relatively similar to last year, the current system should be maintained, but if it changed significantly, a special meeting of the FC should be held or other means applied to change the decision taken. The Canadian proposal FC WP 02/41 (revised) that was adopted for 3M shrimp to address the same issues of timing of the SC advice and determination of the TAC and/or effort control measures, also included measures for 3LNO shrimp.

Denmark (in respect of the Faroe Islands and Greenland) expressed its continued opposition to the current sharing of the portion in the NAFO Regulatory Area. Denmark (in respect of the Faroe Islands and Greenland) submitted a proposal on a new sharing arrangement, FC WP 02/40, for consideration. This proposal was not adopted.

The FC agreed that the measures in place for 2002 would be rolled over for 2003, subject to the conditions and process outlined in FC WP 02/41 (revised). The Representative of Denmark (in respect of the Faroe Islands and Greenland) warned that this neglect of the legitimate interests of Denmark (in respect of the Faroe Islands and Greenland) would most likely lead to an objection to this measure.

### 17.9 Greenland Halibut in Divisions 3LMNO

The Representative of the European Union expressed the view that the SC advice for this stock lacked clarity and that it did not have the scientific rigour of previous reports. While Representatives for Latvia, Estonia, Japan and Russia agreed a reduction in TAC should be considered, they were not willing to accept an 8,000t reduction.

The Representative of Canada noted his awareness of the importance of this stock to other CPs, but expressed concern that three of four indices have shown that this stock has declined since 1999. He also noted concern with high catches of juveniles in this fishery and expressed his support to follow the SC advice for a TAC of 36,000t for Subarea 2+3 for 2003.

The Representative of Denmark (in respect of the Faroe Islands and Greenland) expressed concern over the footnote on the "Others quota" that states that no more than 40% of the quota may be fished by the first of May and 80% by the first of October and suggested that this be deleted or amended. The Representative of Latvia shared Denmark's (in respect of the Faroe Islands and Greenland) concerns but suggested that the footnote be amended to reduce the interruption in the prosecution of this fishery that was caused by splitting the quota essentially into three separate periods.

Following discussions on the TAC level for this stock, the FC decided to establish the 2+3 quota at 42,000t for 2003. This established the quota for Divisions 3LMNO at 31,122t for 2003. The FC also agreed to amend the footnote of the "Others quota" to limit harvests to only two separate periods and the footnote will now stipulate that no more than 60% of this quota may be fished before May 1, 2003.

### 17.10 Cod and Witch Flounder in Divisions 2J3KL

The FC agreed to continue the current moratoria on both of these stocks for 2003.

### 17.11 Pelagic *Sebastes Mentella* (Oceanic Redfish) in the NAFO Convention Area

The Report from the Ad hoc Working Group on Management of Oceanic Redfish, NAFO/FC Doc. 02/13, from the meeting held in June 2002 recommended that the FC accept WG W.P. 02/5 (revision 4), which provided a 5,000t TAC for NAFO CPs that were not NEAFC members. The report also noted that the Representative of Lithuania was of the opinion that NAFO should manage that portion of the stock found in the NAFO Convention Area and that the NAFO quota should be higher than 5,000t.

Representatives of the EU, Canada, Russia and Denmark (in respect of the Faroe Islands and Greenland) supported the WG report. The Representative of Lithuania repeated the concerns expressed that he had in the WG report and proposed that the TAC for non-NEAFC members should be 15,000t. France, Latvia and the Ukraine supported the Lithuanian position that the decision should be one taken by NAFO and not one guided by NEAFCs decision.

Following discussions, the FC adopted the paper FC WP 02/43 (revised) providing a quota of 7,500t for Oceanic Redfish in NAFO Subarea 2 and Divisions 1F and 3K for NAFO CPs that are not members of NEAFC and a quota of 25,000t for the CPs that are members of NEAFC.

After discussions, Contracting Parties agreed on the Quota Table for 2003 (Annex

#### 17.12 Management of Currently Unregulated Stocks

##### 3O Redfish

The Representative of Canada introduced a proposal, FC WP 02/27 (revised), for a precautionary TAC for 3O redfish in the range of 13,000t. He noted concern with the current exploitation rate of this slow growing stock and suggested that SC be asked to provide advice on reference points and conservation measures for this stock for future years.

The Representative of the EU noted that with the exception of large catches in 2001, the fishery had been relatively stable and did not see the need for a TAC right away. He suggested that the FC should ask for more formal science advice with a view for a proposed TAC for 2004, but not before obtaining SC advice.

Following discussions, the FC agreed to adopt the process set forth in FC WP 02/27 (revision 3) that requests SC to provide a full assessment of 3O redfish in advance of the 2003 Annual Meeting.

##### Thorny Skates

The Representative of the US tabled FC WP 02/33, which sought to establish catch limits (6,500t) for thorny skates in Divisions 3LNO while awaiting SC advice for this stock. Latvia noted that there was a need for SC advice before establishing a TAC. FC WP 02/33 was revised but as there was no consensus to proceed with a TAC for 2003, it was withdrawn.

#### **4.4 Formulation of Request to the Scientific Council for Scientific Advice on the Management of Fish Stocks in 2004**

With respect to Agenda item 18, the FC's Request for Scientific Advice on Management in 2004 was outlined in FC WP 02/39. Following discussions, it was decided that prior to the next annual meeting, SC consider options to provide annual advice as regards to shrimp in Divisions 3LNO and 3M in advance of annual meetings. With this addition, FC WP 02/39 (revised) was adopted.

#### **4.5 Transfer of Quotas Between Contracting Parties**

With respect to Agenda item 19, the NAFO Secretariat provided a list of quota transfers between NAFO CPs from 1982 to present in FC WP 02/22. There were no comments from any CP.

### **5. CLOSING PROCEDURE (Items 20-22)**

#### **5.1 Time and Place of the Next Meeting**

With respect to Agenda item 20, the time and place of the next meeting was to be established by General Council.

## 5.2 Other Business

Under Agenda item 21, it was agreed that four intersessional meetings would be held. The dates and places determined by Heads of Delegation are as follows:

- |  |   |
|--|---|
| 1. STACTIC WG on Pilot Project   | Nov. 18-20, 2002<br>London, UK  |
| 2. Fisheries Commission WG on Allocations                              | March 26-28, 2003<br>Florida, USA                                     |
| 3. STACTIC WG to overhaul the<br>Conservation and Enforcement Measures | before June 2003 STACTIC<br>meeting – preferably by<br>teleconference |
| 4. STACTIC Intersessional Meeting                                      | June 16-20, 2002<br>Copenhagen, Denmark                               |

## 5.3 Adjournment

With respect to Agenda item 22, the Chair thanked the NAFO Secretariat, Gordon Moulton and Brian Lester, for their assistance. The meeting was adjourned at 1020 hrs on September 20, 2002.

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## **Annex 2. Agenda**

### **I. Opening Procedure**

1. Opening by the Chairman, D. Swanson (USA)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity

### **II. Administrative**

6. Review of Commission Membership

### **III. Conservation and Enforcement Measures**

7. Report of the Working Group on Precautionary Approach
8. Presentations on compliance
9. Report of STACTIC, May 2002 (Copenhagen); presentation proposals
  - a) review of program for observers and satellite tracking
  - b) use of observer information for scientific purposes
  - c) evaluation of options to modify the observer/VMS system
  - d) confidential treatment of electronic reports and messages and improvements to hail/VMS system
  - e) modernization of the Conservation and Enforcement Measures
  - f) control/avoidance of incidental catches
  - g) compliance issues (Rules of Procedure of the Fisheries Commission)
  - h) other
10. Review of the provisions on chartering operations in the NAFO Regulatory Area
11. Increase of inspection presence in the NAFO Regulatory Area
12. Quota Allocation Issues
13. Report of STACTIC at the Annual Meeting
14. Canadian Management Measures for 2J3KL Cod in 2002

### **IV. Conservation of Fish Stocks in the Regulatory Area**

15. Summary of Scientific Advice by the Scientific Council
  - a) Stock assessments and recommendations (Scientific Council Chairman)
  - b) Decadal trends in environmental conditions in the Northwest Atlantic (Chair of STACFEN or his designate)
16. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2003
  - 16.1 Cod in Div. 3M
  - 16.2 Redfish in Div. 3M
  - 16.3 American plaice in Div. 3M
  - 16.4 Shrimp in Div. 3M
17. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits, 2003
  - 17.1 Cod in Div. 3NO
  - 17.2 Redfish in Div. 3LN
  - 17.3 American plaice in Div. 3LNO

- 17.4 Yellowtail flounder in Div. 3LNO
  - 17.5 Witch flounder in Div. 3NO
  - 17.6 Capelin in Div. 3NO
  - 17.7 Squid (*Illex*) in Subareas 3 and 4
  - 17.8 Shrimp in Div. 3LNO
  - 17.9 Greenland halibut in Div. 3LMNO
  - 17.10 If available in the Regulatory Area:
    - i) Cod in Div. 2J3KL
    - ii) Witch flounder in Div. 2J3KL
  - 17.11 Pelagic *Sebastes Mentella* in the NAFO Convention Area  
- Report of the ad hoc Working Group on Oceanic Redfish
  - 17.12 Management of Currently Unregulated Stocks – 3O redfish
18. Formulation of Request to the Scientific Council for:
- a) Scientific advice on the management of fish stocks in 2004
19. Transfer of Quotas Between Contracting Parties

#### **V. Closing Procedure**

- 20. Time and Place of the Next Meeting
- 21. Other Business
- 22. Adjournment

### **Annex 3. Terms of Reference – STACTIC Evaluation of the Program for Observers and Satellite Tracking (STACTIC W.P. 02/31)**

As noted in Part VI of the NAFO Conservation and Enforcement Measures, the elements of the Program are subject to review and revision, as appropriate, for application in 2003 and subsequent years. During STACTIC meetings in 2002, it was concluded that a review of the effectiveness of the Program could not be completed, in part, due to a lack of clear guidance on a review process. STACTIC proposes the terms of reference below to provide direction for a review of the operation of the Program for the period 1999-2002. It is proposed that the evaluation cover the following 3 elements:

#### **1. ASSESSMENT - IMPLEMENTATION OF THE PROGRAM (2002 only)**

##### **1 a): Assessment of Impartiality and Independence:**

The review will undertake to assess the independence and impartiality of observers in the following manner:

All Contracting Parties whose vessels fish in the NRA will report to the NAFO Secretariat on the recruitment and training of their observers. Annex 1 contains a format for the use of Contracting Parties to report this information to the Executive Secretary.

Additionally, Contracting Parties with an Inspection Presence in the NRA will report to the NAFO Secretariat any information they have relating to the independence and impartiality of observers.

This information will be combined by the Executive Secretariat and presented to STACTIC at the next Intersessional meeting.

##### **1b): Assessment of all other elements of the program:**

The assessment will also include a review of the implementation of all other elements of the program by Contracting Parties or by Contracting Parties with an Inspection Presence in the Area. It will assess whether the elements of the program have been consistently and properly implemented in accordance with Part VI of the NAFO Conservation and Enforcement Measures.

This assessment of all other elements of the Program will be conducted by the Executive Secretariat, which will complete a report to STACTIC for the next Intersessional meeting, outlining the performance of each Contracting Party in implementing the elements of Part VI of the NCEM. Annex 2 outlines the format to be used in the report.

Contracting Parties with an Inspection Presence in the NRA may also provide to STACTIC information they have acquired regarding the implementation of the program.

#### **2. ASSESSMENT - FINANCIAL AND PRACTICAL IMPLICATIONS OF PROGRAM**

The review will include an assessment of the financial and practical implications of the Program for Contracting Parties (including Contracting Parties with an inspection presence) in the NRA. Specifically, the Review will consider 2 aspects of the Program.

##### **2a) Assessment of Financial Implications:**

To facilitate this assessment, all Contracting Parties (including those with an inspection presence) will calculate the following:

- 1) the costs of the program for:
  - Contracting Parties
  - Contracting Parties with an Inspection Presence
  - Vessel Owners
  - Observer Contracting Companies

- 2) the costs of the program in relation to each Contracting Party's (including those with an inspection presence) contribution to the monitoring and control regime and in relation to the presence of vessels fishing in the NRA.
- 3) the costs of at sea inspections, port inspections and air surveillance

This information will be submitted to the NAFO Secretariat in the format outlined in Annexes 3 and 4.

2b) Identification of Practical Implications:

Contracting Parties (including those with an inspection presence will examine the practical considerations and logistical effort involved in the development of procedures, deployment plans and training required by the Program.

Contracting Parties will submit to the NAFO Secretariat the logistical issues related to the implementation of the Program they encounter in ensuring compliance with the program.

### **3. ASSESSMENT OF THE EFFECTIVENESS OF THE PROGRAM**

The final component of the review will assess the effectiveness of the program in relation to compliance with the Conservation and Enforcement Measures and support for the Scientific Council.

Each Contracting Party (including those with an inspection presence) will assess the effectiveness of

- the interaction between the Program and the Inspection Scheme (sea and port inspections)
  - the interaction with inspectors
  - procedures for follow-up of observer reported infringements
- accuracy and usefulness of observer data
  - support to Scientific Council
  - quantity and quality of the data
  - availability of data on real time basis
  - formatting of the data
- the contribution of observers and VMS (the Program) to compliance with the NCEM
  - infringements reported by observers
  - infringements not reported by observers
  - infringements detected by VMS
  - infringements not detected by VMS

This section of the review will also assess the relative costs of the current program in comparison with other control measures such as enhanced VMS and port inspections.

All reports, evidence and information submitted to the NAFO Secretariat in relation to this review should be submitted to the NAFO Secretariat by November 30, 2002 and will be reported to STACTIC at the next intersessional meeting. The information will be distributed to all Contracting Parties one month in advance of the intersessional meeting. The data collected will be assessed and recommendations will be considered and provided to the Fisheries Council on the operation of the program.





ANNEX 3. EXPENDITURES – 1999 - 2001Contracting Party:A. OBSERVERS

Year	Observer Sea Days	Observer Transit Days	Travel	Recruitment and Training	Administration	Other (Specify)
1999						
2000						
2001						
2002						

Contracting Party:B. SATELLITE TRACKING/VESSEL MONITORING SYSTEM

Year	Hardware	Software	Transmissions	Maintenance	Training	Monitoring	Other (Specify)
1999							
2000							
2001							
2002							

ANNEX 4. EXPENDITURES - ALL MEANS

## EXPENDITURES – OBSERVERS

Observer Sea Days	Observer Transit Days	Travel	Training	Administration	Other

## EXPENDITURES – SATELLITE TRACKING / VMS

Hardware	Software	Transmissions	Maintenance	Training	Monitoring	Other

## EXPENDITURES – TRADITIONAL MEANS OF SURVEILLANCE

Sea Surveillance	Air Surveillance	Port Inspections	Other

**Annex 4. Confidential Treatment of Electronic Reports**  
(FC Doc. 02/20 – formerly STACTIC W.P. 01/15 revised)

**Part VIII**

**PROVISIONS ON SECURE AND CONFIDENTIAL TREATMENT OF  
ELECTRONIC REPORTS AND MESSAGES TRANSMITTED  
PURSUANT TO Part III E, VI and VII OF THE  
CONSERVATION AND ENFORCEMENT MEASURES.**

**1. Field of application**

The provisions set out below shall apply to all electronic reports and messages transmitted and received pursuant to Part III. E and to annex I, Part VI.A.3 and B of the Conservation and Enforcement Measures, hereinafter referred to as “reports and messages”.

**2. General Provisions**

- 2.1. The NAFO Executive Secretary and the appropriate authorities of Contracting Parties transmitting and receiving reports and messages shall take all necessary measures to comply with the security and confidentiality provisions set out in sections 3 and 4.
- 2.2. The NAFO Executive Secretary shall inform all Contracting Parties of the measures taken in the secretariat to comply with these security and confidentiality provisions.
- 2.3. The NAFO Executive Secretary shall take all the necessary steps to ensure that the requirements pertaining to the deletion of reports and messages handled by the Secretariat are complied with.
- 2.4. Each Contracting Party shall guarantee the NAFO Executive Secretary the right to obtain as appropriate, the rectification of reports and messages or the erasure of reports and messages the processing of which does not comply with the provisions of the NAFO Conservation and Enforcement Measures.
- 2.5. Notwithstanding the provisions of Part III .E.2 and Part VI.B., the Fisheries Commission may instruct the NAFO Executive Secretary not to make available the reports and messages received under Part III and VI to a Contracting Party, where it is established that the Contracting Party in question has not complied with these security and confidentiality provisions.

**3. Provisions on Confidentiality**

- 3.1. Reports and messages shall be used only for the purposes stipulated in the Conservation and Enforcement Measures. No report or message referred to in section 1 shall be kept in a computer database at the Secretariat unless explicitly provided for in the Conservation and Enforcement Measures.
- 3.2. Each inspecting Contracting Party shall make available reports and messages only to their means of inspection and their inspectors assigned to the Scheme of Joint International Inspection and Surveillance. Reports and messages shall be transmitted to the inspection platforms and inspectors not more than 48 hours prior to entry into the Regulatory Area.
- 3.3. The NAFO Executive Secretary shall delete all the original reports and messages referred to in section 1 from the database at the NAFO Secretariat by the end of the first calendar month following the year in which the reports and messages have originated. Thereafter the information related to the catch and movement of the fishing vessels shall only be retained by the NAFO Executive Secretary, after measures have been taken to ensure that the identity of the individual vessels can no longer be established.



- 3.4. The NAFO Executive Secretary shall not make available reports and messages to other parties than those specified explicitly in Part III.E.2 of the Conservation and Enforcement Measures.
- 3.5. Inspecting Contracting Parties may retain and store reports and messages transmitted by the Secretary until 24 hours after the vessels to which the reports and messages pertain have departed from the Regulatory Area without re-entry. Departure is deemed to have been effected six hours after the transmission of the intention to exit from the Regulatory Area.

#### **4. Provisions on security**

##### **4.1 Overview**

Inspecting Contracting Parties and the NAFO Secretariat shall ensure the secure treatment of reports and messages in their respective electronic data processing facilities, in particular where the processing involves transmission over a network. Contracting Parties and the NAFO Secretariat must implement appropriate technical and organisational measures to protect reports and messages against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access, and against all inappropriate forms of processing.

The following security issues must be addressed from the outset:

- System access control:  
The system has to withstand a break-in attempt from unauthorised persons.
- Authenticity and data access control:  
The system has to be able to limit the access of authorised parties to a predefined set of data only.
- Communication security:  
It shall be guaranteed that reports and messages are securely communicated.
- Data security:  
It has to be guaranteed that all reports and messages that enter the system are securely stored for the required time and that they will not be tampered with.
- Security procedures:  
Security procedures shall be designed addressing access to the system (both hardware and software), system administration and maintenance, backup and general usage of the system.

Having regard to the state of the art and the cost of their implementation, such measures shall ensure a level of security appropriate to the risks represented by the processing of the reports and the messages.

Security measures are described in more detail in the following paragraphs.

##### **4.2 System Access Control**

For their main computer systems the Contracting Parties and the Secretariat shall aim to meet the criteria of a C2-level trusted system, (as described in Section 2.2 of the U.S. Department of Defence Trusted Computer System Evaluation Criteria (TCSEC), DOD 5200.28-STD, December 1985).

The following features are some of the ones provided by a C2-level trusted system:

- A stringent password and authentication system. Each user of the system is assigned a unique user identification and associated password. Each time the user logs on to the system he/she has to provide the correct password. Even when successfully logged on the user only has access to those and only those functions and data that he/she is configured to have access to. Only a privileged user has access to all the data.
- Physical access to the computer system is controlled.
- Auditing; selective recording of events for analysis and detection of security breaches.
- Time-based access control; access to the system can be specified in terms of times-of-day and days-of-week that each user is allowed to login to the system.
- Terminal access control; specifying for each workstation which users are allowed to access.

#### **4.3 Authenticity and Data Access Security**

Communication between the Contracting Parties and the NAFO Secretariat for the purpose of the Conservation and Enforcement Measures shall use the X.25 Protocol. Where E-mail is used for general communication and reports outside the scope of provision 1. between the NAFO Secretariat and the Contracting Parties the X.400 Protocol or Internet shall be used.

#### **4.4 Communication Security**

If Contracting Parties and the NAFO Secretariat agree, the X.400 Protocol or the Internet can be used for communication of data under the Scheme, but then appropriate encryption protocols like "Pretty Good Privacy" (PGP) or "Digital Encryption Standard" (DES) shall be applied to ensure confidentiality and authenticity.

#### **4.5 Data Security**

Access limitation to the data shall be secured via a flexible user identification and password mechanism. Each user shall be given access only to the data necessary for his task.

#### **4.6 Security Procedures**

Each Contracting Party and the NAFO Executive Secretary shall nominate a security system administrator. The security system administrator shall review the log files generated by the software, properly maintain the system security, restrict access to the system as deemed needed and act as a liaison with the Secretariat in order to solve security matters.

**Annex 5. Amendment of the Conservation and Enforcement Measures  
re improvements to the hail/VMS systems**

(FC Doc. 02/19-formerly STACTIC W.P. 02/5 revised)

1. The NAFO Conservation and Enforcement Measures (CEM) do not provide for automatic communications of so-called administrative reports, i.e. notifications concerning fishing vessels operating in the Regulatory Area, cf. CEM, Part III, D. The CEM should be amended in order to allow the automatic communication of such administrative reports.

Automatic communication is understood as a system whereby such messages, defined in accordance with the syntax of the North Atlantic Format, can be submitted in computer readable form.

2. The CEM may include an optional system of Return messages (RET) whereby the sender receives verification that a message has been received with/without problems.

3. The Transshipment report should be extended to include identification of the client vessel, including whether transshipment has been to or from that vessel, by means of the field codes TT and TF.

4. A fishing vessel with a technical failure or non-operation of a defective satellite tracking device should submit manual Position reports at least every 6 hours instead of "at least daily" as required by the current rules. These messages should be submitted in computer readable form if possible, and such messages should be identified as MAN, cf. CEM, Part VI, B, paragraph 5.

5. The first VMS Position report automatically generated and communicated when a vessel enters the Regulatory Area should be identified as ENT (entry into the area), and the last automatically generated VMS Position report transmitted leaving the Regulatory Area should be identified as EXI (exit from the area).

Consequently, the codes of the current manually generated messages ENT and EXI should be changed and the following is proposed:

COE (catch on entry) instead of ENT; and

COX (catch on exit) instead of EXI, cf. CEM, Part III, Annex 1, 1.1 and 1.4

6. Automatically communicated reports required by the CEM should be transmitted via the Flag State Monitoring Centre (FMC) to the NAFO Secretariat (automatically routed to the Secretariat), cf. CEM, Part III, E, paragraph 1.

7. From 1 January 2001 all vessels fishing in the Regulatory Area shall be equipped with satellite tracking devices. According to the CEM, fishing vessels are thus no longer required to send messages concerning movement within the Regulatory Area, cf. CEM Part III, E, paragraph 4. Consequently points c) and d) of Part III, E of the CEM should be removed.

**Annex 6. Proposal by the European Community**  
**Relating to the Overhaul of NAFO Conservation and Enforcement Measures**  
(STACTIC W.P. 02/30-Revised)

**Background**

There has for a certain time been a general agreement in NAFO on the need to make a general overhaul of the NAFO Conservation and Enforcement Measures. A STACTIC meeting was convened in May 2001 for this purpose, which developed a new framework for these measures. A Drafting Group was thereafter given the task of drawing up a new text in accordance with the agreed framework. This Drafting Group met in July 2002 and produced a draft text. The Group acknowledged that further work would be required (in particular in relation to the Annexes) but was hopeful that a new text could be finalised and be submitted for adoption at the 2003 Annual Meeting.

**Proposal**

In order to prepare the grounds for 2003 meetings it is proposed that further progress be made inter-sessionally in accordance with the following arrangements:

- The report together with the draft text of new measures has been circulated to all Contracting Parties who are invited to present their comments on the text as well as the outstanding issues raised in the report directly to the European Community before 15 December 2002. Comments should be sent directly to Staffan.Ekwall@cec.eu.int
- The European Community shall then, on the basis of the comments by Contracting Parties, prepare an up-dated text of the Conservation and Enforcement Measures. This text shall be circulated to all Contracting Parties before 15 February 2003.
- Contracting Parties are then invited to submit their comments on the up-dated text to the European Community before 30 March 2003. The European Community will then review the text in view of the comments made and present the a new version for an intersessional Drafting Group/STACTIC meeting in 2003.
- It is furthermore proposed that the drafting group should be given the opportunity to propose amendments of substance compared to the current text, in particular those identified in Annex 4 of the document. Such amendments should however be highlighted in a separate fashion.

**Annex 7. Amendment of Conservation and Enforcement Measures –  
Part I.A.5(a) and I.A.5(d)**  
(FC Doc. 02/18)

Part I.A.5 (a) to include the definition of a directed fishery as follows:

- (a) Masters shall not conduct directed fisheries for species for which incidental catch limits apply. A directed fishery for a species is conducted when that species comprises the largest percentage by weight of the catch in any one haul.

Part I.A.5 (d) as follows:

- (d) The percentages in (b) and (c) are calculated as the percentage, by weight, for each species of the total catch retained onboard.

**Annex 8. Review of Compliance**  
(STACTIC W.P. 02/14)

Pursuant to the instructions of the Fisheries Commission given at its Special Meeting in Helsingor (January 2002), STACTIC agreed to further its work on initiating an annual review of compliance and report to the Fisheries Commission as follows:

- 1) The Executive Secretary shall compile the following information:
  - a) catch statistics as provided in all tables of the "Recording of Provisional Catches" and STATLANT reports;
  - b) port inspection reports;
  - c) summary data of observer reports;
  - d) information from VMS;
  - e) information from surveillance in the NAFO Regulatory Area;
  - f) NAFO inspection reports;
  - g) hail reports (entry, exit, transshipment);
  - h) reports of disposition of apparent infringements; and
  - i) any other relevant information available to the Executive Secretary.
- 2) The Executive Secretary shall compile the information in (1) in an electronic format which permits easy comparison of data from different sources. Sample tables for this format are attached. STACTIC recommends that prior to the 2002 annual meeting the Secretariat identify technical and resource requirements for completion of the sample tables or elaborate possible alternate formats. In creating this compilation, the Executive Secretary shall identify information which has not been submitted and seek to obtain it from the Contracting Parties concerned prior to completing the compilation. The Executive Secretary shall transmit this compilation of information to all Contracting Parties no later than 60 days prior to the meeting at which the information is to be discussed.
- 3) STACTIC shall review the information compiled by the Executive Secretary, notably any discrepancies, omissions and contradictions. At the request of any Contracting Party, additional sources of information shall be examined by STACTIC.
- 4) STACTIC shall review the compliance of Contracting Parties as well as the vessels of Contracting Parties with respect to the Conservation and Enforcement Measures, using the infringements listed in part IV paragraph 9 of the Conservation and Enforcement Measures as the focal point for its first compliance review and report.
- 5) STACTIC shall include in its compliance report, if appropriate, recommendations to the Fisheries Commission to deter, reduce and/ or eliminate noncompliance in the Regulatory Area.
- 6) STACTIC recommends that it conduct the first compliance review based on 2002 data and submit its first compliance report to the 2003 annual meeting of the Fisheries Commission. STACTIC further recommends that it meet in connection with the 2003 annual meeting to conduct its first compliance review and produce its compliance report.
- 7) STACTIC observed that amendments to the rules of procedure regarding the mandate of STACTIC and the role of the Executive Secretary may be appropriate in the context of the compliance review and report. A proposal to amend paragraph 5 of the Rules of Procedure in this regard is attached.
- 8) STACTIC noted that the electronic submission of the information Contracting Parties are required to submit pursuant to the Conservation and Enforcement Measures would greatly facilitate STACTIC's work in producing a report on compliance.

## **Fishing Vessel Compilation**

### General Note

NP denotes “not provided”, ie: that the information should have been provided but was not. NA denotes “not available” and means that the information was not collected and that there was no obligation to provide the information (eg: that the vessel was not inspected).

### **Catch**

Contracting Party	Vessel Name	Side Number	Trip Dates		Division	Species	NAFO inspection report (2)	Date of NAFO inspection report	Port inspection report (1)	Observer Report	Hail Data (3)	Apparent infringement issued
			Start	End								

1. Catch in NAFO inspection reports, observer reports ,and hail data is reported in round weight. Catch in port inspections is reported in processed weight and will need to be converted to round weight by a factor of x.
2. Catch recorded in inspection reports is collected as of a certain date and thus cannot be compared directly to catch figures from port inspection reports and observer reports.
3. This column consists of a calculation performed by the Secretariat: (exit hail catch – entry hail catch) + transshipment hail catch = catch in the NAFO Regulatory Area.

### **Mesh Size**

Contracting Party	Vessel Name	Side Number	Trip Dates		Species	Observer Measurement	NAFO inspection measurement	Port Inspection Measurement	Apparent Infringement Issued
			Start	End					

### **Interference with satellite tracking systems**

Contracting Party	Vessel Name	Side Number	Trip Dates		VMS data (1)	NAFO Inspection Report	Apparent Infringement issued
			Start	End			

1. Secretariat to enter number calculated as follows: Determine the period of time the vessel spent in the NAFO Regulatory Area and the number of VMS positions it should have automatically reported for that period of time. If the actual figure reported automatically is less than the projected figure, determine if the discrepancy is compensated by manual reporting. Enter any remaining discrepancy between what the vessel should have reported and what was actually reported in this column. Note that the STACTIC working paper on “Provisions on Secure and Confidential Treatment of Electronic Reports and Messages Transmitted Pursuant to Part III, VI and VIII of the Conservation and Enforcement Measures” will require the Executive Secretary to make this determination within 24 hours of a vessel’s departure from the NAFO Regulatory Area.
2. Observer reports (other than summary data) may also show interference with satellite tracking. Contracting Parties with information in this regard should draw it to the attention of the Executive Secretary or to STACTIC during its compliance review.

### **Preventing an inspector from carrying out his or her duties**

Contracting Party	Vessel Name	Side Number	Trip Dates		NAFO Inspection Reports
			Start	End	

## **Contracting Party Summaries**

### **Catch**

Contracting Party	Division	Species	Quota	NAFO inspection report (2)	Date of NAFO inspection report	Port inspection report (1)	Observer Report	Hail Data (3)	Apparent infringement issued

1. Catch in NAFO inspection reports, observer reports, and hail data is reported in round weight. Catch in port inspections is reported in processed weight and will need to be converted to round weight by a factor of x.
2. Catch recorded in inspection reports is collected as of a certain date and thus cannot be compared directly to catch figures from port inspection reports and observer reports.
3. This column consists of a calculation performed by the Secretariat: exit hail catch – (entry hail catch + transshipment hail catch) = catch in the NAFO Regulatory Area.

### **Mesh Size**

Contracting Party	Species	Observer Measurement	NAFO inspection measurement	Port Inspection Measurement	Apparent Infringement Issued

### **Interference with satellite tracking systems**

Contracting Party	VMS data (1)	Inspection Report	Apparent Infringement issued

1. Secretariat to enter the number of vessels the VMS calculation noted in the corresponding table (fishing vessel summary) above indicates have interfered with satellite tracking systems.

### **Preventing an inspector from carrying out his or her duties**

Contracting Party	Inspection Reports



**Annex 9. Amendment to the Rules of Procedure for the Fisheries Commission for  
New Terms of Reference of the Standing Committee on International Control  
(STACTIC) and for a Supportive Role by the Executive Secretary**  
(FC Doc. 02/16-formerly STACTIC W.P. 02/8)

Rule 5.1 shall read as follows :

“There shall be a **Standing Committee on International Control (STACTIC)** which shall:

- a. review and evaluate the effectiveness of the Conservation and Enforcement Measures established by the Fisheries Commission;
- b. review and evaluate the compliance by Contracting Parties with the Conservation and Enforcement Measures established by the Fisheries Commission;
- c. review and evaluate reports on the inspection and surveillance activities carried out by the Contracting Parties;
- d. review and evaluate reports on infringements, including serious infringements, and the follow-up thereto by the Contracting Party;
- e. produce an annual report on compliance by all Contracting Parties for the preceding calendar year. The report shall be based on a comprehensive provisional compilation by the Executive Secretary of relevant reports submitted by Contracting Parties and any other information available to the Executive Secretary. This compilation shall be dispatched to all Contracting Parties together with the draft provisional agenda pursuant to Rule 4.1;
- f. promote the co-ordination of inspection and surveillance activities carried out by the Contracting Parties;
- g. develop inspection methodologies;
- h. consider the practical problems of international measures of control;
- i. consider such other technical matters as may be referred to it by the Fisheries Commission; and
- j. make appropriate recommendations to the Fisheries Commission.”

Rule 5.2

“The Executive Secretary shall assist the Committee in fulfilling its task under paragraph 5.1. When performing this task, the Executive Secretary shall in particular signal any malfunctions on issues falling under the competence of the Committee and provide the Committee with all relevant information and documentation.”

The current Rules 5.2-5.4 shall be renumbered accordingly.

**Annex 10. Amendment of the Conservation and Enforcement Measures,  
Part I.K.** (FC Doc. 02/17-formerly FC W.P. 02/36)

**Amend Conservation and Enforcement Measures, Part I.K. as follows:**

9. In the NAFO Regulatory Area, each Contracting Party shall limit in 2003 the number of vessels fishing for shrimp in Division 3L at any time to one vessel per each Contracting Party's allocation.

**Annex 11. Terms of Reference for the Working Group on the Allocation of Fishing Rights\* to Contracting Parties of NAFO**  
(FC Working Paper 02/30-Revised)

The Fisheries Commission requests:

1. interested Contracting Parties to participate in the reconvened Working Group named above with senior-level participation;
2. the reconvened Working Group to be chaired by a representative of the European Union;
3. the Working Group to be reconvened to:
  - develop options whose terms are explicit and predictable for allocation to Contracting Parties from current fisheries with NAFO TACs, fisheries previously not subject to NAFO TACs, new fisheries, closed fisheries being reopened, and fisheries for which fishing rights are or will be allocated in terms other than quotas (e.g. effort limits).
4. the report of the reconvened Working Group by June 30, 2003 in order to be considered at the 25<sup>th</sup> Annual Meeting of the Fisheries Commission

\*Allocation of fishing rights includes allocation of quotas as well as e.g., effort limitations.

**Annex 12. Proposal to address the issues related to timing of Scientific Advice and  
Determination of TAC and/or effort control measures for the shrimp stocks  
in Divisions 3L and 3M (by Canadian Delegation)**  
(FC Working Paper 02/41-Revised)

**BACKGROUND**

The Scientific Council provided the most recent scientific advice for the shrimp stocks in Divisions 3L and 3M in November 2001. Most of the information used to provide the 2001 assessment was collected from the 2000 calendar year (e.g. catch data for 3L and 3M, Canadian 3L autumn research vessel survey, etc.). The next meeting of the Scientific Council to assess the status of these shrimp stocks is scheduled for November 2002. It would be beneficial to have the most recent scientific advice available prior to making decisions for these shrimp fisheries in 2003.

In prior years, the Fisheries Commission has met intersessionally to review the most recent scientific advice and decide upon management measures for the fishing year immediately succeeding the assessment year. Several Contracting Parties have identified that intersessional meetings of this type are a burden with respect to cost, scheduling and workload. In cases where there is a degree of stability in resource abundance, one option would be to establish multi-year TAC's. However, for the shrimp stocks in question, this degree of stability is not a recent characteristic. The 3L fishery is relatively new, with 2002 being the 3<sup>rd</sup> year of fishing activity under NAFO quota management. The scientific advice for the shrimp stock in 3M changed substantially during the most recent assessment of this stock.

**PROPOSAL**

At the conclusion of the next Scientific Council meeting (November 2002), if the scientific advice with respect to harvest levels for the shrimp stocks in Divisions 3L and 3M does not recommend a change different from the current level by 25% or more, it is proposed that the TAC in division 3L and/or the effort control scheme in division 3M for 2003 be the same as that for 2002. This proposal will apply to the management measures for 2003 only, based on the scientific advice coming from the November 2002 Scientific Council meeting.

This proposal would result in no change in the management measures for 3M shrimp if the recommended harvest level is within the range of 33,750 to 56,250 t. For 3L shrimp there would be no change in the TAC if the recommended harvest level is in the range of 4,500 to 7,500 t.

If the scientific advice is not consistent with the ranges above then the TAC for 3L and the effort control scheme for 3M shrimp would be based on the most recent scientific advice and decided in accordance with the NAFO mail vote procedures. The current allocation key and/or effort control scheme would apply, unless a change is agreed by mail vote.

**Annex 13. Oceanic Redfish Quota**  
(FC W.P. 02/43-Revised)

Taking into account that NEAFC will establish the 2003 TAC for Oceanic Redfish and the associated quota table applicable to NEAFC Contracting Parties, Fisheries Commission decided to establish a quota of 7,500 tons for Oceanic Redfish in NAFO SA2 and Divisions 1F and 3K from the overall TAC to be established by NEAFC for 2003 for the NAFO Contracting Parties who are not NEAFC Contracting Parties and set an overall catch level of 25,000 t for Contracting Parties who are also Contracting Parties of NEAFC when fishing in NAFO SA2 and Divisions 1F and 3K. The fishing regulation measures and reporting system for these allocations are reflected in the footnotes of the Quota Table.

		Oceanic Redfish (pelagic <i>Sebastes mentella</i> )
		<u>NAFO SA 2 and Divisions 1F and 3K</u>
Denmark (Faroe Islands and Greenland)	}	25,000 <sup>1);2);3)</sup>
European Union		
Iceland		
Norway		
Poland		
Russia		
Canada	}	7,500 <sup>1);3)</sup>
Cuba		
Estonia		
France (St. Pierre et Miquelon)		
Japan		
Korea		
Latvia		
Lithuania		
Ukraine		
USA		

- 1) The Contracting Parties shall notify the Executive Secretary bi-weekly of catches taken by its vessels from this allocation. The Executive Secretary shall notify without delay all Contracting Parties the dates on which accumulated reported catch taken by vessels of Contracting Parties estimated equal to 50% and then 100% of that allocation.
  
- 2) As acceptance of this decision the quantities taken from that allocation in the NAFO Convention Area by respective Contracting Parties shall be deducted from the quotas allocated to these Contracting Parties in the NEAFC Convention Area.
  
- 3) This arrangement applies to 2003 and is without prejudice to sharing arrangements for this stock in future years.

**Annex 14. Canadian Proposal for NAFO to Establish a Precautionary TAC  
for Division 3O Redfish in 2004** (FC W.P. 02/27-Revision 3)

Redfish is a long-lived species with a relatively low fecundity rate. The mature stock biomass is supported by few strong year classes, usually appearing about every 10 years. The redfish stock in Division 3O is heavily exploited before year classes reach sexual maturity. In addition, there is an increasing exploitation of the stock by fleets outside Canada's 200-mile limit with total estimated catches at 22,000t in 2001. NAFO has not established a TAC for this stock. Canada has set a TAC of 10,000t for this stock in Canadian waters based on Canadian scientific advice and recommendations from the Fisheries Resource Conservation Council. In recent years, overall catches have exceeded the Canadian TAC of 10,000t for this stock. Given that the renewed interest by various fleets in this resource in the NAFO Regulatory Area is continuing, it seems likely that the total catch will continue to exceed the Canadian TAC of 10,000t.

The Scientific Council advised that an initial conservation measure should be to bring the stock under a quota management regime that is applicable throughout the stock area. It advised that catches have averaged about 13,000t since 1960 and over the longer term, catches at this level do not appear to have been detrimental.

The current situation of an unregulated stock in the context of considerable uncertainty as to fishing mortality is contrary to the Precautionary Approach and is inconsistent with Canada's management of the resource within its exclusive economic zone.

Canada notes that the Fisheries Commission has requested that the Scientific Council provide a full assessment of Div. 3O redfish in advance of the 2003 Annual Meeting.

Based on this advice, the Fisheries Commission will consider the appropriateness of the establishment of a TAC or other management regime as appropriate in 2004.

## Annex 15. Quota Table for 2003

QUOTA TABLE: Total allowable catches (TACs) and quotas (metric tons) for 2003 of particular stocks in Subareas 1-4 of the NAFO Convention Area. The values listed include quantities to be taken both inside and outside the 200-mile fishing zone, where applicable.

Contracting Party	Cod		Redfish		American plaice		Yellowtail		Witch		Capelin		G. halibut		Squid ( <i>Illex</i> ) <sup>2,3</sup>		Shrimp	
	Div. 3M	Div. 3NO	Div. 3M	Div. 3LN	Div. 3M	Div. 3LNO	Div. 3NO	Div. 3LNO	Div. 3NO	Div. 3NO	Div. 3NO	Div. 3MNO	Div. 3LMNO	Subareas 3+4	Div. 3L	Div. 3L	Div. 3L	
1. Canada	0	0	500	0	0	0	14137 <sup>7</sup>	0	0	0	0	0	4 668	N.S. <sup>4</sup>	5 000			
2. Cuba	0	-	1750	0	-	-	-	-	-	-	-	-	-	510	67			
3. Denmark (Faroe Islands and Greenland)	0	-	69	-	-	-	-	-	-	-	-	-	-	-	67			
4. European Union	0	0	3100	0	0	0	290 <sup>7</sup>	-	-	-	0	17 226	N.S. <sup>4</sup>	-	67			
5. France (St. Pierre et Miquelon)	-	-	69	-	-	-	-	-	-	-	-	-	-	453	67			
6. Iceland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	67			
7. Japan	-	-	400	-	-	-	-	-	-	0	0	3 189	510	67				
8. Korea	-	-	69	-	-	-	-	-	-	-	-	-	453	67				
9. Norway	0	-	-	-	-	-	-	-	-	0	0	-	-	-	67			
10. Poland	0	-	-	-	-	-	-	-	-	0	0	-	227	67				
11. Estonia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	67			
12. Latvia	0	0	13 850 <sup>1</sup>	0	0	0	-	-	0	0	0	-	-	1 133 <sup>1</sup>	67			
13. Lithuania	-	-	-	-	-	-	-	-	-	-	-	-	-	-	67			
14. Russia	-	-	-	-	-	-	-	-	-	-	-	-	3 969	-	67			
15. Ukraine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	67			
16. United States of America	-	-	69	-	-	-	-	-	-	-	-	-	-	453	67			
17. Others	0	0	124	0	0	0	73 <sup>7</sup>	0	0	0	0	0	2 070 <sup>5</sup>	794	0			
Total Allowable Catch	* <sup>9</sup>	* <sup>9</sup>	5 000 <sup>6</sup>	* <sup>9</sup>	* <sup>9</sup>	* <sup>9</sup>	14 500 <sup>8</sup>	* <sup>9</sup>	* <sup>9</sup>	* <sup>9</sup>	*	31 122	34 000	6 000				

<sup>1</sup> Quotas to be fished by vessels from Estonia, Latvia, Lithuania and the Russian Federation. The provisions of Part I, Section A.3 of the NAFO Conservation and Enforcement Measures shall apply.

<sup>2</sup> The opening date for the Squid (*Illex*) fishery is 1 July.

<sup>3</sup> Any quota listed for squid may be increased by a transfer from any "coastal state" as defined in Article 1, paragraph 3 of the NAFO Convention, provided that the TAC for squid is not exceeded.

<sup>4</sup> Transfers made to Contracting Parties conducting fisheries for squid in the Regulatory Area shall be reported to the Executive Secretary, and the report shall be made as promptly as possible.

<sup>5</sup> Not specified because the allocation to these Contracting Parties are as yet undetermined, although their sum shall not exceed the difference between the total of allocations to other Contracting Parties and the TAC.

<sup>6</sup> Of which no more than 60% (1242 t) may be fished before 1 May 2003.

<sup>7</sup> Each Contracting Party shall notify the Executive Secretary bi-weekly of catches taken by its vessels from this stock. Not more than 2500 tons may be fished before July 1, 2003. The Executive Secretary shall notify without delay all Contracting Parties of the date on which, for this stock, accumulated reported catch taken by vessels of the Contracting Parties is estimated to equal 50 and then 100 percent of the TAC for that stock.

<sup>8</sup> Contracting Parties shall inform the NAFO Executive Secretary before (1 December 2002) of the measures to be taken to meet the advice of the NAFO Scientific Council, i.e. to ensure that total catches do not exceed the levels indicated.

<sup>9</sup> The provisions of Part I, Section A.5(c) of NAFO Conservation and Enforcement Measures shall apply.

\*No directed fishing - The provisions of Part I, Section A.5a and c of NAFO Conservation and Enforcement Measures shall apply.

		Oceanic Redfish (pelagic <i>Sebastes mentella</i> )
		NAFO SA 2 and Divisions 1F and 3K
		-----
Denmark (in respect of Faroe Islands and Greenland)	}	25,000 <sup>1);2);3)</sup>
European Union		
Iceland		
Norway		
Poland		
Russia		
Canada	}	7,500 <sup>1);3)</sup>
Cuba		
Estonia		
France (St. Pierre et Miquelon)		
Japan		
Korea		
Latvia		
Lithuania		
Ukraine		
USA		

- <sup>1)</sup> The Contracting Parties shall notify the Executive Secretary bi-weekly of catches taken by its vessels from this allocation. The Executive Secretary shall notify without delay all Contracting Parties the dates on which accumulated reported catch taken by vessels of Contracting Parties estimated equal to 50% and then 100% of that allocation.
- <sup>2)</sup> As acceptance of this decision the quantities taken from that allocation in the NAFO Convention Area by respective Contracting Parties shall be deducted from the quotas allocated to these Contracting Parties in the NEAFC Convention Area.
- <sup>3)</sup> This arrangement applies to 2003 and is without prejudice to sharing arrangements for this stock in future years.



**Annex 16. Fisheries Commission's Request for Scientific Advice on Management  
in 2004 of Certain Stocks in Subareas 2, 3 and 4**

(FC Doc. 02/22 – formerly FC W.P. 02/39, revised)

1. The Fisheries Commission with the concurrence of the Coastal State as regards the stocks below which occur within its jurisdiction, requests that the Scientific Council, at a meeting in advance of the 2003 Annual Meeting, provide advice on the scientific basis for the management of the following fish and invertebrate stocks or groups of stocks in 2004:

Shrimp (Div. 3M, 3LNO)  
Greenland halibut (Subarea 2 and Div. 3KLMNO)  
Capelin (Div. 3NO)

2. The Fisheries Commission with the concurrence of the Coastal State as regards the stocks below which occur within its jurisdiction, requests that the Scientific Council, at a meeting in advance of the 2003 Annual Meeting, provide advice on the scientific basis for the management of the following fish stocks on an alternating year basis:

Cod (Div. 3NO; Div. 3M)  
Redfish (Div. 3M; Div. 3LN)  
Yellowtail flounder (Div. 3LNO)  
American plaice (Div. 3LNO; Div. 3M)  
Witch flounder (Div. 2J3KL; Div. 3NO)  
Squid (Subareas 3 and 4)

- In 2002, advice was provided for 2003 and 2004 for cod in 3M, American plaice in 3M, yellowtail flounder in 3LNO, witch flounder in 3NO and squid in SA 3&4. These stocks will next be assessed in 2004.
- In 2003, advice will be provided for 2004 and 2005 for cod in 3NO, American plaice in 3LNO, witch flounder in 2J3KL, redfish in 3M and redfish in 3LN. These stocks will next be assessed in 2005.

The Fisheries Commission requests the Scientific Council to continue to monitor the status of all these stocks annually and, should a significant change be observed in stock status (e.g. from surveys) or in by-catches in other fisheries, provide updated advice as appropriate.

3. The Fisheries Commission with the concurrence of the Coastal State requests Scientific Council, at a meeting in advance of the 2003 Annual Meeting, provide advice on the scientific basis for the management of redfish in Div. 3O including recommendations regarding the most appropriate TAC for 2004 and 2005. This stock will be assessed in alternate years thereafter.
4. The Commission and the Coastal State request the Scientific Council to consider the following in assessing and projecting future stock levels for those stocks listed above:
  - a) The preferred tool for the presentation of a synthetic view of the past dynamics of an exploited stock and its future development is a stock assessment model, whether age-based or age-aggregated.
  - b) For those stocks subject to analytical-type assessments, the status of the stocks should be reviewed and management options evaluated in terms of their implications for fishable stock size in both the short and long term. As general reference points, the implications of fishing at  $F_{0.1}$  and  $F_{2002}$  in 2004 and subsequent years should be evaluated. The present stock size and spawning stock size should be described in relation to those observed historically and those expected in the longer term under this range of options.
  - c) For those stocks subject to general production-type assessments, the time series of data should be updated, the status of the stock should be reviewed and management options evaluated in the way described above to

the extent possible. In this case, the general reference points should be the level of fishing effort or fishing mortality (F) which is calculated to be required to take the MSY catch in the long term and two-thirds of that effort level.

- d) For those resources for which only general biological and/or catch data are available, few standard criteria exist on which to base advice. The stock status should be evaluated in the context of management requirements for long-term sustainability and the advice provided should be consistent with the precautionary approach.
- e) Spawning stock biomass levels considered necessary for maintenance of sustained recruitment should be recommended for each stock. In those cases where present spawning stock size is a matter of scientific concern in relation to the continuing reproductive potential of the stock, management options should be offered that specifically respond to such concerns.
- f) Information should be provided on stock size, spawning stock sizes, recruitment prospects, fishing mortality, catch rates and TACs implied by these management strategies for the short and the long term in the following format:
  - I. For stocks for which analytical-type assessments are possible, graphs should be provided of all of the following for the longest time-period possible:
    - historical yield and fishing mortality;
    - spawning stock biomass and recruitment levels;
    - catch options for the year 2004 and subsequent years over a range of fishing mortality rates (F) at least from  $F_{0.1}$  to  $F_{max}$ ;
    - spawning stock biomass corresponding to each catch option;
    - yield-per-recruit and spawning stock per recruit values for a range of fishing mortalities.
  - II. For stocks for which advice is based on general production models, the relevant graph of production as a function of fishing mortality rate or fishing effort should be provided. Age-aggregated assessments should also provide graphs of all of the following for the longest time-period possible:
    - exploitable biomass (both absolute and relative to  $B_{MSY}$ )
    - yield/biomass ratio as a proxy for fishing mortality (both absolute and relative to  $F_{MSY}$ )
    - estimates of recruitment from surveys, if available.
  - III. Where analytical methods are not attempted, the following graphs should be presented, for one or several surveys, for the longest time-period possible:
    - time trends of survey abundance estimates, over:
      - an age or size range chosen to represent the spawning population
      - an age or size-range chosen to represent the exploited population
    - recruitment proxy or index for an age or size-range chosen to represent the recruiting population.
    - fishing mortality proxy, such as the ratio of reported commercial catches to a measure of the exploited population.

For age-structured assessments, yield-per-recruit graphs and associated estimates of yield-per-recruit based reference points should be provided. In particular, the three reference points, actual F,  $F_{0.1}$  and  $F_{max}$  should be shown.

5. Noting the progress made by the Scientific Council on the development of a framework for implementation of the Precautionary Approach, the Fisheries Commission requests that the Scientific Council provide the following information for the 2003 Annual Meeting of the Fisheries Commission for stocks under its responsibility requiring advice for 2004, or 2004 and 2005:
  - a) the limit and target precautionary reference points as described in Annex II of the UN Fisheries Agreement indicating areas of uncertainty (when precautionary reference points cannot be determined directly, proxies should be provided);

- b) information including medium term considerations and associated risk or probabilities which will assist the Commission in developing the management strategies described in paragraphs 4 and 5 of Annex II in the Agreement;
  - c) information on the research and monitoring required to evaluate and refine the reference points described in paragraphs 1 and 3 of Annex II of the Agreement; these research requirements should be set out in the order of priority considered appropriate by the Scientific Council;
  - d) any other aspect of Article 6 and Annex II of the Agreement which the Scientific Council considers useful for implementation of the Agreement's provisions regarding the precautionary approach to capture fisheries;
  - e) propose criteria and harvest strategies for re-opening of fisheries and for new and developing fisheries; and
  - f) to work toward the harmonization of the terminology and application of the precautionary approach within relevant advisory bodies.
6. In addition, the following elements should be taken into account by the Scientific Council when considering the precautionary approach:

- a) Many of the stocks in the NAFO Regulatory Area are well below any reasonable level of  $B_{lim}$  or  $B_{buf}$ . For these stocks, the most important task for the Scientific Council is to inform on how to rebuild the stocks. In this context and building on previous work of the Scientific Council in this area, the Scientific Council is requested to evaluate various scenarios corresponding to recovery plans with timeframes of 5 to 10 years, or longer as appropriate. This evaluation should provide the information necessary for the Fisheries Commission to consider the balance between risks and yield levels, including information on the consequences and risks of no action at all.

References to “risk” and to “risk analyses” should refer to estimated probabilities of stock population parameters falling outside biological reference points.

- b) Where reference points are proposed by the Scientific Council as indicators of biological risk, they should be accompanied by a description of the nature of the risk incurred if the reference point is crossed (e.g. short-term risk of recruitment overfishing, loss of long-term yield, etc.)
  - c) When a buffer reference point is proposed in order to maintain a low probability that a stock, measured to be at the buffer reference point, may actually be at or beyond the limit reference point, the Scientific Council should explain the assumptions made about the uncertainty with which the stock is measured, and also the level of ‘low probability’ that is used in the calculation.
  - d) Wherever possible, short and medium term consequences should be identified for various exploitation rates (including no fishing) in terms of yield, stability in yield from year to year, and the risk or probability of moving the stock beyond  $B_{lim}$  or  $B_{buf}$ . Whenever possible, this information should be cast in terms of risk assessments relating fishing mortality rates to the risks of falling below  $B_{lim}$  and  $B_{buf}$ , as well as of being above  $F_{lim}$  and  $F_{buf}$ , the risks of stock collapse and recruitment overfishing, as well as the risks of growth overfishing and the consequences in terms of both short and long term yields.
  - e) When providing risk estimates, it is very important that the time horizon be clearly spelled out. By way of consequence, risks should be expressed in timeframes of 5, 10 and 15 years (or more), or in terms of other appropriate year ranges depending on stock specific dynamics. Furthermore, in order to provide the Fisheries Commission with the information necessary to consider the balance between risks and yield levels, each harvesting strategy or risk scenario should include, for the selected year ranges, the risks and yields associated with various harvesting options in relation to  $B_{lim}$  ( $B_{buf}$ ) and  $B_{target}$ , and  $F_{lim}$  ( $F_{buf}$ ) and  $F_{target}$ .
7. The Fisheries Commission with the concurrence of the Coastal State requests Scientific Council, at a meeting in advance of the 2003 Annual Meeting, to consider options available for the provision of annual advice as regards shrimp in Div. 3LNO and 3M in advance of the Annual Meetings.

8. Regarding pelagic *S. mentella* redfish in NAFO Subareas 1-3, the Scientific Council is requested to review the most recent information on the distribution of this resource, as well as on the affinity of this stock to the pelagic redfish resource found in the ICES Sub-area XII, parts of SA Va and XIV and to the shelf stocks of redfish found in ICES Sub-areas V, VI and XIV, and NAFO Subareas 1-3.
9. With respect to thorny skate in Divisions 3LNO, the Fisheries Commission with the concurrence of the Coastal State requests Scientific Council, at a meeting in advance of the 2003 Annual Meeting to provide the following:
  - a) Information on exploitation rates in recent years, as well as information on by-catches of other groundfish in the 3LNO skate fishery;
  - b) Information on abundance indices and the distribution of the stock in relation to groundfish resources, particularly for the stocks which are under moratorium;
  - c) Information on the distribution of thorny skate in Divisions 3LNO, as well as a description of the relative distribution inside and outside the NAFO Regulatory Area;
  - d) Advice on reference points and conservation measures that would allow for exploitation of this resource in a precautionary manner;
  - e) Information on annual yield potential for this stock in the context of (d) above;
  - f) Identification and delineation of fishery areas and exclusion zones where fishing would not be permitted, with the aim of reducing the impact on the groundfish stocks which are under moratorium, particularly juveniles;
  - g) Determination of the appropriate level of research that would be required to monitor the status of this resource on an ongoing basis with the aim of providing catch options that could be used in the context of management by Total Allowable Catch (TAC); and
  - h) Information on the size composition in the current catches and comment on these sizes in relation to the size at sexual maturity.

## **PART II**

### **Report of the Standing Committee on International Control (STACTIC)**

#### **1. Opening of the Meeting**

The Chairman, Mr. David Bevan (Canada), opened the meeting at 10:00 on September 16, 2002. Representatives from the following Contracting Parties were present: Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), Estonia, the European Union, Iceland, Japan, Latvia, Lithuania, Norway, Russian Federation, the Ukraine and the United States.

#### **2. Appointment of Rapporteur**

Mr. Paul Steele (Canada) was appointed rapporteur.

#### **3. Adoption of the Agenda**

One amendment to the agenda was proposed and accepted, i.e. the addition of the review of the Observer/VMS scheme as an issue under agenda item 7. The revised agenda was accepted (see Annex 1).

#### **4. Review of Annual Returns on Infringements**

The Secretariat introduced STACTIC Working Papers 02/21 and 02/25.

The representative from Japan pointed out an error in Working Paper 02/25 with respect to the date of inspection for the Japanese vessel Zuiho Maru No. 88. The Secretariat agreed to correct this.

The Chairman requested that Contracting Parties provide any additional relevant information to the NAFO Secretariat at the earliest opportunity.

#### **5. Review of Surveillance and Inspection Reports**

The Secretariat introduced STACTIC Working Paper 02/22.

The representative from Canada provided a verbal report regarding Canadian surveillance activities in the NAFO Regulatory Area in 2000 and 2001. Written reports (STACTIC Working Papers 02/27 and 02/28) were later circulated.

The representative from the United States questioned the reference in the Canadian report to 14 sightings of US vessels in 2001. The representative from Canada advised that this relates to sightings of US swordfish vessels. As these vessels were not fishing for NAFO-managed stocks, the reference to them will be deleted from the report.

#### **6. Review of Operation of the Automated Hail/VMS System**

The Secretariat introduced STACTIC Working Paper 02/24. He indicated that there have been no major changes in the operation of the automated hail system since he gave his report at the last STACTIC meeting in May, 2002. Most Contracting Party vessels are providing automatic position reports, but some entries are still being made manually. He noted that some manual reports received indicate failure of the VMS system, but at the present time there is no way to distinguish between these reports and the regular positional reports received automatically.

The Secretariat indicated that a cost estimate of \$45,000 has been received for implementing the changes to the automated reporting system that had been proposed by Norway at the May, 2002 STACTIC meeting (STACTIC Working Paper 02/5). The Chairman advised that, since the Fisheries Commission has approved the Norwegian

proposal as well as the proposal made by Denmark with respect to confidentiality (STACTIC Working Paper 01/15 and corrigendum), he will advise the STACFAD Chairman of the \$45,000 funding requirement.

The representative from Iceland stated that the contractor doing the work for the NAFO Secretariat has indicated that an additional amount of approximately \$30,000 (for a total of \$75,000) would be required to ensure that the automated reporting system could handle the reports that would be required if the Icelandic proposal for changes to the observer program were to be adopted.

#### **7(a). Observer Program and Scientific Requirements**

The discussion focussed on a paper titled Harmonized NAFO Observer Program Data System Proposal (NAFO SCS Doc. 00/23). This document had been developed by the Scientific Council to define scientific requirements for observer program data.

The Chairman stated that this issue, including the need to standardize and automate observer reports and the associated cost implications, has been brought to the attention of the Fisheries Commission. He noted that further work must be done by STACTIC to develop cost estimates associated with the implementation of these changes. It was agreed that this issue should be addressed as part of the review of the NAFO Observer /VMS Scheme (see agenda item 7(b) below).

#### **7(b). Review of the NAFO Observer/VMS Scheme**

At the May, 2002 STACTIC meeting Contracting Parties were requested to provide information to the Secretariat regarding surveillance costs for 2001 as well as data on infringements, fishing effort and inspections conducted during the period of 1998-2001.

The Secretariat introduced STACTIC Working Paper 02/23, which summarized the information received from Contracting Parties to date. He indicated that some information on inspections and infringements has not yet been provided. The Chairman asked that Contracting Parties provide the required information to the Secretariat as soon as possible.

The representative from the European Union stated that STACTIC should consider how to proceed with the evaluation of the effectiveness of the scheme once all the required information is compiled.

The representative from Canada agreed, and suggested that the first step of the evaluation could be an assessment of whether all Contracting Parties have fully implemented the scheme and currently meet all requirements set out in the Conservation and Enforcement Measures with respect to observers and VMS.

A small working group was then formed to draft terms of reference for the review of the Observer/VMS scheme. The approved terms of reference are attached (STACTIC Working Paper 02/31).

It was agreed that a recommendation will be made to the Fisheries Commission that the existing Part VI of the NAFO Conservation and Enforcement Measures remain in effect in 2003 pending completion of the review of the Observer/VMS scheme.

### **8. Discussion of the Conservation and Enforcement Measures as the follow-up of STACTIC May 2002 Meeting**

A discussion took place regarding the proposal that Iceland had presented to the Fisheries Commission on 17 September 2002 regarding an alternative observer program (NAFO/FC Doc. 02/26). It was agreed that, while there appeared to be a certain level of support for the general thrust of the Icelandic proposal, issues such as the scope of the pilot project and the method of evaluation had to be resolved by STACTIC before the Fisheries Commission could give further consideration to the proposal.

The representative from the European Union suggested that, as a pilot, the project should be limited to a small number of vessels. He also stated that the project should not be restricted to only one area and/or fishery.

The representative from Canada expressed concern about the potentially wide scope of the project, which could result in a large number of vessels fishing in the Regulatory Area without observers. He also stated that the 20% coverage level seems to have been selected in an arbitrary manner, and that rigorous analysis is required to determine an appropriate coverage level.

The representative from Denmark (in respect of the Faroe Islands and Greenland) stated that 20% coverage is not sufficiently high to ensure the statistical validity of the observer data and therefore he is hesitant to support the Icelandic proposal.

The representative from Iceland indicated that the actual coverage level would be greater than 20% due to the fact that many Contracting Parties will have less than five vessels fishing in the Regulatory Area. He also stated pointed out that the pilot project would be restricted to only those Contracting Parties that have the technical capabilities required to participate.

The representative from Canada noted that although some Contracting Parties do not currently have the technical capability, they may acquire it in the next few years, and therefore there would be the potential for large numbers of vessels to fish without observers in future years.

The representative from Russia stated that it is too early to implement the Icelandic proposal for groundfish. He stated that the proposal should apply to the shrimp fishery only and that the coverage should be at the level of 75-80%, not 20%.

The representative from Japan agreed that 20% coverage goes too far. He stated that further study is required to determine an appropriate level of coverage. He also stated that the pilot project should apply not only to the shrimp fishery but also the groundfish fisheries.

The representative from Canada noted that there continue to be a number of practical issues regarding the Icelandic proposal that have not yet been addressed. For example, he said it's unclear what information would be received from the vessels, how it would be reviewed and how decisions would be made on the appropriate follow-up action following analysis of the information. He also questioned whether there is an opportunity for a limited number of Contracting Parties to cooperate on a small scale pilot project rather than implementing the project on a larger scale involving all Contracting Parties.

The representative from Norway suggested that a pilot project could involve 50% coverage rather than 20%, with a maximum of five vessels from any one Contracting Party operating without observers. He suggested that the evaluation table developed by STACTIC in 1998 could be used as the basis for an evaluation framework for the pilot project.

The representative from Canada indicated that there should be no need for five vessels per Contracting Party to participate in the pilot project. His view is that the concept could be effectively tested with a much smaller number of vessels.

The representative from Norway pointed out that some Contracting Parties have less than 5 vessels present in the Regulatory Area and there are also a number of Contracting Parties that do not meet the technical requirements for participation in the Pilot Project.

The representative from the United States suggested that the pilot project should be limited to the shrimp fishery, with 50% observer coverage and a limit of two vessels per Contracting Party. He suggested that the pilot project be of two years duration and that the implementation costs be borne by the participating Contracting Parties.

The representative from the European Union indicated that the European Union is not in favour of restricting the pilot project to only one area or fishery.

The representative from Iceland stated that the pilot project would provide a good tool for evaluating the level of compliance in mixed fisheries.

The representative from the European Union suggested that a pilot project could be developed involving a relatively small number of vessels, 50% of which would be allowed to fish without observers. For example, if a total sample of 10 vessels is agreed upon, all of those vessels would have observers onboard upon entering the NAFO Regulatory Area. Observers would be removed from five of those vessels, but only after the communications equipment and capabilities have been fully tested and shown to be working properly.

The representative from Norway expressed support for the European Union suggestion, but stated a preference for a larger number of vessels, e.g. ten vessels without observers rather than five.

The representative from Iceland indicated that the European Union and Norwegian suggestions are worthy of consideration and that Iceland is willing to work with Contracting Parties to further develop these ideas.

The representative from the European Union suggested that a small working group be asked to further develop the details of the pilot project, e.g. scope and evaluation criteria.

The representatives from Norway, Denmark (in respect of the Faroe Islands and Greenland), Iceland, Japan, and the United States indicated their support for this approach.

The Chairman stated that he will bring this recommendation forward in his report to the Fisheries Commission.

#### **9. Discussion of Possible Amendments to the Conservation and Enforcement Measures(Task from the Fisheries Commission)**

The Chairman noted that the Fisheries Commission has approved two elements of STACTIC Working Paper 02/15, i.e. the amended definition of a directed fishery and the amended method for calculating bycatch. He noted that the current bycatch limits will remain in place for the present time, and will be subject to review by STACTIC at a later date.

#### **10. Report of the Drafting Group on the Review of the Conservation and Enforcement Measures**

The representative from the European Union provided an update regarding the project undertaken by a drafting group comprised of representatives from the European Union, the United States and Canada. The drafting group had been given a mandate to identify and remove redundancies and inconsistencies in the NAFO Conservation and Enforcement Measures.

The report of the drafting group, including a draft revision of the Measures, was circulated to STACTIC delegates. The representative from the European Union introduced STACTIC Working Paper 02/30 (Revised), which outlined the process for finalizing the amendments to the Measures. The report and draft Measures, together with revised annexes to be developed by Canada, will be circulated electronically to all Contracting Parties, with comments requested before December 15, 2002. Another draft of the Measures will be circulated before February 15, 2003, with comments requested by March 30, 2003. A final draft will be reviewed at an intersessional meeting of STACTIC and at the 2003 annual meeting of NAFO.

There was agreement to follow the process outlined above.

The drafting group has identified a number of issues that will require further guidance from STACTIC. These issues are described in Annex 4 of the drafting group's report. The Chairman asked that Contracting Parties provide comments on these issues at the same time that they submit comments on the draft revisions to the Measures.

#### **11. Time and Place of the Next Meeting**

STACTIC recommends that there be intersessional meetings of STACTIC and its working groups as follows:



- that the STACTIC Working Group on Modernization of the Conservation and Enforcement Measures meet preferably by phone to conclude the redrafting of the Conservation and Enforcement Measures prior to the June intersessional meeting of STACTIC;
- that the STACTIC Working Group on the Pilot Project on Observers meet prior to the June intersessional meeting to develop the scope and evaluation criteria for the pilot project;
- that STACTIC meet intersessionally in June to review the Conservation and Enforcement Measures, the scope and evaluation criteria of the Pilot Project, to review the observer and VMS Scheme and initiate work on a compliance report.

## **12. Other Matters**

The representative from Estonia asked for clarification of Section I.K.9 of the Conservation and Enforcement Measures, which states that “each Contracting Party shall limit in 2002 the number of vessels fishing for shrimp in Division 3L at any time to one vessel.” He stated that this provision is unclear as it relates to charter operations. He questioned whether a Contracting Party could operate more than one vessel in Division 3L if the additional vessels were chartered to other Contracting Parties.

The Chairman noted that the Fisheries Commission is addressing the issue of charter vessel arrangements. He stated that the question raised by Estonia will be brought to the attention of the Fisheries Commission.

## **13. Adoption of Report**

The report was adopted by STACTIC on 19 September 2002.

## **14. Adjournment**

The meeting adjourned on 19 September 2002.

### **Annex 1. Agenda**

1. Opening by the Chairman, D. Bevan (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of Annual Returns of Infringements
  - a) review of disposition of outstanding infringements by Contracting Parties
5. Review of Surveillance and Inspection Reports
6. Review of Operation of the Automated Hail/VMS system
7.
  - a) Observer Program and Scientific Requirements
  - b) Review of the NAFO Observer/VMS Scheme
8. Discussion of the Conservation and Enforcement Measures as the follow-up of STACTIC May 2002 (Copenhagen) Meeting:
9. Discussion of possible amendments to the Conservation and Enforcement Measures (Task from the Fisheries Commission)
10. Report of the Drafting Group on the Review of the Conservation and Enforcement Measures
11. Time and Place of the Next Meeting
12. Other Matters
13. Adoption of Report
14. Adjournment

**SECTION III**  
(pages 121 to 148)

**Report of the STACTIC Working Group  
(pilot project) Meeting  
18-20 November 2002  
London, United Kingdom**

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**Report of the STACTIC Working Group (pilot project)**  
(FC Doc. 02/23)

**18-20 November 2002**  
**London, United Kingdom**

**1. Opening of the Meeting**

The Chair of STACTIC, Mr. David Bevan (Canada), opened the meeting on Monday, November 18, 2002 at 10:00 am and welcomed delegates to London.

The list of delegates is attached in Annex 1.

**2. Appointment of the Rapporteur**

Mr. Robert Steinbock (Canada) was appointed as Rapporteur.

**3. Adoption of the Agenda**

It was agreed to discuss the review of the current NAFO Program for Observers and Satellite Tracking and the overhaul of the NAFO Conservation and Enforcement Measures under Agenda Item 7 - Other Business. The provisional agenda was thus adopted (Annex 2).

**4. Presentation of a Pilot Project**

It was agreed that both FC Working Papers 02/26 and 02/42 should be the basis for discussion of the Pilot Project.

**5. Review and Evaluation of the Pilot Project**

With the concurrence of the Working Group, the delegate of Canada made a presentation that outlined its position on a number of steps that should precede any change to the current observer program and the preparations necessary for the June 2003 STACTIC intersessional meeting. He presented STACTIC W.G. (Pilot Project) W.P. 02/1 (Annex 3) that raised a series of operational questions with respect to elements of the current proposal for a pilot project on observers, satellite tracking and electronic reporting.

The delegate of the U.S. advised that the pilot would be difficult to support without answering the questions raised by the Canadian presentation. The delegate of Iceland thanked Canada for its presentation that raised a number of valid concerns but believed that some may be a result of misunderstanding. The delegate of the EU thanked Canada for the presentation and noted that there were some misunderstandings that could be easily clarified. He felt optimistic in agreeing on a technical text and that the main thrust of the Canadian concerns could be accommodated. He also felt, in particular, that the contribution of the pilot project would lead to overall improvement of the control scheme.

It was agreed to develop a single text for the pilot based on F.C. Working Papers 02/26 and 42 and incorporating replies to the questions raised by Canada. The delegate of Iceland presented a paper that raised a number of points for discussion (Annex 4).

Following consultations among a number of delegates, Canada introduced STACTIC W.G. (pilot project) W.P. 02/2 that incorporated changes to the text that was reflected in bold. Extensive discussions followed on the various changes leading to a consensus on the technical aspects which are reflected in STACTIC W.G. (pilot project) W.P. 02/2 (REVISION 3) (Annex 5).

It was noted that the complexity of the analyses will depend in large part on the scope for the pilot project. The delegate of the EU suggested avoiding reference to specific fisheries as all fisheries were needed to be included to compare the pilot project against the current regime. The delegate of the U.S. stated that if agreement could be

found on the more simple analysis, i.e. in the 3M shrimp fishery, ways could be found to apply the analysis to other fisheries. The delegate of Canada cautioned against any analysis based on the lowest common denominator and suggested the need to consider the most complex situations.

The delegate of Denmark (on behalf of the Faroe Islands and Greenland) outlined the domestic experience in Greenland with respect to comparisons of observed and unobserved vessels. Analysis has resulted in some cases to fishery closures or the embarkation of an observer on a vessel on a subsequent trip. He stated that it is very difficult to draw any conclusions or extrapolations to other vessels – and indeed such evidence could be questioned.

Some delegations noted that given the wide variability in catches and the different types of vessels, agreement is needed on the standard for a discrepancy that would warrant a flag for further consideration and possible action. There was a consensus that data is to be compiled by the Secretariat for use by Contracting Parties with an inspection presence in the Regulatory Area; the decision to inspect a fishing vessel should not be triggered by the analysis of the data but should remain the decision of the inspector. The EU and Iceland consulted to develop proposed text with respect to comparison of species caught and catch rates for inclusion in the Working Paper. There was a consensus that some flexibility should be afforded to the Executive Secretary in the format of the report presentation to be sent to Contracting Parties with an inspection presence.

## **6. Proposals and Recommendations**

It was agreed to recommend the following for review as appropriate:

- Statement of Work for Contractor – modification of software for the pilot. The delegate of Iceland will pursue this further.
- Statement of Work for Contractor to be reviewed and approved by the Technical WG – by conference call
- Secretariat to advise on costs
- Work to be done, validated and tested

With respect to the Statement of Work for the Contractor, the delegate of Iceland prepared a request for quotation for the Contractor as outlined in STACTIC W.G. (pilot project) W.P. 02/3 (REVISED) Annex 6). He noted that the previous estimate was Cdn \$30,000 but was uncertain whether this was still the case. It was agreed that the request would provide sufficient flexibility to take account of any changes in data requirements in the future.

The delegate of the EU proposed that since the Working Group had agreed upon a package, the Working Group should recommend it to the Fisheries Commission for adoption by mail vote in early 2003 in order that the pilot project could be launched in 2003.

The delegates of Iceland, Denmark (on behalf of the Faroe Islands and Greenland) and Norway also expressed in favour of the suggested procedure. The delegate of Iceland stated its concurrence with the EU on the procedure for this meeting. The Icelandic delegate stated that Iceland had interpreted the outcome of the annual meeting and the fact that this meeting was established so soon after the annual meeting to be an indicator of the will of Contracting Parties to speed up the procedure concerning this Pilot Project. The delegate of Iceland seconded the view of regret by Denmark and EU that if the process is not accelerated, the Pilot Project will not take place until after the next meeting of the Fisheries Commission. In the meantime, we would all have to listen to the non-compliance report by Canada at the annual meeting and consider why we in the meantime had not done anything to improve the system.

The delegate of Canada stated that while good progress had been made in producing a technically sound document (W.P. 02/2 (REVISION 3)), the process agreed at the September NAFO annual meeting was for the Working Group to make recommendations to STACTIC for its approval in June 2003 and subsequent submission to the Fisheries Commission. He understood that the meeting was intended to review the technical aspects of a pilot project and that he could not agree on the scope of the pilot project as this was in the political realm. Delegates of Russia, USA and Japan concurred with Canada on the process and that the EU suggestion was a significant departure on the agreement reached at NAFO.

The delegate of the EU observed that the provisional agenda for the Working Group meeting could not be an exact indication of the process as it was established through a speedy procedure agreed at the 2002 annual meeting. He

opined that the Fisheries Commission Rules of Procedure did not provide for the possibility for STACTIC to set up a formal Working Group and that the results agreed at the Working Group could be submitted to the Fisheries Commission for adoption. The delegate of Denmark (on behalf of the Faroe Islands and Greenland) agreed that Working Group meeting was set up in a rush which reflected that the Fisheries Commission wish for a speedy procedure for adoption. The delegate of Canada stated that there was no consensus on the scope and W.P. 02/2 (REVISION 3) could not be regarded as a consensus document. The Chairman reviewed the report from STACTIC at the NAFO annual meeting as approved by the Fisheries Commission that indicated the agreement on process.

The delegate of the EU stated if there is agreement on the importance of the pilot project and there is a real desire to launch it as soon as possible, then the debate on procedure reflects a sad situation. The delegate of Canada also regarded the pilot as important but reiterated that there was no consensus on the scope. Denmark expressed regret that if the process is not accelerated, then the pilot will not take place until 2004.

### **7. Other Business**

With respect to the Review of the Observer Scheme, the delegate of the EU noted that the NAFO Secretariat had sent a recent reminder letter to Contracting Parties (GF/02-653) to respond to the tables and questionnaires for purposes of evaluation of the observer scheme. He stated that it was important that all Parties complete the questionnaire without delay with respect to observers and VMS in Annex 3 of FC Doc. 02/11. The Working Group agreed that the compilation of responses is important and an essential part of the process. Mr. Gordon Moulton of the NAFO Secretariat confirmed that the Secretariat would follow up with Contracting Parties.

With respect to the overhaul of the NAFO Conservation and Enforcement Measures, the delegate of the U.S. reminded delegates of the deadline of December 15, 2002 for Contracting Parties to submit comments to the EU with a view to finalizing this work at the June 2003 STACTIC meeting.

The delegate of Canada advised that it had engaged a consultant to undertake work on a port inspection protocol for vessels fishing in the NAFO Regulatory Area and an Annex which addresses standard operating procedures for inspections. Copies were distributed to delegates and an electronic version was made available to the Secretariat for distribution to all NAFO Contracting Parties.

### **8. Next Meetings**

A technical Working Group to review the statement of work for the Contractor will be held via conference call in early 2003. The Chair of STACTIC will coordinate the conference call once names of participants have been identified through the Secretariat. The STACTIC intersessional meeting will be held June 16-20, 2003 in Copenhagen.

### **9. Adjournment**

The meeting was adjourned on Wednesday, November 20, 2002 at 11:30 am.

## Annex 1. List of Participants

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## **Annex 2. Agenda**

1. Opening of the Meeting (D. Bevan-Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Presentation of a Pilot Project
5. Review and Evaluation of the Pilot Project
6. Proposals and Recommendations
7. Other Business
8. Next Meeting
9. Adjournment

**Annex 3. Paper presented by Canada**  
(STACTIC W.G. (Pilot Project) W.P. 02/1)

**Pilot Project**

**Objective**

As outlined in Part VI (Program for Observers and Satellite Tracking) of the NCEM, in order to improve and maintain compliance with the NCEM ..... CP agree to program of 100% observer coverage and.....satellite tracking.....

Improved compliance with NCEM

**Canadian Position**

- Canada supports this objective.
- Canada has consistently stated (June 2001 STACTIC Meeting) that improved compliance is the objective with respect to NAFO MCS.
- In this regard, Canada has also stated that any alternate regime be, at least, as effective as the current regime.
- Canada is concerned with the current level of non-compliance and the increasing trend of this non-compliance (particularly as it relates to misreporting of catch).
- These concerns have been documented and presented to the FC.

Canadian Position

- There are a number of steps that should precede any change to the current regime:
- Evaluation of the Observer and VMS Program - CP implementation, functionality, and effectiveness.
- Review of compliance - provide baseline of compliance to measure effects on overall compliance from any changes to MCS regime.
- Protocol for reduced % - ensure any reduction in coverage is statistically valid (not arbitrary) in relation to conservation risks.
- Protocol for port inspection - given the potential role of port inspections in any reduction of observer coverage, a protocol should be developed to ensure port inspections are conducted in a consistent, thorough and verifiable manner.
- Some of this work will be completed by STACTIC in June.

**Introduction**

- A proposal - *Pilot Project on Observers, Vessel Monitoring, and Electronic Reporting* - has been developed for review by this group.
- The stated objective of the proposal is to enhance fisheries protection and enforcement system by making information recorded in logbooks and information from observers available on a daily basis to inspectors in the RA.
- As well, the proposal also aims to make the program more cost-effective and more efficient for control and enforcement purposes.

Introduction

- **The proposed pilot involves:**
- increased use of VMS system to collect real-time data from masters and observers on catch;
- analyses of the data in near real time;

- use of the analyses to help Contracting Parties (including those with an inspection presence) to detect and respond to possible incidents of non-compliance;
- reduced observer coverage.

### **Introduction**

- The proposal fundamentally changes the current regime from monitoring (100% coverage) to sampling (reduced %).
- The proposal could reduce cost, although not necessarily for CP with an inspection presence or for the NAFO ES.
- The proposal may improve somewhat the ability to deal with non-compliance related to area fished.
- The proposal does not deal comprehensively with:
  - other types of non-compliance that can be detected by observers,
  - how information will be used by NAFO, or
  - how the new approach (sampling vs. monitoring) will be implemented in terms of the role of the secretariat, CPs or flag states.

### **May 2002 STACTIC**

- Without prejudice to the decisions to be taken by the FC, STACTIC notes a number of points for consideration by the FC, including:

Definition of scope The scope should be clearly defined in volume (number of vessels), percentage of coverage and time.

Technical facilities Only CP which have the technical facilities put in place and tested with the NAFO ES and with the CP having means of inspection and surveillance in the RA, could participate in the pilot project.

Evaluation criteria Each CP should submit a detailed report on the execution of the pilot project containing all necessary information. STACTIC supported by the ES should evaluate the results of the pilot project on the basis of the following criteria:

- Cost / Savings for industry, authorities of the CP (including those with an inspection presence), and the NAFO Secretariat
- Interaction with traditional means of control
- Compliance notably comparison between vessels with/without observers
- Technical functioning of the Scheme and reliability

### **May 2002 STACTIC**

Implementation and follow-up of the pilot project Participating CP should notify the names of the vessels participating in the pilot project to the NAFO ES. In the case where an unobserved vessel is found to be engaged in an infringement listed in part IV point 9 of the Scheme, the CP will apply the provisions of part IV point 10 of the Scheme and, when the vessel is not re-routed, it will embark without delay an observer onboard.

Before such pilot project can be implemented the FC should instruct STACTIC to examine in detail the catch report, observer report and all technical implications as well as to draw up the draft provisions to be included in the NAFO CEM

- The Report of STACTIC was adopted in September.

### **November 2002 STACTIC WG**

Work this week - Why are we here ?

- To formally state Canadian position
  - To prepare for our June STACTIC Meeting
  - **To review in detail WP(s) on pilot project**
- November 2002 STACTIC WG**

To formally state Canadian position

- Canada is concerned with the current level of non-compliance and the increasing trend of this non-compliance (particularly as it relates to misreporting of catch)
- Canada supports proposals that will improve compliance, however, we are uncertain if current proposal addresses this objective
- Canada is not opposed to alternative MCS strategies that are, at least, as effective as the current regime

#### **November 2002 STACTIC WG**

##### **• To prepare for our June STACTIC Meeting**

- Observer/VMS Evaluation
- Canada encourages all CP to respond to earlier STACTIC papers (May 2002 and September 2002 - STACTIC WP 02/31) requesting information on the observer/VMS program
- Canada encourages (and will provide support to) the NS to compile and collate information received from CP
- Canada will be presenting an evaluation of the observer program
- Canadian performance
- Other CP performance from an Inspection Party perspective
- This work is essential to establish if the current program has been properly implemented and to determine its level of effectiveness

November 2002 STACTIC WG

##### **• To prepare for our June STACTIC Meeting**

- Compliance Review
- Canada encourages all CP to respond to earlier STACTIC papers (STACTIC WP 02/14) requesting information on compliance
- Canada encourages (and will provide support to) the NS to compile and collate information
- Canada will be preparing an assessment of compliance for 2002 from an inspection party perspective
- This work is essential to provide understanding on current level of compliance and to provide baseline for future assessments

#### **November 2002 STACTIC WG**

##### **• To prepare for our June STACTIC Meeting**

- Process for any reduction in observer coverage
- Canada believes any reduction in observer coverage cannot be arbitrary and must be linked to conservation risks
- Canada will be engaging a consultant to provide guidance on this subject and we are requesting that the June agenda include time for a formal presentation on this matter

- This work is essential to ensure that any reduction in observer coverage is properly linked to conservation risks

November 2002 STACTIC WG

##### **• To prepare for our June STACTIC Meeting**

- Dockside Inspection Protocol
- Canada believes that any reduction in observer coverage requires a statistically valid and transparent dockside inspection process
- Discrepancies currently exist between observer and dockside results that are not readily explained
- Canada has engaged a consultant to develop a protocol on this matter and will circulate this protocol for review by OCP

- Canada is requesting that the June agenda include time for a formal presentation on this matter
- This work is essential to ensure that any reduction deal with the current discrepancy between observed and inspected catch

#### **November 2002 STACTIC WG**

##### **To review in detail WP(s) on pilot project:**

##### **Scope**

A very limited scope is all that is required for a proof of concept proposal.

Canada has identified several significant compliance issues, including high levels of misreporting in the 3LMNO Greenland halibut fishery and the 3L-3M shrimp fisheries.

Any proposal should focus on minimizing conservation risks that, in the NAFO Regulatory Area, clearly increases as the area and species mix increase.

#### **November 2002 STACTIC WG**

##### **To review in detail WP(s) on pilot project:**

##### **Scope**

Any pilot project that could affect compliance should be introduced incrementally. For example, initial scope:

##### **Scope**

- Single species, single area fisheries
- Maximum of 3 vessels/fishery without observers (cooperation between CP)
- Maximum period of two years, seasonal removal of observers

##### **Participation**

- Vessels with AIN in previous 2 years prohibited from participation
- Vessel with fish from other jurisdictions prohibited from participation
- Observer must be proven independent and impartial

#### **November 2002 STACTIC WG**

##### **To review in detail WP(s) on pilot project:**

##### **Technical Facilities**

- STACTIC, through the WG, should address the NAFO Secretariat's technical capacity to receive data, conduct appropriate analyses, and distribute information in near real time to the flag states and CPs with an inspection presence.
- The WG needs to determine how this is to be done as well as how the testing envisioned in the proposal is to be conducted and success or failure evaluated.
- Successful testing is required prior to removal of any observers.

##### **Evaluation - Comparison of Compliance**

- How will data analysis be conducted, what are the thresholds for compliance, and what occurs when these thresholds are exceeded ?
- For example, how can 4 vessels fishing in vast and varying areas on the Flemish Cap be monitored collectively as a group based on a sample if each of four vessels (3 without observers, one with) fished in Division 3M without fishing in close proximity.
- How would comparative analysis occur and what is its value ?

### **Evaluation - Comparison of Compliance**

- To further illustrate, if the 3 unobserved vessels fishing in the NAFO Regulatory Area (3M) report catches of 8t/day, 2% by-catch, and 1% discards and the observed vessel reports 12t/day, 15% by-catch, and 4% discards, what follow-up is required ?
- Given variability in all data elements and influences of seasonal and area factors, what follow-up action would be possible ?
- A process/protocol should be developed to deal with these issues prior to implementation.

### **November 2002 STACTIC WG**

**To review in detail WP(s) on pilot project:**

### **Modifications to NCEM**

- Effective implementation of the pilot will require amendments to measures contained in the NCEM other than those those in Part VI (Program for Observers and Satellite Tracking).
- What is the objective of the other amendments ?
- What constitutes a citable offence for non compliance with the elements of the pilot ?

### **November 2002 STACTIC WG**

**To review in detail WP(s) on pilot project: 02/26**

### **OBJECTIVE**

*“The aim of the proposal is to enhance the fisheries protection and enforcement system.... Iceland proposes to run a pilot project, aiming to make the program for observer and satellite tracking more cost effective and at the same time make it more efficient for control and enforcement purposes.” (FC 02/26)*

*“In order to improve and maintain compliance...” (Part VI- NCEM)*

- The objective of 02/26 deals only with effectiveness and cost efficiencies - it does not address compliance.

### **November 2002 STACTIC WG**

**To review in detail WP(s) on pilot project 02/26:**

*“Only vessels of Contracting Parties with functional VMS systems that have the necessary technical facilities in place to send electronic "observer reports" and "catch reports" and have been tested with the NAFO Secretariat and Contracting Parties with inspection presence in the Regulatory Area, are applicable for this pilot project.” 02/26*

- Who is responsible for deciding that a CP has the “necessary technical facilities”?
- What is a “functional VMS system”?
- What happens when a system becomes inoperable ? Is the vessel no longer eligible for the pilot and thereby required to immediately embark an observer ?
- Patrol vessels (including potential PV deployments) operating in the NRA also must have the capability to send and receive data.

### **November 2002 STACTIC WG**

**•To review in detail WP(s) on pilot project 02/26:**

*“...that communication cost for Contracting Parties with inspection presence in the Regulatory Area will increase due to increase flow of information. This can though be minimised by selecting information to be forwarded according to the daily need of each inspection vessel. ”*



- Additional costs will have to be incurred by the CP with an inspection presence to analyze data and respond to reported situations

- How do we ensure no duplication of effort (i.e. 2 PVs responding to same incident) ?  
November 2002 STACTIC WG

- To review in detail WP(s) on pilot project 02/26:

*“A NAFO electronic form to be completed by the onboard observer  
Daily electronic transmission of Observer forms  
A NAFO electronic Catch Report to be produced by the master  
Daily electronic transmission of Catch Reports”*

- What is the process for analyzing the data ? The proposal does not refer to a process to compare the observed and reported catches ? Is the intent that this is to be done “manually” ?

- How can the information be compared when the data fields are not the same ? (Observer not recording catch)

#### **November 2002 STACTIC WG**

- To review in detail WP(s) on pilot project 02/26:**

- “In order to improve the efficiency and maintain the agreed level of compliance with the Conservation and Enforcement Measures for their vessels fishing in the Regulatory Area, as well as to make the Observer Program more cost efficient, Contracting Parties agree to a 2 year Pilot Project which combines the use of daily electronic catch reports, observer reports and satellite tracking of the vessels.”*

- “In order to improve and maintain compliance...”* NCEM

- What is the “agreed level of compliance” ?

- How is the level agreed to ?

#### **November 2002 STACTIC WG**

- To review in detail WP(s) on pilot project 02/26:**

*“Observers shall:*

- record the fishing activities of the vessel and verify the position of the vessel when engaged in fishing;”* 02/26

*“Observers shall:*

- record and report the fishing activities of the vessel”* NCEM

- Why is the onboard observer not required to report on the fishing activity?

#### **November 2002 STACTIC WG**

- To review in detail WP(s) on pilot project 02/26:**

*“Observers shall:*

- within 30 days following completion of an assignment on a vessel, provide a report to the Contracting Party of the vessel and to the Executive Secretary, who shall make the report available to any Contracting Party that requests it”*  
Part VI NCEM

- 02/26 does not make any reference to preparation or submission of reports by the observer. Why?

- How is the historical record of the observer’s trip established if all VMS data is purged?

- How does this fit with Scientific Council requirements?

- What about record of experiments such as conversion factor, product weight, etc.?

- A standardised format should be established for trip end reports.

November 2002 STACTIC WG

- To review in detail WP(s) on pilot project 02/26:

*“When an apparent infringement of the Conservation and Enforcement Measures is identified by an observer, the observer shall report that in the daily observer report.”*02/26

*“When an apparent infringement of the Conservation and Enforcement Measures is identified by an observer, the observer shall, within 24 hours, report it to NAFO inspection vessel using an established code, which shall report it to the Executive Secretary.” Part VI NCEM*

- What AIN are covered by this process ?
- A process is required to prioritize the AINs reported
- What confidentiality processes are used ?
- What happens when an observer does not report an AIN ?

#### November 2002 STACTIC WG

- To review in detail WP(s) on pilot project 02/26:

*The daily catch report shall as relevant include:*

- a) *The daily catch*
- b) *By-catch*
- c) *Discarding*
- d) *Undersize*

- Catch must be reported by area to prevent misreporting of catch by area.
- Vessel activity should be reported (i.e transiting, jogging) to prevent opportunities for misreporting activity (i.e. 3L shrimp).

#### November 2002 STACTIC WG

- To review in detail WP(s) on pilot project 02/26:

*“Masters of vessels taking part in the Pilot Project are obliged to transmit daily catch reports, regardless of if there is an observer onboard or not.”*

– It should be mandatory that the master report catch (“obliged” ?).

#### November 2002 STACTIC WG

- To review in detail WP(s) on pilot project 02/42:

*“A Pilot Project, which combines the use of daily electronic catch reports, observer reports and satellite tracking of fishing vessels shall be established. “*

- What is the objective for the pilot ?

#### November 2002 STACTIC WG

- To review in detail WP(s) on pilot project 02/42:

*“Only vessels of Contracting Parties with functional VMS systems that have the necessary technical facilities in place to send electronic “observer reports” and “catch reports” are eligible for this pilot project.”*

- What criteria are used to determine if vessels are eligible ?
- How is a “functional VMS system” measured ?
- What are “necessary technical facilities to send electronic ...”?
- What requirements must be met on the part of the NAFO Secretariat and CPs with an inspection presence?
- Are vessels with recent (last 1-2 years) serious infringements eligible?
- If the system becomes non-functional does this then exclude the vessel until it has been fixed ?

#### November 2002 STACTIC WG

- To review in detail WP(s) on pilot project 02/42:

*“The number of vessels in the Regulatory Area participating in the Pilot Project shall be limited to 20 for all Contracting Parties. Any Contracting Party shall have no more than 8 vessels participating in the Pilot Project at any one time in the Regulatory Area.”*

- What is the basis for the limit of 20 ?
- How exactly is the 20 calculated - total vessels or non-observed vessels ? Does 20 mean 10 observed/10 unobserved?
- How are the observed vessels selected ?
- What is the basis for the 8 vessels per CP ? Do the vessels change from year to year ?
- Does participation mean for the entire pilot period or is it applied on a seasonal or trip basis ?

#### **November 2002 STACTIC WG**

##### **•To review in detail WP(s) on pilot project 02/42:**

*“Contracting Parties shall notify the Executive Secretary of their intention to participate in the Pilot Project by 30 November 2002. They shall also notify the Executive Secretary of the maximum number of vessels concerned that would be in the Regulatory Area at any one time. If the number of vessels notified by Contracting Parties exceeds 20 vessels the Executive Secretary shall reduce the number, with the agreement of the Parties.”*

- What criteria does the ES use to determine which ‘applicants’ are declined ?
- What if the CP does not agree with the reduced number ?
- There is a requirement for an agreed process approved by FC to govern this process.

#### **November 2002 STACTIC WG**

##### **•To review in detail WP(s) on pilot project 02/42:**

*“However, by way of derogation from these measures a Contracting Party may withdraw observers from vessels participating in the Pilot Project on the condition that the technical facilities on board the vessel necessary to send electronic "observer reports" and "catch reports" have been tested with the NAFO Secretariat and Contracting Parties with an inspection presence in the Regulatory Area.”*

- What process will be used to conduct the tests ?
- What are the testing criteria?
- Will the tests assess the ability of the Secretariat and CP with an inspection presence to receive and analyse the data?

#### **November 2002 STACTIC WG**

##### **•To review in detail WP(s) on pilot project 02/42:**

*“A Contracting Party with one vessel participating in the Pilot Project shall withdraw the observer for no more than 50% of the time that the vessel spends in the Regulatory Area during the year. Other Contracting Parties shall withdraw the observers from no more than 50% of the vessels participating in the Pilot Project that are present in the Regulatory Area.”*

- How are comparisons possible with unobserved vessels if a CP has only one vessel in the NRA?
- This was not foreseen in the Icelandic proposal (02/26)

#### **November 2002 STACTIC WG**

##### **•To review in detail WP(s) on pilot project 02/42:**

*“When withdrawing observers Contracting Parties shall ensure that as far as possible there is a balance between vessels participating in the Pilot Project with observers and without observers, in terms of the type of fishery in which the vessels are engaged.”*

- This requirement is too vague.
- How are CPs required to ensure that the balance is established and maintained ?

**November 2002 STACTIC WG****•To review in detail WP(s) on pilot project 02/42:**

*“The Contracting Party should provide at all times the NAFO Secretariat the names of the vessels as well as the period during which they have no observer onboard.”*

•There should be a requirement for the NAFO Secretariat to forward the information provided to it by CPs to CPs with an inspection presence.

**November 2002 STACTIC WG****•To review in detail WP(s) on pilot project 02/42:**

*“In the case where an unobserved vessel is found to be engaged in an infringement listed in part IV point 9 of the Scheme, the Contracting Party shall apply the provisions of part IV point 10 of the Scheme and, when the vessel is not re-routed, it will embark without delay an observer onboard.”*

•There is no protocol when unobserved vessels are issued citations for violations other than those listed above. Part IV 6. iv) also refers to serious infringements.

•There should be a criteria for the type of infringement

•Vessels with citation for ANY incidents of non-compliance with the NCEM should be removed from the pilot.

**November 2002 STACTIC WG****•To review in detail WP(s) on pilot project 02/42:**

*“In addition to their duties under the Conservation and Enforcement Measures observers on board vessels participating in the Pilot Project shall  
–monitor the masters daily catch reports sent by electronic channels via the FMC to the NAFO Secretariat (and ensure that they are submitted)”*

–What are the observer’s instructions in the event that the master does not send a report ?

–How does the observer “ensure” reports are submitted?

–The ES role should ensure that all vessels participating in the pilot are submitting reports as required and advise Contracting Parties with an inspection presence as required

**November 2002 STACTIC WG****•To review in detail WP(s) on pilot project 02/42:**

*‘Masters of vessels taking part in the Pilot Project are obliged to transmit daily catch reports, regardless of whether there is an observer onboard or not.’*

–Masters... shall transmit daily catch.?

November 2002 STACTIC WG

**•To review in detail WP(s) on pilot project 02/42:**

*The daily catch report shall include as appropriate the amounts of the following categories:*

- i) *The daily catch*
- ii) *By-catch*
- iii) *Discarding*
- iv) *Undersize fish*

–By Division ?

November 2002 STACTIC WG

**•To review in detail WP(s) on pilot project 02/42:***1.6 Catch Report*

*Activity detail; cumulative catch by species retained on board, either since commencement of fishing in R.A.<sup>2</sup> or last “Catch” report, in pairs as needed.*

•Daily catch should be reported by Division

- Additionally, bycatch and discards should be reported daily by division
- Clarification is required on how catches (and bycatches and discards) are reported - daily and cumulatively?

#### November 2002 STACTIC WG

##### •To review in detail WP(s) on pilot project 02/42:

##### *1.6 Observer Report*

- Observer report contains no observed estimates of total catch
- Is the observer report available to the captain ?
- All catches should be reported by Division
- Clarification is required on how catches (and bycatches and discards) are reported - daily and cumulatively?

#### November 2002 STACTIC WG

##### •To review in detail WP(s) on pilot project 02/42:

##### *1.6 Observer Report*

*observers on board vessels participating in the Pilot Project shall:*

*–report daily by electronic channels via the FMC to the NAFO Secretariat ("OBR report") of his duties described in Part VI.A.3. a) i) to iv) of the Conservation and Enforcement Measures"*

–The observer report format is inconsistent with this measure; Part VI A. 3. a) ii) “observe and estimate catches” is not reflected in the report, which reports only figures for by catch, discards and undersize fish.

#### November 2002 STACTIC WG

##### •To review in detail WP(s) on pilot project 02/42:

##### *1.6 Observer Report*

*M<sup>1</sup> Activity detail; position at time of transmission*

*1 Optional if a vessel is subject to satellite tracking*

- When would vessels be required to report positions if all vessels are subject to Satellite Tracking at all times ?

#### November 2002 STACTIC WG

##### •To review in detail WP(s) on pilot project 02/42:

##### *1.6 Observer Report*

*Apparent Infringements Activity detail; “Yes” or “No”<sup>5</sup>*  
*5. Yes" if an infringement is observed*

- The nature of the infringement is not reported.
- Is this a secure and confidential process ?
- Additionally, the observer reports “Yes” or “No” with respect to the log record; however, there is no report of the observed estimate of catch to compare with the log.

#### November 2002 STACTIC WG

##### •To review in detail WP(s) on pilot project 02/42:

*“The Executive Secretary shall make available as soon as possible the information received under paragraphs 2 and 3 to other Contracting Parties with an active inspection presence in the Regulatory Area. All reports and messages shall be treated in a confidential manner.”*

–As soon as possible could be replaced with a timeline ?

–Does the confidentiality measure deal with the treatment of these reports ? If so, is it necessary to re-state it?

–How do the new confidentiality rules affect this process ?

**November 2002 STACTIC WG**

**•To review in detail WP(s) on pilot project 02/42:**

*“Each Contracting Party should submit an interim report at the annual meeting of the Fisheries Commission in 2003 and a detailed report on the execution of the pilot project containing all necessary information at the annual meeting of the Fisheries Commission in 2004, with any recommendations or proposals.”*

–There should be a standardized format for CPs to report on their pilot participation.

–CP with an inspection presence should be required to report on the pilot project as it relates to follow-up, response to AIN and so on.

**November 2002 STACTIC WG**

**•To review in detail WP(s) on pilot project 02/42:**

*“STACTIC supported by the Executive Secretary should evaluate the results of the pilot project on the basis of the criteria set out below, together with any recommendations or proposals.”*

–There is no timeline associated with the STACTIC review and no provision for ongoing analysis.

November 2002 STACTIC WG

**•Other observations**

**•To fully understand the proposals:**

–Chart of activity based on full participation

–Dataflow diagram

–Criteria and protocols re AINs as identified earlier

**Annex 4. Discussion Points**  
(paper presented by Iceland)

**Who is responsible for deciding that a CP has the “necessary technical facilities”?**

The NAFO secretariat will have to decide upon that, based on the technical requirements of the scheme and the Pilot Project.

**What is a functional VMS system?**

A VMS that fulfills all technical requirements and has been proven to be operational.

**What happens when a system becomes inoperable?**

If the VMS of an individual vessel is not functioning it must act according to the already established rules in the CEM.

**Patrol vessels (incl. potential PV deployments) operating in the NRA also must have the capability to send and receive data.**

Not necessarily, but preferable.

**What process will be used to conduct the tests?**

The Secretariat has to confirm that it receives and is able to interpretate the relevant messages.

**What are the testing criteria?**

Verified communication from the vessel via it's FMC to the Secretariat as already described in the preceding questions.

**Will the tests assess the ability of the Secretariat and CP's with inspection presence to receive and analyse the data?**

It's fundamental that the Secretariat can receive **and** analyse the data. However, for the CP with inspection presence there are two possibilities, either to receive the processed data from the Secretariat or receive raw data and do the analysing by itself.

**Annex 5. Working Paper Concerning a Pilot Project on Observers,  
Satellite Tracking and Electronic Reporting**  
(STACTIC W.G. (pilot project) W.P. 02/2, Revision 3)

For the purpose of future evaluation, the objectives of the pilot project include:

- Maintenance of or improvement to compliance with the Conservation and Enforcement Measures
- Enhancement of fisheries protection and enforcement systems
- Improved cost-efficiency and cost-effectiveness

In order to implement the Pilot Project on Observers, Satellite Tracking and Electronic Reporting, it will be necessary to add Part VI(c) to the Conservation and Enforcement Measures as follows:

**PART VI (c) – PILOT PROJECT ON OBSERVERS, SATELLITE TRACKING AND ELECTRONIC REPORTING**

A Pilot Project, which combines the use of daily electronic catch reports, observer reports and satellite tracking of fishing vessels, shall be established.

1. Scope

Only vessels of Contracting Parties with functional VMS systems that have the necessary technical facilities in place to send electronic "observer reports" and "catch reports" are eligible for this pilot project.

The total number of vessels in the Regulatory Area at any one time, which are participating in the Pilot Project shall be limited to 20, with the total number of vessels without observers not to exceed 10 at any time. Any Contracting Party shall have no more than 8 vessels participating in the Pilot Project at any one time in the Regulatory Area.

Contracting Parties shall notify the Executive Secretary of their intention to participate in the Pilot Project within 30 days following the adoption of the pilot project by the Fisheries Commission. The Pilot Project shall enter into force 60 days following adoption and, should provisionally continue for a period of two years. They shall also notify the Executive Secretary of the maximum number of vessels concerned that would be in the Regulatory Area at any one time. If the number of vessels notified by Contracting Parties exceeds 20 vessels the Executive Secretary, with the agreement of the Chairman of the Fisheries Commission, shall reduce the number without excluding any Contracting Party and advise the relevant Contracting Parties prior to the commencement of the pilot project.

Each Contracting Party is entitled to at least one vessel to participate in the Pilot Project at any time.

If a Contracting Party does not utilize its right for a vessel to participate or withdraws from the Pilot Project, the right becomes available for another Contracting Party. In such a case, the Contracting Parties with the fewest vessels participating in the Pilot Project at that time shall have priority to choose to utilize the right for a new vessel to participate.

2. Implementation

Participating Contracting Parties should notify the names of the vessels participating in the pilot project to the NAFO Secretariat. Such vessels shall have observers on board in accordance with Part VI.A of the NAFO Conservation and Enforcement Measures.

However, by way of derogation from these measures a Contracting Party may withdraw observers from vessels participating in the Pilot Project on the condition that the technical facilities on board the vessel necessary to send electronic "observer reports" and "catch reports" have been tested with the NAFO Secretariat and Contracting Parties with an inspection presence in the Regulatory Area.



The testing of this exchange shall be deemed successful once data exchanges have been completed with all recipients at a 100% reliability rate.

A Contracting Party with one vessel participating in the Pilot Project shall withdraw the observer for no more than 50% of the time that the vessel spends in the Regulatory Area during the year. Other Contracting Parties shall withdraw the observers from no more than 50% of the vessels participating in the Pilot Project that are present in the Regulatory Area.

When withdrawing observers Contracting Parties shall ensure that there is a balance between vessels participating in the Pilot Project with observers and without observers, in terms of the type of fishery in which the vessels are engaged.

Contracting Parties shall not withdraw observers from vessels with catch onboard when entering the Regulatory Area unless such vessels are subject to an inspection.

Participating Contracting Parties shall provide at all times to the NAFO Secretariat the names of vessels participating in the pilot project as well as the period during which they have no observer onboard. The Executive Secretary shall forward this information to all Contracting Parties.

In the case where a vessel without an observer is found by an inspector to be engaged in any infringement, the Contracting Party shall apply the provisions of part IV point 10 of the Scheme, as appropriate, and, when the vessel is not re-routed, it shall embark an observer without delay.

In addition to their duties under the Conservation and Enforcement Measures observers on board vessels participating in the Pilot Project shall report daily by electronic channels via the FMC to the NAFO Secretariat ("OBR report") of his duties described in Part VI.A.3. a) i) to iv) of the Conservation and Enforcement Measures.

### 3. Daily Reports

- a) Masters of vessels and observers taking part in the Pilot Project shall transmit daily reports by division.
- b) The daily reports are to be received by the NAFO Secretariat by 1200 UTC daily. The report period will run from 0001 hours to 2400 hours of the previous day.
- c) The catch reported in the daily report of the master will correspond with those recorded in the log.
- d) The daily reports shall include as appropriate the amounts, by Division, of the following categories:
  - i) The daily catch by species retained on board
  - ii) Discarding
  - iii) Undersize fish
- e) If the electronic means of transmitting daily reports (to and from FMC) is not functioning, the master and the observer will continue to report daily by other means keeping a written log of these transmissions on board and available to inspectors.

The templates for Catch and Observer Reports are further described in addition to PART III – ANNEX 1 – HAIL SYSTEM MESSAGE FORMAT.

### 4. Data Collection/Compilation/Analysis

The Executive Secretary shall collect and compile, on a weekly basis, the data provided by the daily catch reports to compare, among other items, catch rates of species caught by Division, by-catch percentage rate, discard rates for similar fisheries. The details of this data compilation are outlined in Annex 2.

The Executive Secretary shall forward this information to Contracting Parties with an inspection presence.

The NAFO Secretariat shall monitor the receipt of daily reports from each vessel participating in the pilot. When a report has not been received for 2 consecutive days, the NAFO Secretariat will notify the relevant Contracting Party as well as Contracting Parties with an Inspection Presence.

The Executive Secretary shall make available as soon as possible the information received under paragraphs 2 and 3 to other Contracting Parties with an active inspection presence in the Regulatory Area. All reports and messages shall be treated in a confidential manner.

5. Confidentiality

All data submitted under the Pilot Project shall be maintained by the Executive Secretary for the duration of the Pilot Project as well as the assessment period. When assessing this data at the end of the project, the Executive Secretary and STACTIC will ensure confidentiality by replacing vessel names with a neutral identifier. All other confidentiality rules, as outlined in the Conservation and Enforcement Measures, will apply.

6. Costs

Subject to any other arrangements between Contracting Parties, each Contracting Party shall pay all its costs associated with this system.

7. Follow-up

Each Contracting Party (including those with an inspection presence) shall submit an interim report at the first annual meeting of the Fisheries Commission following adoption of the pilot project and a detailed report on the execution of the pilot project containing all necessary information at the annual meeting of the Fisheries Commission following completion of the pilot project. STACTIC supported by the Executive Secretary should evaluate the results of the pilot project at its next meeting on the basis of the criteria set out below as well as the objectives identified, together with any recommendations or proposals:

- a) Compliance overall and notably comparison between vessels with and without observers.
- b) Assessment by the Executive Secretary on issues related to data compatibility, data collection/compilation, and data transmission.
- c) Cost/savings; for the industry; for the authorities of the Contracting Party (including those with an inspection presence); for the NAFO Secretariat.
- d) Interaction with traditional means of control.
- e) Technical functioning of the Scheme and reliability.

(Annex 1 – STACTIC W.G. W.P. 02/2, Rev. 3)

## 1.6 Daily Catch Report

<b>Data Element:</b>	<b>Code :</b>	<b>Mandato ry / Optional</b>	<b>Remarks:</b>
Start record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination, “XNW” for NAFO
Sequence Number	SQ	M	Message detail; message serial number in current year
Type of Message	TM	M	Message detail; message type, “CAT” as Catch report
Radio call sign	RC	M	Vessel registration detail; international radio call sign of the vessel
Trip Number	TN	O	Activity detail; fishing trip serial number in current year
Vessel Name	NA	O	Vessel registration detail; name of the vessel
Contracting Party Internal Reference Number	IR	O	Vessel registration detail; unique Contracting Party vessel number as ISO-3 flag state code followed by number
External Registration Number	XR	O	Vessel registration detail; the side number of the vessel
Relevant Area	RA	M	Activity detail: NAFO Division
Latitude	LA	M <sup>1</sup>	Activity detail; position at time of transmission
Longitude	LO	M <sup>1</sup>	Activity detail; position at time of transmission
Daily Catches  species live weight	CA	M M	Activity detail; cumulative catch by species retained on board (exclusive of discards), either since commencement of fishing in R.A. <sup>2</sup> or last “Catch” report, in pairs as needed. FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Discarding  species live weight	RJ	M	Activity detail; discarded catch by species, either since commencement of fishing in R.A. <sup>2</sup> or last “Catch” report, in pairs as needed. FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Undersize  species live weight	US	M	Activity detail; undersize catch by species, either since commencement of fishing in R.A. <sup>2</sup> or last “Catch” report, in pairs as needed. FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Date	DA	M	Message detail; date of transmission
Time	TI	M	Message detail; time of transmission
End of record	ER	M	System detail; indicates end of the record

1 Optional if a vessel is subject to satellite tracking

2 Meaning the first “Catch Report” in current fishing trip in the R.A.

## 1.7 Observer Report

<b>Data Element:</b>	<b>Code :</b>	<b>Mandatory / Optional</b>	<b>Remarks:</b>
Start record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination, “XNW” for NAFO
Sequence Number	SQ	M	Message detail; message serial number in current year
Type of Message	TM	M	Message detail; message type, “OBR” as Observer report
Radio call sign	RC	M	Vessel registration detail; international radio call sign of the vessel
Fishing Gear	GE	M	Activity detail; FAO code for fishing gear
Directed Species <sup>7</sup>	DS	M	Activity detail; FAO species code
Mesh Size	ME	M	Activity detail; average mesh size in millimeters
Relevant Area	RA	M	Activity detail; NAFO Division
Daily Catches  species live weight	CA	M M	Activity detail; cumulative catch by species retained on board, (exclusive of discards), either since commencement of fishing in R.A. <sup>2</sup> or last “Catch” report, in pairs as needed. FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Discarding  species live weight	RJ	M <sup>1</sup>	Activity detail; discarded catch by species, either since commencement of fishing in R.A. <sup>2</sup> or last “Catch” report, in pairs as needed. FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Undersize  species live weight	US	M <sup>1</sup>	Activity detail; undersize catch by species, either since commencement of fishing in R.A. <sup>2</sup> or last “Catch” report, in pairs as needed. FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Log Book	LB	M	Activity detail; “Yes” or “No” <sup>3</sup>
Production	PR	M	Activity detail; code for the production
Hails	HA	M	Activity detail; observers verification if the reports made by the captain are correct, “Yes” or “No” <sup>4</sup>
Apparent Infringements	AF	M	Activity detail; “Yes” or “No” <sup>5</sup>
Observer Name	ON	M	Message detail; name of the observer signing the report
Date	DA	M	Message detail; date of transmission
Free Text	MS	O <sup>6</sup>	Activity detail; for further comments by the observer
Time	TI	M	Message detail; time of transmission
End of record	ER	M	System detail; indicates end of the record

- 1 Only to be transmitted if relevant
- 2 Meaning the first “Catch Report” in current fishing trip in the R.A.
- 3 “Yes” if the observer approves the Log Book entries by the captain
- 4 “Yes” if the observer approves the Hails transmitted by the captain
- 5 “Yes” if an infringement is observed
- 6 Mandatory if “LB” = “No”, or “HA” = “No”, or “AF” = “Yes”.
- 7 Directed species is the species which represents the greatest catch for that day

(Annex 2 – STACTIC W.G. W.P. 02/2, Rev. 3)

**Data to be compiled by Executive Secretary and Forwarded to Inspection Parties****Catch and Catch Rate Report (Weekly)**

<b>Vessel Type</b>	<b>Division</b>	<b>Species</b>	<b>Total catch</b>	<b>Total Effort</b>	<b>Catch Rate</b>
<b>With observer - Masters</b>					
<b>With observer - Observer</b>					
<b>Without observer</b>					

**By-catch Report (Weekly)**

<b>Vessel Type</b>	<b>Division</b>	<b>Species</b>	<b>Total catch</b>	<b>Total Overall Catch</b>	<b>By-catch%</b>
<b>With observer - Masters</b>					
<b>With observer - Observer</b>					
<b>Without observer</b>					

**Discards Report (Weekly)**

<b>Vessel Type</b>	<b>Division</b>	<b>Species</b>	<b>Total catch</b>	<b>Total Discards</b>	<b>Discard %</b>
<b>With observer - Masters</b>					
<b>With observer - Observer</b>					
<b>Without observer</b>					

**Annex 6. Request for Quotation**  
(STACTIC W.G. (pilot project) W.P. 02/3, Revised)

Reference is made to earlier correspondence concerning a Pilot Project on observers, satellite tracking and electronic reporting within the Northwest Atlantic Fisheries Organisation (NAFO).

**The following additions to the current Vessel Monitoring System of the NAFO Secretariat in Halifax, Nova Scotia are required:**

1. Installation of "*catch reports*".
2. Installation of "*observer reports*".
3. Compilation of received data in reports stated in paragraphs 1 and 2.

The templates for the two new reports and the weekly compilations are described in annexes 1 and 2 in the attached working paper (STACTIC W.G. (pilot project) W.P. 02/2-Revision 3).

**General description of the required amendments:**

It is foreseen in the Pilot Project (PP) that vessels fishing in the NAFO Regulatory Area (RA) and are taking part in the PP will be required to transmit daily catch- and observer reports to the Secretariat via their Contracting Parties (CP) Fisheries Monitoring Centres (FMC). These reports are to be received by the Secretariat in electronic form following the syntax of the North Atlantic Format (NAF).

The data in the received messages is to be used for automatic comparison and compilation by the Secretariat and the compilation to be made available to the CP's with inspection presence in the RA on a weekly basis in a spreadsheet format. There shall be a flexibility in the system so that the Secretariat can decide how the data is compiled, inter alia which data elements are used for compilation. These modifications to the system must be constructed in such a way that possible future modifications/additions can be easily installed.

The Secretariat shall make available all received messages and notifications to CP's with an active inspection status in the RA on a real time basis.

**As the software provider for the NAFO Secretariat, Trackwell is hereby requested to estimate following:**

- Cost associated with implementation of facilities to receive and make available the catch- and observer reports in the system.
- Cost associated with compilation and transmission of data as described in annex 2.
- Implementation and the necessary familiarization for the staff of the NAFO Secretariat.
- Time needed to complete the task, as described above.

The quotation/estimate is requested in Canadian dollars (CAD) and is to include all associated costs.

**SECTION IV**  
(pages 149 to 173)

**Report of the Working Group on the Allocation of  
Fishing Rights to the Contracting Parties of NAFO  
March 26-27, 2003  
Miami, Florida, USA**

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**Report of the Working Group on the Allocation of  
Fishing Rights to the Contracting Parties of NAFO**  
(FC Doc. 03/2)

**March 26-27, 2003  
Miami, Florida, USA**

The Working Group on Allocation of Fishing Rights to Contracting Parties of NAFO met in accordance with the decision taken by the General Council at the 23<sup>rd</sup> Annual Meeting, September 2002.

**1. Opening of the Meeting**

The meeting was called to order by the Chairman, Mr. H. Koster (European Union), who welcomed the delegates to Miami. A list of participants is attached (Annex 1).

The delegations of Canada, the European Union (EU), Korea, the Russian Federation, Ukraine and the United States (U.S.) made brief opening statements (Annexes 2-7)

**2. Appointment of Rapporteur**

Ms. Jennifer Anderson (U.S.) was elected as Rapporteur.

**3. Adoption of Agenda**

The agenda, as attached (Annex 8), was adopted.

**4. Development of Options Whose Terms are Explicit and Predictable for  
Allocation to Contracting Parties**

**Allocation of fishing opportunities for stocks not currently  
allocated (qualification and allocation criteria)**

The Chair presented an overview of the previous meetings of the Allocation Working Group and noted that papers regarding allocation had been distributed in advance of the meeting. The first paper, submitted by the U.S. (Allocation Working Group W.P. 03/1) (Annex 9), was modeled on principles previously adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT). The paper proposed the adoption of a broad set of guidelines that could be used to advise the Fisheries Commission on all aspects of future allocation discussions. The second paper, distributed by Norway (Report of the Norway-FAO Expert Consultation on the Management of Shared Stocks), was offered to provide background on the management of straddling and transboundary fish stocks by other RFMO's. The Chair further noted the Chair's interpretive notes from the April 1999 and March 2000 Allocation Working Group Meetings (Allocation Working Group W.P. 00/1) (Annex 10) could be used to help facilitate discussions of the meeting.

Initial deliberations concentrated on whether to move forward with discussions based on the Chair's interpretive paper, and thus focused on criteria specific only to fish stocks not currently allocated, or to concentrate on the broader scope proposed by the U.S. paper. Several Parties noted that there are significant differences between the NAFO and ICCAT organizations and that the ICCAT criteria modified by the U.S. could not easily be applied to NAFO. It was agreed to work from the Chair's interpretive paper, with some consideration given to the U.S. proposal. The Chair further clarified that the ultimate goal of the Working Group would be to provide the Fisheries Commission with a broad, non-binding framework, from which to make allocation decisions.

The Working Group then examined the Chair's interpretive notes. It was agreed that the notes should be titled and developed into a working paper. Several Parties suggested that the new title must make it clear that the guidelines in the working paper apply only to fish stocks not currently allocated. The delegate from the U.S. expressed concern and noted that any criteria adopted should apply to all stocks.

Discussions then turned to the adaptation of the Chair's interpretive notes into a working paper. Much of these discussions were centered on maintaining consistency throughout the document and the elimination of repetitive text. Further clarifications on points within the Chair's notes were also debated. Parties agreed that the reference to fishing patterns under Section C of the Chair's notes was specific to historical fishing performance during a particular period of time. There was also agreement that any fishing history would be based on legal catches authorized by NAFO.

With regard to the reference in the Chair's paper to Article XI (4) of the NAFO Convention, some Parties were of the opinion that the allocation criteria set forth by Article XI (4) were too narrow, however, no agreement was reached on this matter. After some discussion, there was general agreement that such a detailed account of Article XI (4) was unnecessary and that a more general reference in the working paper would be sufficient. It was further agreed that it was not necessary to include Sections D or E of the Chair's notes in the new paper.

Regarding allocation criteria, the Chair noted that some items in the U.S. proposal were not accounted for by the Chair's initial paper. The Working Group then examined the U.S. proposal. There was general agreement that many of the elements found in the U.S. paper were either covered by the revisions made to the new working paper or unnecessary. However, the Parties did agree to include portions from Sections III (D) and IV of the U.S. proposal in the new working paper.

The Chair then presented a draft of the working paper for discussion by the Group (Allocation W.G. Working Paper 03/3 Draft Guidelines for future allocation of fishing opportunities not currently allocated).

The Working Group reviewed each point of the paper. A brief discussion ensued regarding the title of the working paper. The Representative from the U.S. requested that the title be placed in brackets unless the scope of the paper was expanded to include allocation criteria for all fisheries. Several Parties voiced opposition to the U.S. position and the Chair noted that the Group could not reach consensus regarding the title of the document. The Group also debated whether the reference in the document to the 1995 UN Agreement for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks was appropriate. It was agreed by most Parties, with the exception of Latvia and Lithuania, to include the reference with slight modifications.

The Chair noted that the final draft of the paper, Allocation W.G. Working Paper 03/3 – Revision 3 (Annex 11) is a reflection of the Working Group's progress. Further, the paper will be put forward to the Fisheries Commission as an Annex to the report of the meeting. Because Contracting Parties are not in agreement on the paper's scope and the reference to the UN Agreement, it was agreed not to make specific recommendations on the adoption of the guidelines to the Fisheries Commission

**Fisheries regulated or to be regulated and allocated  
in terms other than quotas (effort limits)**

The Chair asked the Contracting Parties if it could be agreed to apply the guidelines developed in Working Paper 03/3 to effort allocations. Several Parties were of the opinion that the guidelines developed in Working Paper 03/3 should not be linked with effort allocations. Some Contracting Parties also noted that the allocation of fishing opportunities was the result of regulating fishing mortality, either by quantitative catch restrictions or fishing effort. It was agreed to use the term "fishing opportunities" covering both options. The Chair concluded that for the allocation of future fishing effort only, the guidelines developed by the group could be applied, should the Fisheries Commission chose to do so.

**Allocation of fishing opportunities for stocks currently  
managed and allocated by TAC and quota**

**"Others" Quota**

The Contracting Parties only briefly discussed allocation of the others quota. The Chair provided the following summary of discussions from the previous working group meetings: The size of the others quota (for example, between 0 and 15% of the quota allocation) should be left up to the discretion of the Fisheries Commission; in the future, the possible allocation of the others quota(s) will not be excluded; and new members, having demonstrated

the capacity to build up a stable fishing pattern in accordance with NAFO rules, may participate in the allocation of the others quota, provided the Fisheries Commission has approved of this matter.

All Parties were very reluctant to enter into discussions on these suggestions. However, none of the Parties rejected these ideas from the outset. The Chair noted that the Parties appeared to be flexible with regard to the discussion of the others quota. He further requested that the Fisheries Commission provide additional direction and a mandate for the Group to explore the use of the others quota in the future.

#### **“Block” Quota**

The Chair requested a status update from the Contracting Parties involved in the block quota discussions (Latvia, Lithuania, Estonia and Russia). Several delegates reported that progress had been made during recent negotiations but that no agreement had been reached. The Chair urged the Parties involved to resolve the block quota issue quickly. It was agreed that the Parties would meet in Russia by the end of May 2003, to finalize discussions. The Delegate from the Ukraine requested that the Ukraine be included in these discussions. The Chair noted that the organization of the meeting, including the extension of invitations to Contracting Parties, would be left up to the Russian Federation. Furthermore, the Chair requested that the Fisheries Commission be duly informed on the outcome of the meeting. Parties agreed that, in accordance with the NAFO Convention, the Fisheries Commission may proceed with the allocation of the block quota, should no resolution be reached during the block quota discussions.

#### **5. Report to the Fisheries Commission**

The Representative from the U.S. referred the Working Group to the terms of reference for the Working Group on the Allocation of Fishing Rights (FC Working Paper 02/30-Revised). He noted that the Working Group had not addressed many of the issues that were requested by the Fisheries Commission and asked if the Group would consider reconvening in Halifax, Nova Scotia. Several Parties were of the opinion that the Group had made significant progress and that it was necessary to have additional ideas tabled prior to convening another Working Group meeting. The Chair noted that the Group had not exhausted all of its responsibilities as a Working Group but that it was not possible to make further progress at this meeting. The Working Group made no recommendations to the Fisheries Commission.

#### **6. Other Matters**

There were no other matters.

#### **7. Adjournment**

The Chair adjourned the meeting at 5:00 pm on 27 March 2003.

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## **Annex 2. Opening Statement by Canada**

Mr. Chairman, distinguished delegates, it is a pleasure for Canada to participate in this Working Group Meeting on the Allocation of Fishing Rights.

We would like to thank the US Government for hosting the meeting in a warm place such as Miami as it offers us a much welcomed respite from the winter months we have gone through in Canada. We also extend our appreciation to the NAFO Secretariat for providing the usual high level of logistical support for the meeting.

Mr. Chairman, this will be the fourth time that NAFO delegates meet to address matters related to allocation of fish stocks in the NAFO Regulatory Area. Back in 1999, you provided delegates with interpretative notes on qualifying and allocation criteria for stocks not allocated. In 2000, you elaborated further on these criteria. Here we are today to continue our work on these issues. For Canada it will be important to build on key ideas from these previous discussions.

You will recall Mr. Chairman that it was generally agreed at these meetings that Article XI of the NAFO Convention provided the primary basis for both qualifying and allocation criteria. Many contracting parties supported the need for stability of allocations, recognizing the possibility of modest, gradual changes over time when stocks have rebuilt. Other important principles were “zonal attachment”, and reference fishing patterns during a representative fishing period. This should form the base of our discussions over the next few days. Any significant departure from current NAFO sharing arrangements would not be conducive to achieving results for the September Fisheries Commission meeting.

For Canada, conservation and sustainable fisheries are the overarching objectives that will guide our considerations at this meeting. NAFO has a responsibility to ensure stocks in the NAFO Regulatory Area are not overfished and that effective management measures are in place. In this respect there are a number of stocks that are currently unregulated and where the absence of catch limits and quotas are problematic for effective conservation. For Canada, achieving results on unregulated stocks would be an important priority for discussion at this meeting.

The delegations of both the United States and Norway have submitted papers for the deliberations at this Working Group. While we would prefer to focus the discussion on items on the agenda, these papers, in addition to the Chair’s Interpretative Notes, will provide guidance and useful references during our discussions.

Mr. Chairman, previous meeting of the Working Group have shown that the issues we are about to tackle are complex and sensitive. Developing a shared understanding as well as a report for the September Fisheries Commission’ meeting over the next few days will be challenging. Mr. Chairman, Canada looks forward to working with all parties at this table to find practical solutions to these important issues for NAFO.

### **Annex 3. Opening Statement by the European Union**

The Community would like to thank the US Administration for the excellent conditions in which we will be working over the next three days. We also thank the Executive Secretary and her staff and indeed welcome the Executive Secretary to this first meeting. I'm sure it will be an eye-opener to her as regards to how NAFO operates and a good run-in for the Annual Meeting and the STACTIC meeting later in the year. Chairman, we also would like to thank you for your willingness to guide us in this process on the difficult issue of allocation criteria.

We are of the view that the topics for discussion this week are extremely important ones. We feel they are important because we are conscious that NAFO has the need to ensure a certain stability and balance and to respect traditional fishing patterns but on the same level it must also recognise the interests of all the Parties to NAFO and in particular to those who have joined NAFO in recent times. Not to take account of those interests would in our view risk undermining the functioning of this organisation and therefore, as in the ICCAT process, the Community approaches its work in this group with an open mind as regards to what will be the ultimate outcome.

There are a number of documents on the table which merit consideration during our three days and for us it is important that the work that has already been undertaken under your chairmanship over the last three sessions is acknowledged fully and therefore your working document from session three is in our view the essential basis for our work here. That having been said, we, like the US and other Parties around the table, participated very fully in the ICCAT exercise and therefore will be interested to hear from the USA how it sees some of the issues on the agenda addressed through its paper. I don't think either the conditions or the reality within ICCAT are quite the same as within NAFO but I think we have to be open enough in our consideration of all these issues to be able to take on board new elements that might be brought to the floor during our discussions so we look forward to hearing from the US as regards to how they see their paper as meshing in and fitting in with our work which has been accomplished to-date.

In terms of our general objective from this meeting, I think we need after three sessions to give careful consideration as regards what should be the outcome of this session. The allocation debate is by definition a dynamic one and is not one fixed in time and therefore I think that the Commission requires from us some guidelines which will structure its work in relation to allocation in the forthcoming Annual Meeting but also in subsequent Annual Meetings. So once again Chairman let me underline that we approach this exercise with an open mind. I think you should also reflect upon the fact that the allocation debate over a range of regional fisheries organisations tends to concentrate on different aspects. There is no uniform approach to the allocation criteria within organisations and just like ICCAT has its own specificity, its own special characteristics, so too we feel that NAFO has its own characteristics that need to be taken into account in our work.

Thank-you Chairman.

#### **Annex 4. Opening Statement by the Republic of Korea**

Mr. Chairman, Distinguished Delegates.

It is a great honor for me to participate in this working group meeting. On behalf of the Korean Government, I would like to thank the Chairman, the Secretariat of NAFO and US delegation for organizing and preparing this meeting.

Being a responsible fishing nation, the Republic of Korea has been actively participating in the international efforts, and the Republic of Korea joined NAFO in 1993 for conservation and management of fisheries resources in NAFO waters.

As you know, historically NAFO waters were very important fishing ground for Korea, but Korean Government made their fishing vessels withdraw from NAFO waters on the ground that appropriate quota would be allocated to them as a Contracting Party.

However, it has passed 10 years after becoming Contracting Party and implementing NAFO rules without sufficient quota to work again even one fishing vessel. And I think it has been time to consider Korea as historical fishing country in NAFO waters to be able to work again through appropriate quota allocation.

I hope that fishing quotas can be allocated in the most satisfactory manner due to this working group meeting.

Thank-you.

### **Annex 5. Opening Statement by the Russian Federation**

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

First of all the Russian Federation would like to thank Mr. Chairman and the host of this event for their spadework for and organization of this meeting and to greet all the people sitting around this table.

Along with the other Contracting Parties Russia has a longstanding experience in fisheries and scientific research in the NAFO Convention Area. In recent years the interest to this area has largely increased.

Since the last Working Group meeting issues have amassed which require sensible, equitable and timely solution with due regard for interests of all Contracting Parties.

At present in NAFO certain balance is reached at which a part of the fishable stocks has already been allocated among the traditional fishing Contracting Parties and should not be subject to a revision in the nearest future. The other stocks are presently under moratorium and allocation of fishing rights for these stocks may be considered for each stock separately after their recovery.

Fisheries statistics on shrimp in Div. 3M is being accumulated with the purpose of future change-over from regulation by effort to the use of TAC.

Some stocks are not currently regulated although they are fished and a number of interested Contracting Parties are being increased.

Russia recognizes that the present situation is pretty delicate and hopes for judicious approach of all Contracting Parties in solution of issues constituting the substance of the present meeting.

Thank you.

## **Annex 6. Opening Statement by Ukraine**

Mr. Chairman, distinguished Delegates.

First of all let me join to words of thanks expressed here before to the US Government for hosting this Meeting.

As far as we realize, every Regional Fisheries Management Organization strives to keep solved two closely interrelated main tasks: to conserve the stocks of the area and to establish and maintain the appropriate regime of their utilization.

As it was stressed at the October 2002 Norway-FAO Expert Consultations, any cooperative Arrangement can be succeed only if each and every participant expected to receive the anticipated benefits which led him to that Arrangement.

Let me also recall the Korean opening statement at the Sautiago 2002 NAFO meeting, where it was stated that this country was enforced to stop its fishing activites after NAFO accession in 1993, owing to very small fisheries opportunities obtained.

Unfortunately Ukraine also cannot enjoy its participation in NAFO since accession in 1999 and just on the same reason, despite of our historical catches in North West Atlantic since 70-th as well as of participation in development of some special fisheries of the area and of a great dependance of our 50-million population on the ocean fish resources.

Being the responsible fishing nation, the participant of number of the most important International Agreements and member of some Regional Fisheries Management Organizations and bilateral Agreements, Ukraine is stiving to use all legal ways to obtain the appropriate fishing opportunities. May I suppose this our meeting will essentially contribute to the NAFO Allocation practice, to improvement of the arrangements and scheme available making them more explicit and fair, and by this way to increase the stability of that Organization.

Thank you.

## **Annex 7. Opening Statement by the United States**

Mr. Chairman, distinguished Representatives, members of the Secretariat, the United States would like to welcome you to Miami, Florida for this meeting of the NAFO Working Group on Allocation of Fishing Rights. We would also like to take this opportunity to thank the Secretariat for their work in planning and executing this meeting.

As many of you are aware, the United States has been a vocal proponent of an allocation process within NAFO that considers the needs of all Contracting Parties. In order to ensure effective conservation and management of the fisheries resources under its purview, NAFO needs to ensure that its Contracting Parties adhere to the duties associated with membership. At the same time, the Organization must take steps to meet the needs of its membership. The current system of allocation in the Organization, sad to say, does not achieve this and, it is thus a barrier to the future success of the Organization. We know that we are not alone in this opinion.

The United States strongly supported the creation of this working group and has been an active participant in all of its meetings. Past meetings of the working group have explored a myriad of complex issues surrounding allocation decision-making in NAFO. It is true that we have not yet seen consensus on options thus far identified for such decisions. But the United States continues to believe that the work done by this group can be of great benefit to all members of NAFO and will enhance the overall effectiveness of the Organization.

This working group meeting comes at a time when there have been significant developments, involving many of the Contracting Parties represented here today, in international principle and practice relating to allocations in Regional Fisheries Management Organizations (RFMOs). Two new agreements -- the convention establishing SEAFO and that establishing a new body to manage highly-migratory stocks in the Western and Central Pacific -- have already articulated general principles to guide allocations decisions. Now, existing older organizations are looking to adopt the same. ICCAT, in particular, has developed and effectively implemented allocation criteria in extremely contentious and complex fisheries. After much discussion, the ICCAT membership recognized the difficulties associated with developing a "black box" approach to allocation, where specific allocation criteria are designed to be applied to specific stocks. Instead, they focused their efforts on sharpening the general principles of allocation and creating a broad list of qualifying and allocation criteria that addresses the concerns and claims of all members of the Organization. These criteria are unweighted and have no specific application to any concrete stock. This provides for a "level playing field" in all allocation discussions, with no parties disadvantaged before stock-specific negotiations begin.

The United States supports the work done in ICCAT to address allocation issues. Thus, we have distributed a white paper that, for this meeting builds upon the ICCAT lists of qualifying and allocation criteria for potential use in NAFO. It is our hope that this paper might be helpful as a platform for further discussion by this working group. We would further suggest that, at this meeting, instead of addressing unallocated fisheries, allocated fisheries, and effort fisheries separately, the working group should consider the criteria identified in the white paper for application to all allocation discussions in NAFO. Of course, the list of criteria in the paper only represents a starting point. We recognize that ICCAT and NAFO are different organizations working under different circumstances. Still, it is our hope to generate thought and discussion that might result in a list suitable for use in NAFO.

Mr. Chairman, it is important to understand allocation issues in context. The majority of NAFO-managed stocks are under moratoria. These stocks have enormous potential which can be realized if they are permitted to recover. All NAFO parties have the potential to benefit from such stock recovery. We must not lose our focus on rebuilding, eliminating overfishing, and minimizing bycatch.

Much remains to be done to develop an allocation process within NAFO that considers the needs of all Contracting Parties. The next three days provide us with an opportunity to lay the foundation for such a process. Progress in this regard can only improve the Organization as a whole, and without it, the long-term welfare of it will suffer.

Mr. Chairman, again, I would like welcome all delegations and thank you in advance for your continuing commitment to this working group and hard work at this meeting.

**Annex 8. Agenda**

1. Opening by Chairman (H. Koster, EU)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Development of options whose terms are explicit and predictable for allocation to Contracting Parties for the following situations:
  - Allocation of fishing opportunities for stocks not currently allocated
    - Qualifying criteria
    - Allocation criteria
  - Fisheries regulated or to be regulated and allocated in terms other than quotas (e.g. “effort limits”)
  - Allocation of fishing opportunities for stocks currently managed and allocated by TAC and quota
    - “others” quota
    - “block” quota
5. Report to the Fisheries Commission
6. Other matters
7. Adjournment

**Annex 9. U.S. White Paper on NAFO Allocation**  
(Allocation W.G. Working Paper 03/1)

Allocation of fishing rights to NAFO Contracting Parties has been a source of longstanding discussion within the Organization. This paper seeks to provide a foundation for further development of the NAFO allocation process by identifying general principles that may be applied to all future allocative decisions within the Organization.

NAFO Allocation Discussions

At the 1997 NAFO Annual Meeting, the Fisheries Commission formed the Working Group on the Allocation of Fishing Rights to Contracting Parties of NAFO. The Terms of Reference for this working group provided guidance for the development of appropriate options for allocation. These options were to take into account such considerations as: current NAFO allocations practices, the needs of Contracting Parties, relevant provisions of the NAFO Convention and other applicable international agreements, as well as the need for NAFO to function effectively. The Working Group was further directed that allocation options should include terms that were explicit and predictable for allocation to Contracting Parties from: current fisheries with NAFO TACs, fisheries not previously subject to NAFO TACs, new fisheries, closed fisheries being reopened, and fisheries for which fishing rights were or would be allocated in terms other than quotas (e.g., effort limits).

Although the Allocation Working Group met intersessionally during 1998-2000, progress has been slow and has been marked by a lack of consensus on key issues. Initial discussions within the working group focused on broad issues relating to access to fishing opportunities. While attempts by the group to define "real interest" were never fully resolved, the Organization was able to adopt a resolution to guide the expectations of future new members to the Organization as a result of these discussions. In addition, the Working Group began looking at qualifying criteria for allocations, as well as allocation criteria. Possible scenarios for re-utilization of allocated quota and re-allocation of fishing opportunities were also examined.

A number of Contracting Parties submitted working papers during this period attempting to give practical application to the broader discussions of principle. Many of these proposals contained allocation templates for the specific types of fisheries identified in the Working Group Terms of Reference. However, when it became clear that broad discussions on a comprehensive strategy for allocations within the Organization were not resulting in consensus, it was agreed that allocation issues should be addressed in a stepped approach, based on fishery type, with first consideration given to fisheries not previously subject to NAFO TACs and fisheries for which fishing rights were or would be allocated in terms other than quotas (e.g., effort limits). The necessity of this focused approach was underlined by on-going questions relating to allocation in new and developing fisheries (e.g., Div. 3M and 3L shrimp).

During its most recent meeting in March 2000, the Working Group focused on continued development of a broad strategy for allocation of future fishing opportunities for stocks not currently allocated. The Working Group attempted to create non-exhaustive, non-prioritized "shopping lists" relating to both qualifying criteria and allocation criteria with regard to such opportunities. In addition, the Working Group examined possible options for fishing opportunities on the margins of stocks currently managed under TAC. Much of this discussion related to the possible creation of an "others" quota. However there was no agreement regarding possible sources for such a quota, nor was it determined who should have access to the fish contained therein.

Due to the limited substantive progress of the working group and the large number of intersessional meetings on the 2001 schedule, it was agreed at the 2000 NAFO Annual Meeting that work should be suspended until the 2001 annual meeting. The 2001 Annual Meeting was subsequently cancelled. At the 2002 Annual Meeting, the Fisheries Commission agreed that the Working Group should meet during the 2003 intersessional period.



### Other Issues for Consideration

To a large degree the inability of the Allocation Working Group to agree on a comprehensive strategy for allocation of fishing opportunities in NAFO can be traced to a basic difference in perspective between the older and newer members of the Organization. Due to the stressed status of many of the fisheries resources under the purview of NAFO, a number of the valuable stocks once available to the NAFO membership are now under moratoria or have only very limited TACs. NAFO Parties that once enjoyed national quotas for these stocks are of the opinion that, should any of these resources recover, those Parties with historical fisheries within the Organization should retain fishing rights under the percentage shares in place when the stocks were healthy. This fishing history argument is supported by the early allocative activities of NAFO, as well as by the practices of many other Regional Fisheries Management Organizations (RFMOs). Along with Coastal State status, fishing history has in the past been the primary vehicle for those members wishing to pursue quotas in any given fishery (new or otherwise). Provisions identifying these considerations in allocative decisions can be found in Article XI of the NAFO Convention, and are also present in the Convention texts and in practice in many other RFMOs. No other allocative guidance is present within the NAFO Convention.

It should be noted that, despite past practice within NAFO (and some other RFMOs) of allocation based solely on Coastal State status and fishing history, circumstances both within and outside of the Organization have changed considerably in recent years. Within the Organization, fishing moratoria are in place for a number of NAFO's most valuable and important stocks. The impact of this reduction in historic fishing opportunities is complicated by calls for fishing opportunities from new NAFO members. This difficult situation has led to somewhat of a departure from the allocative template of the past, and NAFO has shown some flexibility and creativity in dealing its current circumstances.

In recent years, new stocks have come under NAFO management and new fishing opportunities have become available to Contracting Parties. NAFO's attempts to deal with the allocative questions associated with these opportunities have departed considerably from past practices. In attempting to address not only the concerns of Coastal States and members with a fishing history, but of *all of its membership*, NAFO has embarked on a new path. These actions to some degree reflect a broad change in international perspective relating to the rights of all RFMO members. NAFO is not the only one of the older RFMOs experiencing this shift in perspective among its membership.

Outside of NAFO, international law pertaining to fishing management has developed in such a way as to actively encourage States (and fishing entities) to join RFMOs and other fishing arrangements. International instruments such as the UN Fish Stocks Agreement, while not detailing how allocation should take place, do provide guidance as to determining the nature and extent of participatory rights in RFMOs. This guidance includes considerations such as: coastal State status, fishing history, contributions of new and existing members (to conservation and management, science, etc.), dependence on the stocks in question, and developing State status.

Furthermore, a number of new and existing RFMOs have taken positive steps to embrace a more all-inclusive approach to allocation. Negotiations of new instruments, such as the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, have considered allocative issues and integrated appropriate guidance into their Convention texts. Other RFMOs, such as the International Commission for the Conservation of Atlantic Tunas (ICCAT), have taken steps to ensure that allocative decisions are made in such a way as to consider the needs of all Parties.

While the NAFO Allocation Working Group has taken some steps to identify qualifying and allocative criteria, there is a need to finalize these considerations. The United States is of the opinion that the relatively successful efforts of other RFMOs in this regard should be considered for application in NAFO. Therefore, the United States has adapted the criteria agreed by ICCAT for application to NAFO allocation decisions. They are attached to this paper for discussion purposes by the Working Group.

## **CRITERIA FOR THE ALLOCATION OF FISHING POSSIBILITIES**

### **I Qualifying Criteria**

Participants will qualify to receive possible quota allocations within the framework of NAFO in accordance with the following criteria:

1. They must be a Contracting Party.
2. They must have the ability to apply the conservation and management measures of NAFO, to collect and to provide accurate data for the relevant resources and, taking into account their respective capacities, to conduct scientific research on those resources.

### **II Stocks to Which the Criteria Would be Applied**

These criteria should apply to all stocks when allocated by NAFO.

### **III Allocation Criteria**

#### ***A. Criteria Relating to Past/Present Fishing Activity of Qualifying Participants***

1. Historical catches of qualifying participants.
2. The interests, fishing patterns and fishing practices of qualifying participants.

#### ***B. Criteria Relating the Status of the Stock(s) to be Allocated and the Fisheries***

1. Status of the stock(s) to be allocated in relation to maximum sustainable yield, or in the absence of maximum sustainable yield an agreed biological reference point, and the existing level of fishing effort in the fishery taking into account the contributions to conservation made by qualifying participants necessary to conserve, manage, restore or rebuild fish stocks in accordance with the objective of the Convention.
2. The distribution and biological characteristics of the stock(s), including the occurrence of the stock(s) in areas under national jurisdiction and on the high seas.

#### ***C. Criteria Relating to the Status of the Qualifying Participants***

1. The needs of the coastal fishing communities which are dependent mainly on fishing for the stocks.
2. The needs of the coastal States of the region whose economies are overwhelmingly dependent on the exploitation of living marine resources, including those regulated by NAFO.
3. The socio-economic contributions of the fisheries for stocks regulated by NAFO to the developing States, especially small island developing States and developing territories(\*) from the region.
4. The respective dependence on the stock(s) of the coastal States, and of the other States that fish species regulated by NAFO.
5. The economic and/or social importance of the fishery for qualifying participants whose fishing vessels have habitually participated in the fishery in the Convention Area.
6. The contribution of the fisheries for the stocks regulated by NAFO to the national food security/needs, domestic consumption, income resulting from exports, and employment of qualifying participants.
7. The right of qualified participants to engage in fishing on the high seas for the stocks to be allocated.

***D. Criteria Relating to Compliance/Data Submission/Scientific Research by Qualifying Participants***

1. The record of compliance or cooperation by qualifying participants with NAFO's conservation and management measures.
2. The exercise of responsibilities concerning the vessels under the jurisdiction of qualifying participants.
3. The contribution of qualifying participants to conservation and management of the stocks, to the collection and provision of accurate data required by NAFO and, taking into account their respective capacities, to the conduct of scientific research on the stocks.

**IV. Conditions for Applying Allocation Criteria**

1. Allocation criteria should be applied in a fair and equitable manner with the goal of ensuring opportunities for all qualifying participants.
2. Allocation criteria should be applied by the Fisheries Commission on a stock-by-stock basis.
3. Allocation criteria should be applied to all stocks in a gradual manner, over a period of time to be determined by the Fisheries Commission, in order to address the economic needs of all parties concerned, including the need to minimize economic dislocation.
4. The application of the allocation criteria should take into account the contributions to conservation made by qualifying participants necessary to conserve, manage, restore or rebuild fish stocks in accordance with the objectives of the Convention.
5. The allocation criteria should be applied consistent with international instruments and in a manner that encourages efforts to prevent and eliminate over-fishing and excess fishing capacity and ensures that levels of fishing effort are commensurate with NAFO objectives.
6. The allocation criteria should be applied so as not to legitimize illegal, unregulated and unreported catches and shall promote the prevention, deterrence and elimination of illegal, unregulated and unreported fishing, particularly fishing by flag of convenience vessels.
7. The allocation criteria should be applied in a manner that encourages cooperating non-Contracting Parties to become Contracting Parties, where they are eligible to do so.
8. The allocation criteria should be applied to encourage cooperation between the developing States of the region and other fishing States for the sustainable use of the stocks managed by NAFO and in accordance with relevant international instruments.

(\*) For the purposes of this document, the term "territories" refers only to the territories of those States that are Contracting Parties to the Convention in respect of those territories alone.

**Annex 10. Chair's interpretive notes from the April 1999 and March 2000  
Allocation Working Group Meetings** (Allocation Working Group W.P. 00/1)

Agenda point 4:

Development of a broad strategy of allocation of future fishing opportunities for stocks not currently allocated (see Annex 11 of NAFO/GC Doc. 99/4" interpretative notes by the chair attempting to clarify discussions on Agenda points 6 and 7", and Annex 2 of NAFO/GC Doc. 99/4, "Terms of Reference").

- Qualifying criteria
- Allocation criteria

When allocating fishing opportunities, the Fisheries Commission will proceed in accordance with the following points:

- A. The Commission will identify the Contracting Parties which are eligible for and interested in the allocation of the relevant fishing opportunities. Contracting Parties who are members of the Fisheries Commission and may exercise the right to vote, will be considered eligible for allocation. The Fisheries Commission will consider Contracting Parties which fulfill one or more of the following criteria as interested in the allocation:
  - Where appropriate (straddling stocks) the relevant coastal state.
  - Contracting Parties whose vessels have traditionally fished the relevant resources.
  - Contracting Parties who have undertaken extensive efforts to ensure the conservation of such stocks in particular by providing surveillance and inspection of international fisheries under the international scheme of joint enforcement.
  - Contracting Parties who have undertaken significant substantial contribution to research and data collection for the relevant resources.
  - Contracting Parties whose economy is overwhelmingly dependent on fisheries.
  - Contracting Parties hosting small coastal communities which are dependent mainly on fishing for the stocks regulated by NAFO.
- B. The Commission will determine, in taking into account any relevant information or advice provided to it by the Scientific Council, the fishable stock(s) or, where appropriate, the portion of the fishable stock(s) in the Regulatory Area to be allocated to Contracting Parties who are eligible and interested in the allocation.
- C. The Commission may take into account the following criteria for the determination of the size of the fishing opportunities to be allocated to Contracting Parties who are eligible and interested in the allocation.

Allocation Criteria

- Reference fishing pattern converted in the relative share of the Contracting Parties concerned.
- The setting aside of a lump sum as others quota intended for Contracting Parties who have no record of fishing on the stock concerned.
- Fixing a minimum size for quota to be allocated to Contracting Parties
- Considerations
  - pursuant to Article XI (4) of the NAFO Convention
  - relating to the contribution to research and data collection
  - relating to the needs of small coastal communities
  - relating to the dependency on fisheries

- D. The criteria listed under points A and C are indicative, apply simultaneously and do not represent an order of importance or priority.
- [E. Notwithstanding points A and C, the Fisheries Commission may set aside and regulate certain fishing opportunities available to vessels of parties which are not a Contracting Party to the NAFO Convention, who have signed a protocol on the integral acceptance of the NAFO Conservation and Enforcement Measures, enabling such Party to cooperate with NAFO.]

**Annex 11. Draft Guidelines for future allocation of fishing opportunities for the stocks not currently allocated<sup>1)</sup>**

(Allocation W.G. Working Paper 03/3-Rev. 3)

The Fisheries Commission,

RECALLING Article XI(4) of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (hereafter the “Convention”);

NOTING the relevant provisions of the UN Agreement for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks;

DETERMINED to ensure the adoption of proposals by a fair and equitable allocation of fishing opportunities in a non-discriminatory manner to Contracting Parties;

ACKNOWLEDGING the need to ensure stable, explicit and predictable relative shares of Contracting Parties in the fishing opportunities established by the Fisheries Commission;

RECOGNIZING the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing;

DESIRING to guide the adoption of proposals in accordance with Article XI(4) of the Convention for future allocation of currently non-allocated fishing opportunities by the adoption of guidelines which are indicative and non-exhaustive, apply simultaneously and do not represent an order of importance or priority;

HAS AGREED to apply the following guidelines when allocating fishing opportunities in accordance with Article XI(4) of the Convention:

**Qualification Criteria**

1. Each Contracting Party fulfilling the following criteria shall qualify for allocation of fishing opportunities:
  - Be a member of the Fisheries Commission, who:
    - May exercise the right to vote;
    - Collects and provides accurate data for the relevant stocks;
    - Contributes to scientific research on NAFO stocks;
    - Exercises effectively jurisdiction over the vessels flying its flag operating in the Convention Area; and
    - Ensures compliance with the proposals adopted in accordance with Article XI of the Convention and notably the NAFO Conservation and Enforcement Measures; and
  - Have an interest in the allocation of fishing opportunities of the relevant stocks in one or more of the following ways:
    - be a coastal state for relevant straddling stocks;
    - have vessels that have traditionally fished the relevant stocks in accordance with NAFO rules, where applicable;
    - have undertaken extensive efforts to ensure the conservation of such stocks in particular by providing surveillance and inspection of international fisheries under the international scheme of joint enforcement;

- have undertaken significant contribution to research and data collection for the relevant stocks;
- have economies that are overwhelmingly dependent on fisheries; or
- have coastal communities that are dependent on fishing for the stocks regulated by NAFO.

#### **Allocation considerations**

2. A part of the fishing opportunities of the fishable stock(s) or, where appropriate, the portion of the fishable stock(s) in the Regulatory Area, may be set aside as an others quota intended for Contracting Parties who have no record of fishing on the stock concerned. Minimum fishing opportunities to be allocated to Contracting Parties may be established for the relevant stock(s).

#### **Allocation Criteria**

3. The allocation of the fishing opportunities of the fishable stock(s) or, where appropriate, the portion of the fishable stock(s) in the Regulatory Area, shall be based on the following criteria:
  - historical fishing in accordance with NAFO rules during a representative reference period;
  - contribution to research and data collection on the stock concerned;
  - needs of coastal communities which are dependent on fishing for the stock concerned; and/or
  - contribution to the NAFO Conservation and Enforcement Measures.

#### <sup>1)</sup> Allocated stocks :

- Cod in Div. 3M
- Redfish in Div. 3M
- [Redfish SA2, Div. 1F and 3K]
- A. Plaice in Div. 3M
- Shrimp in Div. 3M
- Cod in Div. 3NO
- Redfish in Div. 3LN
- A. Plaice in Div. 3LNO
- Yellowtail flounder in Div. 3LNO
- Witch flounder in Div. 3NO
- Capelin in Div. 3NO
- Squid (*Illex*) in Subareas 3 and 4
- Shrimp in Div. 3L
- Greenland halibut in Div. 3LMNO
- Cod in Div. 2J3KL





**SECTION V**  
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**Report of the Standing Committee on  
International Control (STACTIC)  
June 16-19, 2003  
Copenhagen, Denmark**

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**Report of the Standing Committee on  
International Control (STACTIC)**

**16-19 June 2003  
Copenhagen, Denmark**

**1. Opening of the Meeting**

The Executive Secretary welcomed the participants to Copenhagen on June 16, 2003 at 10:00 hrs. and inquired if there was agreement among delegates on an interim Chairman for this meeting. Mr. Gene Martin (USA) was identified as a candidate. The Executive Secretary opened the meeting.

**2. Election of Interim Chairman**

It was agreed by unanimous consent that Mr. Gene Martin (USA) would serve as interim Chairman.

The Chairman welcomed delegates (list of delegates in Annex 1). There were no opening statements.

**3. Appointment of Rapporteur**

Mr. R. Steinbock (Canada) was appointed rapporteur.

**4. Adoption of Agenda**

The revised Provisional Agenda was adopted as modified (Annex 2). It was agreed to include discussion on the status of the pilot program with the caveat that the technical elements discussed at the STACTIC Working Group meeting in November 2002 would not be reopened. It was noted that the EU and Denmark intended to present proposals on a revised Observer Programme and thus Agenda item 6 was modified accordingly.

**5. Evaluation of Part VI of the Conservation and Enforcement Measures – “Program for Observers and Satellite Tracking” (incl. STACTIC W.P. 02/31)**

a) The Executive Secretary presented an evaluation of the Program for Observers and Satellite Tracking (STACTIC Working Paper 03/2-Annex 3) in accordance with the agreed Terms of Reference (STACTIC WP 02/31).

b) The delegate of Canada presented Canada's assessment of the Program for Observers and Satellite Tracking. The delegate of Canada concluded that the Program had contributed positively to monitoring and control, however a comprehensive analysis was not possible at this time in the absence of a common observer reporting format, doubtful implementation in some cases of the requirement for the impartiality and independence of observers, and the lack of full and consistent implementation of the observer component of the Program. The report provided 23 recommendations for improving the Program. The deck presentation (text form) is found in STACTIC Working Paper 03/3 - Annex 4.

c) The delegate of the EU presented a summary of the evaluation of the operation by the EU of the NAFO Observer Programme. The evaluation study was undertaken by an independent consultant and did not in all its views reflect the EU opinion. It acknowledged that the observer component of the Programme along with other enforcement mechanisms has had a positive effect on compliance after 1995. The report identifies however key problems in the management of the observer component of the Programme, including deficiencies in the interaction between inspectors and observers, and delays in the transmission of reports and data, thus undermining the usefulness of observer input. The report also mentions the significant problems concerning the lack of experience of some observers as well as inadequate training, pre-briefing and debriefing of observers. Insufficient attention has been paid to the quality of the data. It was also noted that NAFO plays a very limited role in the operation of the observer component of the Program.

The report makes certain recommendations; the most realistic of which calls for improving the management of the present observer programme in a number of ways to generate both short-and long-term benefits. This approach would result in increased costs, not only in terms of the contract with the observer provider but also due to the greater involvement of administrative staff. These improvements would entail additional costs for the EU which are estimated would increase from the present level of €3.3 million to €5.5 million.

#### **6. Consideration and discussion of proposals to amend Part VI of the Conservation and Enforcement Measures – “Programme for Observers and Satellite Tracking”.**

The delegate of the EU referred to the decision of the Fisheries Commission at its 2002 annual meeting to prolong the observer program for one more year (Section 7b of the September 2002 STACTIC report, which was subsequently endorsed by the Fisheries Commission). In view of this situation, he considered that it is necessary for a replacement Programme to be adopted. He presented the EU’s proposal for improving the Control Scheme of NAFO (STACTIC Working Paper 03/1) which was intended as a working paper to define the components of a revised observer programme. He explained that the proposal is intended to improve NAFO rules in light of experience. Even though the proposal is focused on the elaboration of a new observer scheme applicable from January 1, 2004, it also contains proposed complementary amendments to other parts of the Control Scheme intended to complement the new Observer Scheme. The two parts of this proposal should be seen as a global package of measures.

The main elements of this proposal were notably increased communications and follow up by way of enhanced interaction between observers/captains with inspection authorities at sea or in port; increased quality of observer data by way of strict provisions on training; clearer provisions on the tasks and obligations of observers as well as the obligations of the captain of the vessels; improved means to conduct an effective port inspection and, finally, increased use of VMS. He noted that these improvements would permit a reduction of the current observer coverage which would improve the poor cost-effectiveness of the current programme and bring the programme into line with observer coverage practice elsewhere. While the revised level of observer coverage level was deliberately not specified in the EU proposal in order to allow for debate within NAFO the EU was seeking a significant reduction. In essence; changes to the Programme went hand in hand with a reduction in observer coverage.

The delegate of Canada noted that the recommendations in Canada’s assessment imply significant additional work to develop guidelines for the operation of the Observer Program including a Code of Conduct, a protocol for the revocation of certifications, a protocol for dealing with observer-noted infringements, and a protocol for replacement of observers in cases where lack of impartiality is proven.

The delegate of Canada disagreed with the premise of the EU’s statement that the current Program expired at the end of 2003. He expressed the view that there was no immediate urgency to adopt a new program in 2004 as it was of indefinite duration like any other of the Conservation and Enforcement Measures. The Chair noted that there was a fundamental difference of view between at least two Parties on the current Program whether it expired at the end of 2003, in the absence of a replacement program. He also noted it was uncertain whether the EU proposal was mutually exclusive or envisaged the possibility of proceeding with a pilot. The delegate of the EU explained his view that the pilot project following the meeting in November 2002 had already been submitted to the Fisheries Commission which will need to determine whether NAFO needs a permanent change to the Programme or a pilot project.

The delegate of Denmark (on behalf of the Faroes and Greenland) presented the impact on reported catches of having no observer on board a vessel based on a case in Greenland waters. (STACTIC Working Paper 03/5 – Annex 5). He noted that there is an on-going prosecution of the case based on VMS data. The delegate of Iceland also noted the usefulness of the VMS data and explained a case where captains of vessels had been found guilty for misreporting of catches by the Supreme Court of Iceland. This ruling was entirely based on VMS data received. The delegate of Denmark (on behalf of the Faroes and Greenland) presented a proposal to establish a working group on the harmonization of the communication of catches, VMS messages and reports by fishing vessels operating in the NAFO and NEAFC areas. (STACTIC Working Paper 03/4 (REVISED) - Annex 6). The delegate of the EU supported this proposal and advised that the EU would participate in the working group with a view to recommending a common approach for NAFO and NEAFC. It was agreed that Iceland would coordinate the working group discussion before the 2003 annual meeting.

Based on these presentations, delegates concurred there were significant shortcomings in the current observer component of the Program that warranted revisions to improve the Program.

There was a general discussion on the EU, Canadian and Danish recommendations. The meeting reviewed the ideas conceptually, discussed how they might fit into the current scheme and explored how to best advance the discussions. The delegate of Canada noted that there are a number of critical implementation questions with respect to the EU proposal, including a review of the technical competence of Parties to undertake the requirements of the scheme, obtaining assurances that the NAFO Secretariat has the demonstrated capacity to retrieve and analyse the requested data, and provision for evaluation of the scheme during implementation and, in case of increased non-compliance, agreed steps to correct the situation.

A smaller group of experts met to discuss the technical merits of these recommendations. The meeting resulted in a beneficial exchange of views and a detailed and constructive examination of the respective recommendations. The EU presented a revised proposal that sought to reflect these views however recognized that fundamental differences remained as regards the issue of scope. He stressed that any amendments of the current scheme would have to include a revision of the scope for the EU to subscribe to them. (STACTIC Working Paper 03/1-REVISION 2) (Annex 7).

There was consensus among STACTIC delegates to request the Scientific Council to review its SCS Doc. 00/23 to ensure there is still agreement with the elements of the document.

The delegate of Iceland made a presentation on software from the Icelandic Coast Guard for reporting catch and activity reports in the North Atlantic format that could easily be adapted to the NAFO Regulatory Area.

### **7. Overhaul of the Conservation and Enforcement Measures (report from inter-sessional work)**

The delegate of the EU provided the background to the meetings and electronic working group exchanges intersessionally and during the last two years that resulted in the current draft document. The guidelines as adopted by the Fisheries Commission at its 2002 annual Meeting were laid down in STACTIC Working Paper 02/30 (revised). The meeting reviewed and concurred with the draft document. The Secretariat will post the consensus achieved on the NAFO website (STACTIC W.P. 03/6). STACTIC agreed to submit the revised draft of the Conservation and Enforcement Measures to the Fisheries Commission for adoption at the 2003 annual meeting.

The delegate of the EU proposed a process for STACTIC to provide better order for introducing future amendments that would facilitate the Fisheries Commission's understanding of the evolution of the measures as well as an assessment of future proposals for changes. The proposal included three elements as follows:

1. Any proposal for future amendments of the Conservation and Enforcement Measures should include a clear explanation of its rationale.
2. The proposal shall include the operative text of the amendment of the Conservation and enforcement Measures and clearly indicate the section or provision intended to be amended.
3. Amendments of the Conservation and Enforcement Measures shall include a footnote indicating when the amendment was adopted.

This proposal was fully supported by the meeting. It was also agreed to reflect this recommendation to the Fisheries Commission.

The meeting recognized and thanked the leadership and significant efforts of Mr. Staffan Ekwall of the EU over the last two years in coordinating this undertaking.

### **8. Review of Compliance (STACTIC W.P. 02/14 REVISED); structure of work for STACTIC September meeting**

The delegate of the EU explained the background which led to the work on initiating an annual review of compliance and report to the Fisheries Commission. It had been agreed that the Executive Secretary would compile a selected list of information in an electronic format which permits easy comparison of data from different sources, and would transmit this compilation of information to all Contracting Parties 60 days prior to the September 2003 annual meeting at which the information was to be discussed by STACTIC for its review of compliance of Contracting Parties in 2002 and its report to the Fisheries Commission. The Executive Secretary explained that, because the necessary steps had not been taken in 2002, the requested compilation will not be possible for the 2003 annual meeting. While the data for 2003 is currently being digitized, it would require additional resources to undertake this for the 2002 data. The delegate of Canada noted that launching the compliance review this year was seen as a priority for the Fisheries Commission. Canada saw it as part of the way forward in order to use the compliance review for benchmarking trends in future compliance. He saw it as unfortunate that the work would not be undertaken or completed this year. The delegate of the EU reiterated the priority of this item for the Fisheries Commission. He expressed uncertainty as to whether a reasonable fallback or alternative existed. The delegate of Denmark (on behalf of the Faroes and Greenland) advised that the Executive Secretary should identify the required resources to undertake this task and which may require a request for an increase in the Secretariat staff budget.

As a way of facilitating the submission of future catch reports, the Executive Secretary proposed that standardized formats could be posted on the NAFO secure protected site, completed by fisheries monitoring centres, port inspectors and at-sea inspectors and e-mailed to the Secretariat. Delegates agreed to consider this proposal, particularly in the context of its security implications, and discuss it further at the September 2003 STACTIC meeting.

### **9. Other Matters**

- **Review of the status of the pilot project**

The delegate of Canada noted that while significant progress had been made at the STACTIC Working Group meeting in November 2002, it did not reach consensus on the scope for the pilot project which was viewed as a decision for the Fisheries Commission. STACTIC agreed to submit the pilot project (as developed at the November 2002 STACTIC meeting) to the Fisheries Commission for decision at the September 2003 annual meeting.

The representative of the EU reiterated that such action was not necessary as the pilot project had already been submitted to the Fisheries Commission following the November 2002 meeting.

- **Results from the conference call on the pilot project**

The Executive Secretary reported on the conference call of the STACTIC Working Group on the pilot project held on April 14, 2003 (FC Doc. 03/3). While concern had been raised that the overall cost appeared to be low relative to previous work undertaken by TRACKWELL, the cost estimate was confirmed by the contractor.

### **10. Time and Place of Next Meeting**

It was agreed that the next STACTIC meeting should begin on September 15, 2003.

### **11. Adoption of Report**

The report for the meeting was provisionally adopted. The report, as well as relevant working papers (Annex 8), will be posted to the NAFO website.

### **12. Adjournment**

The meeting adjourned on Thursday, June 19, 2003 at 1710 hrs.

## Annex 1. List of Participants

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**SECRETARIAT ASSISTANCE**

Metha Lynge Hansen, Greenland Home Rule Office, Copenhagen

**Annex 2. Agenda**

1. Opening of the Meeting
2. Election of Interim Chairman
3. Appointment of Rapporteur
4. Adoption of Agenda
5. Evaluation of Part VI of the Conservation and Enforcement Measures - "Programme for Observers and Satellite Tracking" (incl. STACTIC W.P. 02/31)
6. Consideration and discussion of proposals to amend Part VI of the Conservation and Enforcement Measures – "Programme for Observers and Satellite Tracking"
7. Overhaul of the Conservation and Enforcement Measures (report from inter-sessional work)
8. Review of Compliance (STACTIC W.P. 02/14-Revised); structure of work for STACTIC September Meeting
9. Other Matters
  - review of the status of the pilot project
  - results from conference call on pilot project
10. Time and Place of Next Meeting
11. Adoption of Report
12. Adjournment

**Annex 3. Evaluation of the Program for Observers and Satellite Tracking - Presentation by the Executive Secretary regarding information requested in STACTIC W.P. 02/31**

(STACTIC W.P. 03/2)

**Table 1**

(as requested by STACTIC WP 02/31, Annex 1)

Contracting Party	Number of Observers	Observer Employer	Status of Observer Employer (e.g. state body, private contractor)	Who trains the observers?	How are the observers paid?	Other pertinent details
<b>Bulgaria</b>						
<b>Canada</b>	179	Seawatch Inc., Biorex, Javitech Ltd.	Private	Contractor	Contractor	Updated twice yearly
<b>Cuba</b>						
<b>Faroe Islands</b>	9	Faroese Fishery Control	State	Faroese Fishery Control	Faroese Government	
<b>Greenland</b>	27	Greenland Fisheries License Control	State	Greenland Institute of Natural Resources	Greenland Fisheries License Control	
<b>Estonia</b>	16	Estonian Environmental Inspectorate	State	Environmental Inspectorate	State	
<b>European Union <sup>1)</sup></b>	72	MEP	Private	Contractor	Contractor	Contractor is paid by the EU Commission
<b>France St. Pierre &amp; Miquelon</b>						
<b>Iceland</b>	6	Directorate of Fisheries	State	Directorate of Fisheries	Vessels owners pay Directorate who pay obs.	
<b>Japan</b>	2	Japan Fisheries Resource Conservation Association	State	Japan Marine Fisheries Resource Research Center	Vessels owners pay JFRCA who then pay obs.	
<b>Korea</b>						
<b>Latvia</b>	7	SIA Burinieki, SIA Skaga, SIA Batterfisa, SIA Danlat	Private	Recruited when having a certificate	Vessel owner	
<b>Lithuania</b>	12	Department of Fisheries	State	By Canadian instructors and have certificates	Vessel owners to Dept. of Fish. to obs.	
<b>Norway</b>	85	Seawatch Inc.	Private	Contractor		
<b>Poland</b>						
<b>Russia</b>	11	Polar research institute	State	PINRO, Murmanrybvod	PINRO, Murmanrybvod, shipowners	
<b>Ukraine <sup>1)</sup></b>	10	Ship owners	Private	YugNIRO	Ship owners	
<b>USA</b>		US Government	State	US Government	US Government	

<sup>1)</sup> Number of Observers from notifications to Secretariat

Table 2

(as requested by STACTIC WP 02/31, Annex 1a)

Employers Name	Employers Address
Seawatch Inc.	P. O. Box 8951 St. A, St. John's NL, A1B 3R9 Canada
Biorex	198 Boul. De Gaspé, Suite 102 Gaspé Quebec, G4X 1B1 Canada
Javitech Ltd.	115 Joseph Zatzman Dr., Dartmouth, NS, B3B 1N3 Canada
Greenland Fisheries License Control	c/o Post Box 501, 3600 Nuuk Greenland
Estonian Environmental Inspectorate	Kopli 76, 10416 Tallinn Estonia
MEP	56 High Street, Lymington, Hants, England
Directorate of Fisheries	Ingolfstraeti 1, 101 Reykjavik, Iceland
Japan Fisheries Resource Conservation Association	Tokyo Suisan-Building 4-18 Toyomi-cho, Chuo-ku Tokyo 104-0055 Japan
SIA Burinieki	Talsu Region Mersrags, LV-3284 Latvia
SIA Skaga	147/1 k. Valdemara st., Riga LV-1013 Latvia
SIA Batterfisa	3-68, Celmu St., Liepaja LV-3401 Latvia
SIA Danlat	Seafood Ltd., 15/17 Audupes St., Riga LV-1030 Latvia
Fisheries Department Under the Ministry of Agriculture	Gedimino av. 19, LT-2025 Vilnius Lithuania
Polar research institute	(PINRO-Murmansk, Knipovich street 6), Murmansrybvod-Murmansk, Kominterna street 7

**Table 3**  
(as requested by STACTIC WP 02/31, Annex 2 A)  
**Implementation of Observer Program (F=Full, P=Partial, N=None)**

Contracting Party	Part VI - NAFO Conservation and Enforcement Measures												
	1a)	2	3a) i)	3a) ii)	3a) iii)	3a) iv)	3b)	3c)	3d)	4	5	6	7
Bulgaria													
Canada	F	F	F	F	F	F	F	F	F	F	F	F	F
Cuba													
Faroese	F	F	F	F	F	F	F	F	F	F	F	F	F
Greenland <sup>1)</sup>	F	F	F	F	F	F	F	F	F	F	N	F	F
Estonia	F	F	F	F	F	F	F	F	F	F	F	F	F
EU	F	N	F	F	F	F	F	N	F	F	F	F	F
France (SP)													
Iceland	F	F	F	F	F	F	F	F	F	F	F	F	F
Japan	F	F	F	F	F	F	F	F	F	F	F	F	F
Korea													
Latvia	F	P	F	F	F	F	F	P	P	F	F	P	F
Lithuania	F	F	F	F	F	F	F	F	P	F	F	F	F
Norway	F	F	F	F	F	F	F	F	F	F	F	F	F
Poland													
Russia	F	F	F	F	F	F	F	F	F	P	N	F	F
Ukraine													
USA													

<sup>1)</sup> Infractions are reported to Greenland Fisheries License Control Authority, which reports it to NAFO Secretariat which reports to NAFO Secretariat.

<sup>2)</sup> Observers report to the Fisheries Department sent after completion of trip. These trips sometimes extend over a period of over 6 months. There are also delays in receiving observer reports.

**Table 4**

(as requested by STACTIC WP 02/31, Annex 2B)

**Implementation of VMS (F=Full, P=Partial, N=None)**

Contracting Party	Part VI NAFO Conservation and Enforcement Measures						
	B. 1	B. 2	B. 3	B. 4	B. 5	B. 6	B. 7
<b>Bulgaria</b>							
<b>Canada</b>	F	F	F	F	F	F	F
<b>Cuba</b>							
<b>Faroes</b>	F	F	F	F	F	F	F
<b>Greenland</b>	F	F	F	F	F	F	F
<b>Estonia</b>	F	F	F	F	F	F	F
<b>EU</b>	F	F	F	F	F	F	F
<b>France (SP)</b>							
<b>Iceland</b>	F	F	F	F	F	F	F
<b>Japan</b>	F	F	F	F	F	F	F
<b>Korea</b>							
<b>Latvia</b>	F	F	F	F	F	P	F
<b>Lithuania</b>	F	P <sup>2)</sup>	F	F	F	P <sup>2)</sup>	P <sup>2)</sup>
<b>Norway</b>	F	F	F	F	F	F	F
<b>Poland</b>							
<b>Russia</b>	F	F	F	F	F	F	F
<b>Ukraine</b>							
<b>USA</b>							

<sup>2)</sup> Lithuanian FMC was established in 2002, 11 April 2003 a legal act on implementation of VMS fulfilling all NAFO requirements was adopted. Software problems regarding transmission and receipt of data to and from other FMCs will be soon solved through a software leasing agreement with Trackwell from 21 May 2003.

**Table 5**  
(as requested by STACTIC WP 02/31, Annex 3a/b)  
**Expenditures 1999 (Can \$)**

**Observers**

Contracting Party	Observer Sea Days	Observer Transit Days	Travel	Recruitment and Training	Administration	Other (Specify)	Total	Footnotes
Canada	25,200	1,000	2,000	30,000	105,800	-	164,000	-
Estonia	60,000	4,050	96,450	-	-	-	160,500	-
European Union	1,745,000	537,000	-	-	-	-	2,282,000	b)
Faroe Islands	217,857	-	10,476	7,143	28,572	4,643	268,691	m)
Greenland	-	-	-	-	22,750	-	22,750	-
Iceland	311,063	65,527	13,271	-	-	1,213	391,074	e)
Japan	87,600	1,875	5,775	-	11,956	-	107,206	-
Latvia	44,423	6,231	6,900	450	-	-	58,004	-
Lithuania	68,295	-	-	-	-	-	68,295	i)
Norway	76,065	13,412	-	3,269	29,421	-	122,167	-
Russia	50,100	5,625	8,400	900	16,650	-	81,675	-

**Satellite Tracking/Vessel Monitoring System.**

Contracting Party	Hardware	Software	Transmissions	Maintenance	Training	Monitoring	Other (Specify)	Total	Footnotes
Canada	-	-	-	-	-	-	-	0	-
Estonia	-	-	-	-	-	-	-	0	-
European Union	-	-	-	-	-	-	-	0	-
Faroe Islands	23,810	71,429	2,273	11,904	11,904	11,904	-	133,223	-
Greenland	-	-	-	-	-	-	-	0	-
Iceland	38,500	288,400	-	9,070	-	-	-	335,970	f)
Japan	-	-	-	-	-	-	114,557	114,557	g)
Latvia	-	-	-	-	-	-	-	0	h)
Lithuania	-	-	-	-	-	-	-	0	-
Norway	-	-	-	-	-	-	-	0	-
Russia	360,000	214,200	3,750	12,300	-	9,150	11,700	611,100	-



**Table 6**  
(as requested by STACTIC WP 02/31, Annex 3a/b)  
**Expenditures 2000 (Can \$)**

**Observers**

Contracting Party	Observer Sea Days	Observer Transit Days	Travel	Recruitment and Training	Administration	Other (Specify)	Total	Footnotes
Canada	42,300	2,300	6,500	30,000	109,900	-	191,000	-
Estonia	75,000	4,200	90,300	-	-	-	169,500	-
European Union	1,985,000	537,000	-	-	-	-	2,522,000	b)
Faroe Islands	210,476	-	24,524	7,739	29,762	4,524	277,023	m)
Greenland	-	-	-	-	74,550	-	74,550	-
Iceland	371,740	78,310	29,854	-	-	6,274	486,178	e)
Japan	59,800	938	2,888	-	11,956	-	75,582	-
Latvia	56,582	5,427	4,185	600	-	-	66,794	-
Lithuania	71,055	-	-	-	-	-	71,055	i)
Norway	111,306	26,828	-	3,388	30,492	-	172,014	-
Russia	103,650	27,188	25,950	4,950	21,450	-	183,188	-

**Satellite Tracking/Vessel Monitoring System.**

Contracting Party	Hardware	Software	Transmissions	Maintenance	Training	Monitoring	Other (Specify)	Total	Footnotes
Canada	-	-	-	-	-	-	-	0	-
Estonia	10,500	106,500	-	-	-	-	-	117,000	-
European Union	-	-	-	-	-	-	-	0	-
Faroe Islands	11,904	30,953	2,225	11,904	11,904	11,904	-	80,793	-
Greenland	126,839	236,209	528	36,161	-	-	-	399,737	-
Iceland	-	96,200	-	28,260	-	-	-	124,460	f)
Japan	-	-	-	-	-	-	114,557	114,557	g)
Latvia	-	-	-	-	-	-	-	0	h)
Lithuania	6,705	25,043	-	-	-	-	-	31,748	-
Norway	-	-	-	-	-	-	-	0	-
Russia	-	-	31,800	48,750	-	169,350	79,350	329,250	-

Table 7

(as requested by STACTIC WP 02/31, Annex 3a/b)

## Expenditures 2001 (Can \$)

## Observers

Contracting Party	Observer Sea Days	Observer Transit Days	Travel	Recruitment and Training	Administration	Other (Specify)	Total	Footnotes
Canada	23,100	1,600	7,000	30,000	105,400	-	167,100	-
Estonia	169,200	10,800	42,750	3,000	6,000	-	231,750	a)
European Union	2,200,000	805,000	-	-	-	-	3,005,000	b)
Faroe Islands	287,381	-	31,905	9,524	30,953	5,834	365,595	m)
Greenland	-	-	-	-	2,450	-	2,450	-
Iceland	177,249	37,338	19,336	-	-	3,835	237,758	e)
Japan	126,600	1,875	6,000	-	11,956	-	146,431	-
Latvia	54,873	6,734	7,650	600	-	-	69,857	-
Lithuania	98,130	-	-	-	-	-	98,130	i)
Norway	448,305	52,982	-	12,320	110,880	-	624,487	-
Russia	188,475	36,000	31,800	9,150	25,650	-	291,075	-

## Satellite Tracking/Vessel Monitoring System.

Contracting Party	Hardware	Software	Transmissions	Maintenance	Training	Monitoring	Other (Specify)	Total	Footnotes
Canada	40,000	10,000	200	12,000	5,000	40,000	-	107,200	-
Estonia	1,500	-	25,500	12,750	3,000	-	-	42,750	-
European Union	250,000	250,000	2,100	250,000	-	420,000	-	1,172,100	c), d)
Faroe Islands	4,763	11,904	2,859	11,904	5,952	11,904	-	49,286	-
Greenland	-	-	17	28,482	-	-	-	28,499	-
Iceland	9,500	134,600	-	31,230	-	-	-	175,330	f)
Japan	-	-	-	-	-	-	175,213	175,213	g)
Latvia	-	-	-	-	-	-	-	0	h)
Lithuania	-	-	-	-	-	-	-	0	-
Norway	-	-	-	-	-	-	-	0	-
Russia	-	-	174,300	220,650	-	810,150	334,350	1,539,450	-

Table 8

(as requested by STACTIC WP 02/31, Annex 3a/b)  
Expenditures 2002 (Can \$)

## Observers

Contracting Party	Observer Sea Days	Observer Transit Days	Travel	Recruitment and Training	Administration	Other (Specify)	Total	Footnotes
Canada	11,400	700	2,800	30,000	102,700	-	147,600	-
Estonia	165,000	7,500	42,000	7,500	6,000	-	228,000	a)
European Union	1,880,000	587,000	-	-	-	-	2,467,000	b)
Faroe Islands	239,523	-	8,096	8,333	30,953	4,524	291,428	m)
Greenland	-	-	-	-	28,000	-	28,000	-
Iceland	173,716	36,594	13,020	-	-	271	223,601	e)
Japan	97,400	1,313	6,625	-	8,114	-	113,452	-
Latvia	36,984	4,221	2,850	600	-	-	44,655	-
Lithuania	105,375	-	-	-	-	-	105,375	i)
Norway	352,541	59,876	-	10,752	96,768	-	519,937	-
Russia	185,850	31,500	38,700	7,950	27,150	-	291,150	-

## Satellite Tracking/Vessel Monitoring System.

Contracting Party	Hardware	Software	Transmissions	Maintenance	Training	Monitoring	Other (Specify)	Total	Footnotes
Canada	-	10,000	100	24,000	-	40,000	-	74,100	-
Estonia	-	2,100	25,500	12,750	3,000	-	-	43,350	-
European Union	-	-	8,600	250,000	-	420,000	-	678,600	c)
Faroe Islands	23,810	196,428	2,207	11,904	47,619	11,904	-	293,871	-
Greenland	-	-	198	23,323	-	-	-	23,521	-
Iceland	4,800	163,400	-	62,250	-	-	-	230,450	d)
Japan	-	-	-	-	-	-	191,713	191,713	e)
Latvia	30,000	450,000	2,250	67,500	1,500	3,750	-	555,000	h)
Lithuania	-	1,851	-	-	-	-	-	1,851	-
Norway	-	-	-	-	-	-	-	0	-
Russia	14,550	9,750	209,550	252,900	-	844,200	458,850	1,789,800	-

**Table 9**  
(as requested by STACTIC WP 02/31, Annex 4)  
**Expenditures total 1999-2002 (Can \$)**

**Observers**

Contracting Party	Observer Sea Days	Observer Transit Days	Travel	Recruitment and Training	Administration	Other (Specify)	Total
Canada	102,000	5,600	18,300	120,000	423,800	-	669,700
Faroe Islands	469,200	26,550	271,500	10,500	12,000	-	789,750
Greenland	7,810,000	2,466,000	-	-	-	-	10,276,000
Estonia	955,236	-	75,000	32,738	120,239	19,524	1,202,736
European Union	-	-	-	-	127,750	-	127,750
Iceland	1,033,768	217,769	75,481	-	-	11,593	1,338,611
Japan	371,400	6,001	21,288	-	43,982	-	442,671
Latvia	192,861	22,613	21,585	2,250	-	-	239,309
Lithuania	342,855	-	-	-	-	-	342,855
Norway	988,217	153,098	-	29,729	267,561	-	1,438,605
Russia	528,075	100,313	104,850	22,950	90,900	-	847,088

**Satellite Tracking/Vessel Monitoring System.**

Contracting Party	Hardware	Software	Transmissions	Maintenance	Training	Monitoring	Other (Specify)	Total
Canada	40,000	20,000	300	36,000	5,000	80,000	-	181,300
Faroe Islands	12,000	108,600	51,000	25,500	6,000	-	-	203,100
Greenland	250,000	250,000	10,700	500,000	-	840,000	-	1,850,700
Estonia	64,286	310,713	9,563	47,616	77,379	47,616	-	557,172
European Union	126,839	236,209	743	87,966	-	-	-	451,757
Iceland	52,800	682,600	-	130,810	-	-	-	866,210
Japan	-	-	-	-	-	-	-	596,040
Latvia	30,000	450,000	2,250	67,500	-	3,750	-	596,040
Lithuania	6,705	26,894	-	-	-	-	-	33,599
Norway	-	-	-	-	-	-	-	-
Russia	374,550	223,950	419,400	534,600	-	1,832,850	884,250	884,250

**Table 10**

(as requested by STACTIC WP 02/31, Annex 4)

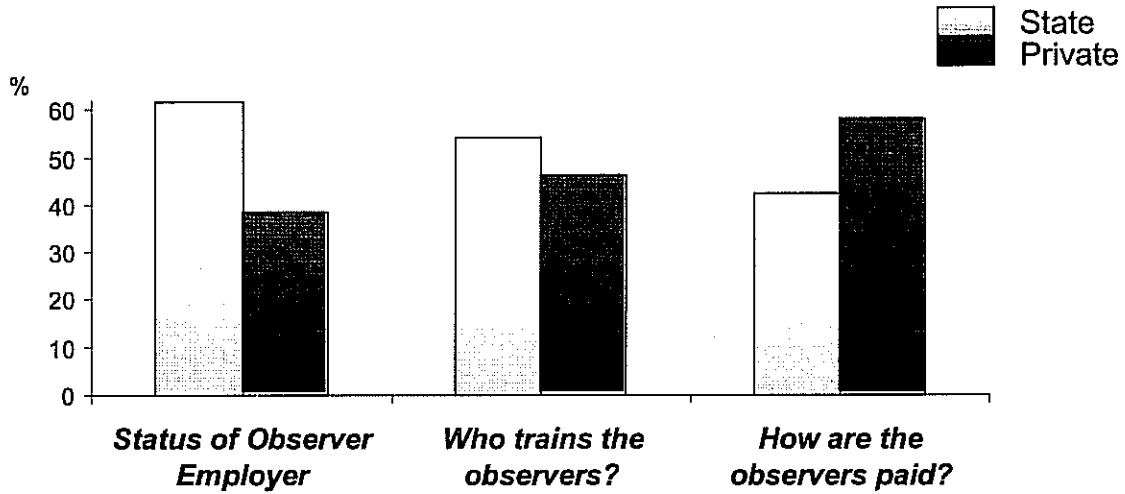
**Expenditures - Traditional Means of Surveillance (Can \$) in 2002**

<b>Contracting Party</b>	<b>Sea Surveillance</b>	<b>Air Surveillance</b>	<b>Port Inspections</b>	<b>Other</b>	<b>Total</b>
<b>Canada</b>	7,000,000	6,000,000	500,000	1,500,000	<b>15,000,000</b>
<b>Faroe Islands</b>	214,286	-	23,333	-	<b>237,618</b>
<b>Greenland</b>	-	-	-	-	<b>0</b>
<b>Estonia</b>	-	-	-	-	<b>0</b>
<b>European Union</b>	2,800,000	-	70,000	-	<b>2,870,000</b>
<b>Iceland</b>	-	-	626,923	-	<b>626,923</b>
<b>Japan</b>	-	-	-	-	<b>0</b>
<b>Latvia</b>	-	-	-	-	<b>0</b>
<b>Lithuania</b>	-	-	-	-	<b>0</b>
<b>Norway</b>	-	-	-	-	<b>0</b>
<b>Russia</b>	-	-	2,500	-	<b>2,500</b>

**Footnotes for previous pages.**

- a) Salary, allowance and equipment.  
the number of days deployed on board fishing vessels. Expenditure for travel, training and administration is included in the daily rate.
- c) Expenditures for the FMC's in 4 member states concerned covers all activity. In these member states only 2% the vessels fitted with VMS operate in the R. A.
- d) Only 4 months covered in 2001 by NAFO VMS scheme.
- e) Clothes, equipment etc.
- f) Total cost of system NAFO, NEAFC, etc.
- g) Total cost
- h) FMC of other countries were used (Canada & Russia).
- i) Costs are approximate (including transit days and travel).
- j) For 2001 and 2002 only.
- k) Inspectors.
- l) For 1999 and 2002 only.
- m) Others = insurance

**Figure 1. Assessment of Observer independence and Impartiality**



**Figure 2. Comparison of costs of all programs in 2002**

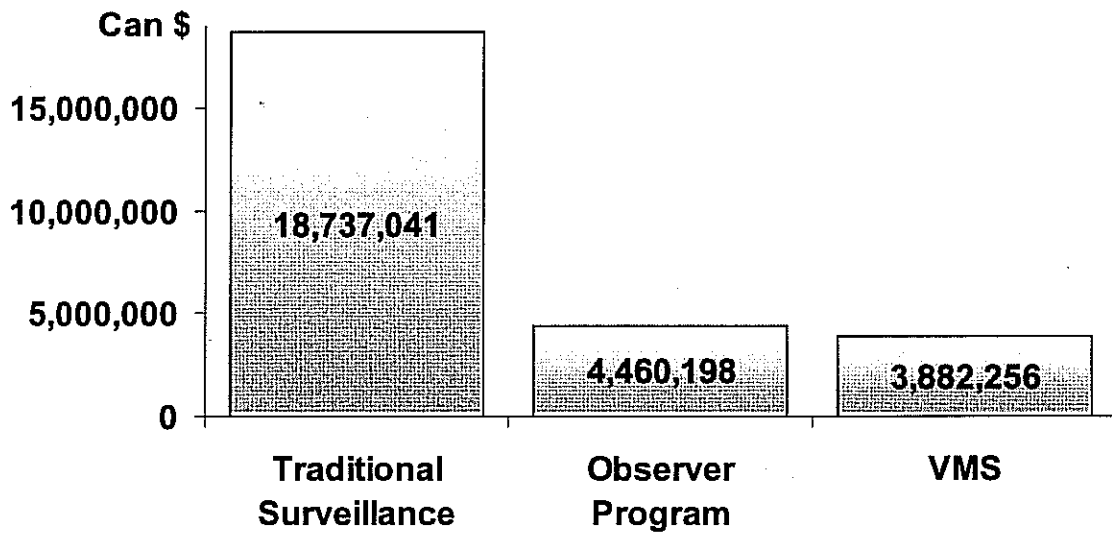


Figure 3. Expenditures for Observer Program

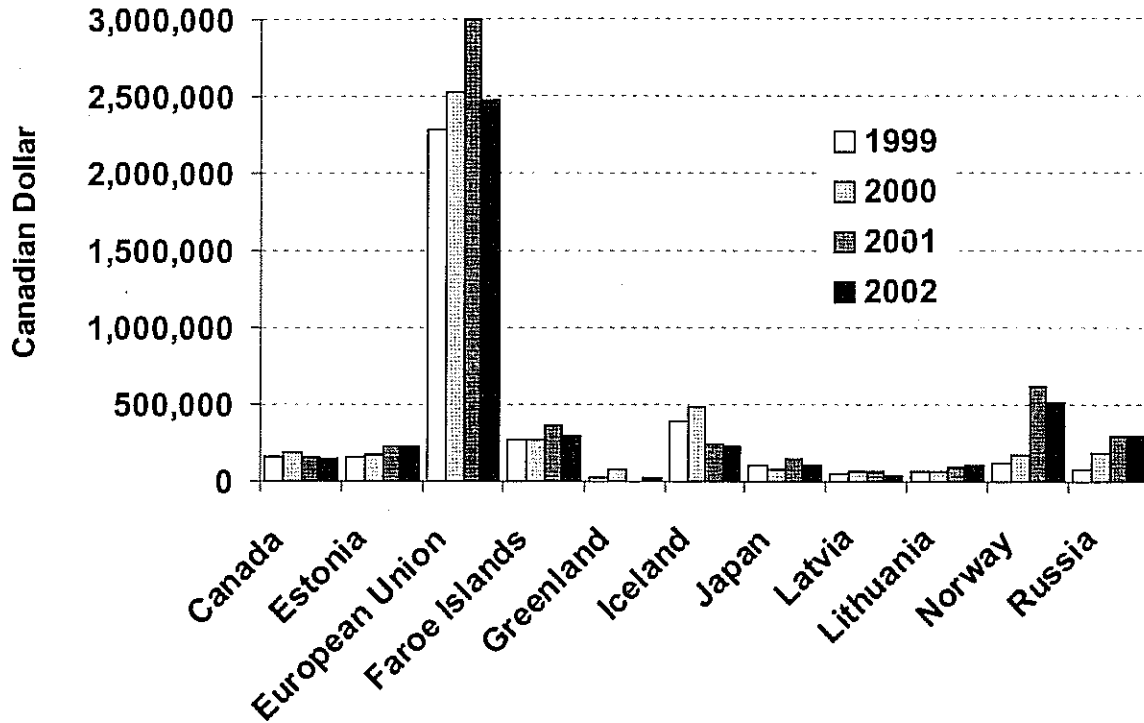


Figure 4. Expenditures for VMS

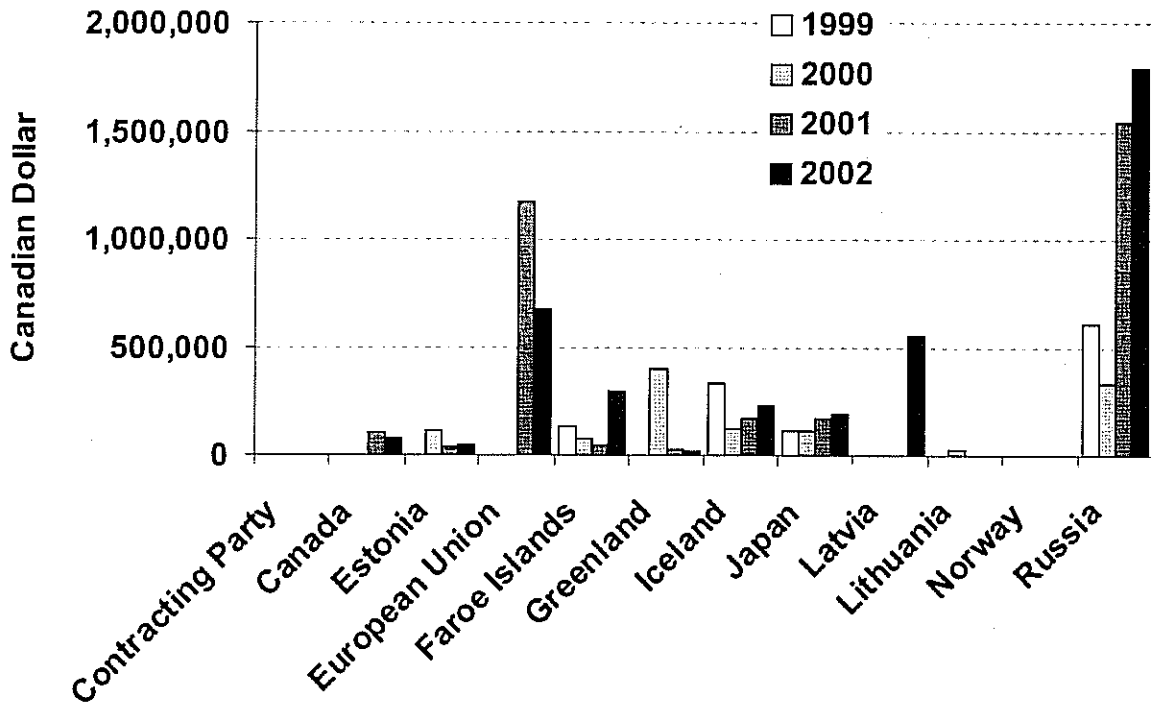




Figure 5. Expenditures for Traditional Means of Surveillance (2002)

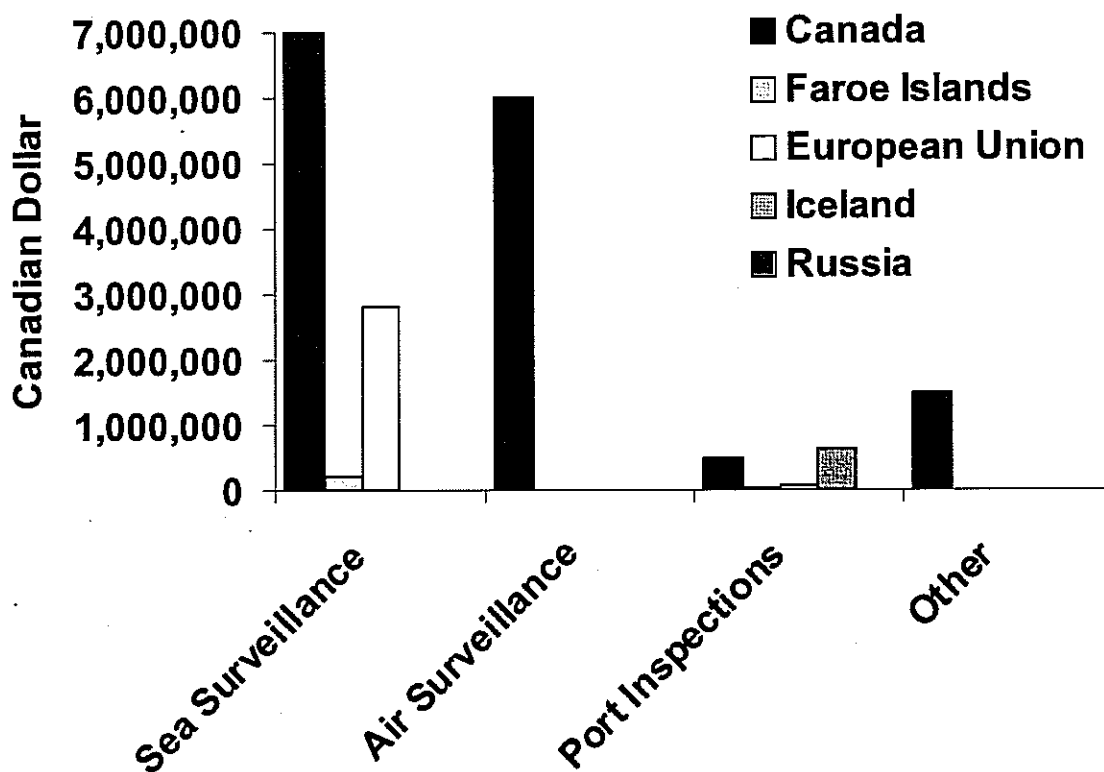
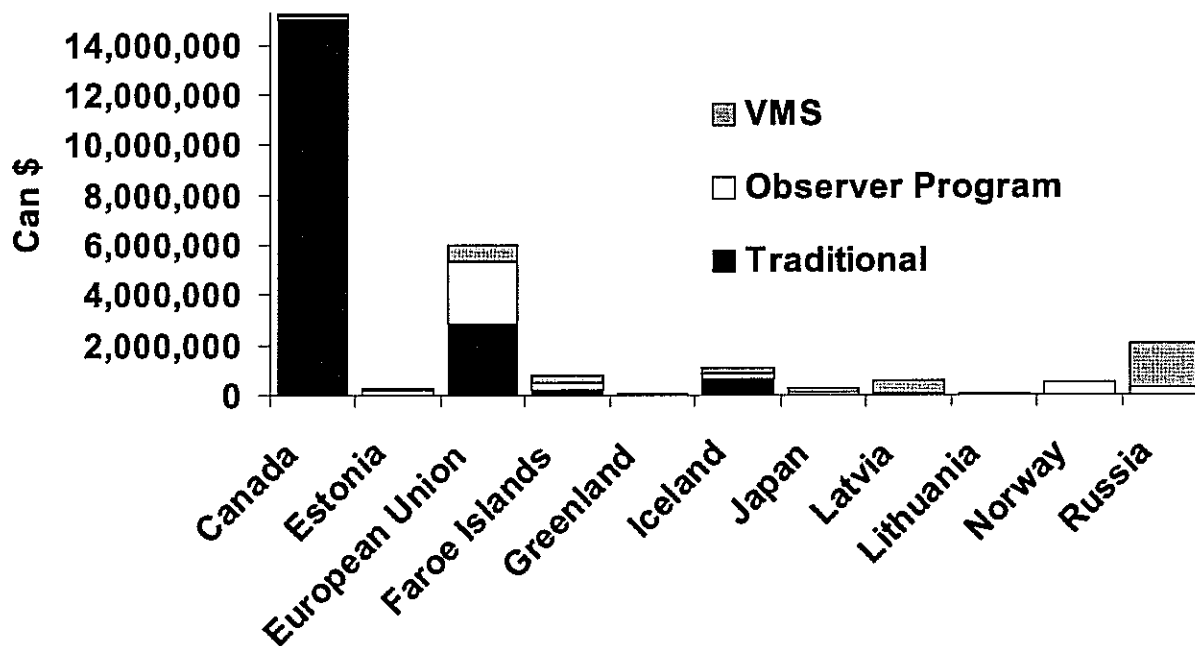


Figure 6. Comparison of expenditures by CP in 2002



## **Annex 4. Canadian Assessment of the Program for Observers and Satellite Tracking (STACTIC W.P. 03/3)**

### **Background**

Initiated as a Canada - EU pilot project in 1995 to "improve and maintain compliance with the Conservation and Enforcement Measures".

Adopted as a pilot project by Fisheries Commission in 1996 and adopted as a permanent Part (VI) of the Conservation and Enforcement Measures in 1999.

Amended in 2001 to require 100% satellite tracking coverage of all vessels in NRA.

The elements of this program are subject to review and revision, as appropriate, for application in 2004 and subsequent years.

### **2003 Assessment**

The 2003 Canadian assessment examines the operation of the program since the last review (1998-2002) from 2 perspectives:

1. Canadian participation and performance with respect to specific requirements in Part VI of the NCEM
2. Other Contracting Parties' performance from perspective of an Inspecting Party

### **Context**

The greatest threats to conservation of fish stocks in the NRA continue to be directed fishing for moratoria species, misreporting of catch and illegal gear usage.

The Program for Observers and Satellite Tracking aids in the detection and deterrence of these and other infringements of the NCEM.

Observers, in particular, can directly monitor catch and use of gear.

### **Assessment - Canadian Program**

Canadian Observer Program utilizes in excess of 16,000 days annually, approximately 0.5% of which are deployed in the NRA.

In the 1998-2002 period, Canada had almost 80,000 observer days, less than 400 of which were deployed to the NRA.

The Canadian Atlantic fleet is comprised of 5000 vessels greater than 9m, of which less than 50 are greater than 19.7m.

### **Assessment - Canadian Program**

#### **Observer Program – Implementation**

Part VI A.1.(a)

*"each Contracting Party shall have primary responsibility to obtain, for placement on its vessels, independent and impartial observers... observers are not to perform duties, other than those described in sections 4, 5 and 6 below".*

Canadian observers are trained and certified to a standard established by a National Standards Board (Government of Canada). This standard contains a Code of Conduct, including Conflict of Interest Guidelines.

Part VI A.3.(a)

*"Observers shall:*

*monitor a vessel's compliance..In particular, they shall:*

*...observe and estimate catches...record the gear type, mesh size and attachments...verify entries made to logbooks.."*

All Canadian observers are issued an Operations Manual which provides detailed technical instruction and guidelines. This manual is used in concert with the current NCEM to provide direction for observers. They are also issued a standardized equipment kit which includes certified mesh gauges.

Part VI A.3.(d)

*"within 30 days following the completion of an assignment...provide a report to the Contracting Party...and the Executive Secretary, who shall make the report available to any Contracting Party that requests it."*

Canadian observers are debriefed as quickly as possible after a trip ends, usually within a few days. The complete data package, including the trip report, is reviewed as part of the debriefing process and submitted to Canadian authorities immediately following the debriefing and subsequently forwarded to the Executive Secretary.

Part VI A.3.(d)

*"...copies of reports sent to Other Contracting Parties ... will include daily totals of catch by species and division."*

Canadian trip reports include set by set, daily catch by division as well as summaries of catch by NAFO division.

Part VI A.5.

*"When an apparent infringement of the NCEM is identified by an observer, the observer shall, within 24 hours, report it to a NAFO inspection vessel using an established code."*

Canadian observers report infringements in coded at-sea situation reports as well as providing details in the trip-end report.

**Assessment - Canadian Program**

**Satellite Tracking - Implementation**

Canada has less than 50 vessels >19 m but currently has 1200 vessels > 9m equipped with satellite tracking devices. With the following exceptions, all vessels operating in the NRA since January 2001 have sent 6 hour positional reports:

- Four incidents of non compliance occurred during 1998 - 2002 related to inoperable systems - charges have been laid in each instance.
- On one occasion a technical error at the FMC prevented the forwarding of positional information for one vessel.

The Canadian system is not yet equipped for the automated transmission of entry and exit hauls, which continue to be sent manually.

**Assessment - Canadian Program**

**Conclusion**

Canadian Observer and VMS Program has been implemented in accordance with the requirements outlined in Part VI of the NAFO Conservation and Enforcement Measures.

**Assessment - OCP Programs**  
**Observer Program - Implementation**

Part VI A.1.(a)

*"each Contracting Party shall have primary responsibility to obtain, for placement on its vessels, independent and impartial observers. Observers are not to perform duties, other than those described..."*

Canada issued 8 infringements in 1998 to vessels without observers. Since 1999, all inspected vessels have identified an observer onboard; however, incidents in 2002 have revealed questionable impartiality.

- March - Canadian media interviewed crew member of a vessel who had earlier identified himself as the observer to Canadian inspectors.
- June - Observer was revealed to be ship's engineer and part owner.
- August - Observers on 2 vessels of 1 CP stated to Canadian inspector that they performed duties of crewmembers.

Excerpt from 2002 observer report:

The captain of the vessel felt that the system whereby vessels could name a crewmember to act as an observer was defeating the purpose of having observers onboard. The [vessel] had a quota which was taken in 4 days.

Another vessel spent approximately 2 weeks fishing the same quota. This vessel had a crewmember acting as the observer.

[Other] captains feel that crewmembers acting as observers allows too easily for abuse, particularly in a fixed quota area.

Part VI A.3.(a)

*"Observers shall:*

*monitor a vessel's compliance..In particular, they shall:*

*...observe and estimate catches..."*

The catch estimation procedures described in some observer reports states that they multiply the master's pan weights by the master's conversion factors to arrive at their estimates.

A number of observer report stated that "When there was any doubt over estimates, the captain's figures were used."

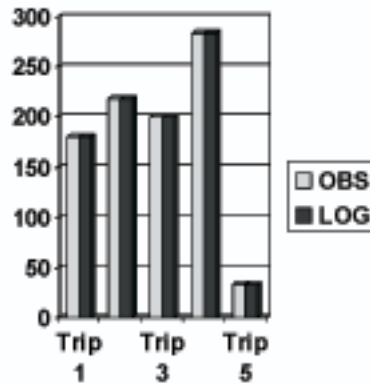
Part VI A.3.(a)

*"Observers shall:*

*monitor a vessel's compliance..In particular, they shall:*

*...observe and estimate catches..."*

The following table reflects the observed vs logged catch figures for one vessel which made 5 trips in 2001. In 4 of the 5 trips (161 fishing days), the observers catch estimates matched the master's logs exactly.



Part VI A.3.(a)

*"Observers shall monitor a vessel's compliance... In particular, they shall...record the gear type, mesh size and attachments..."*

A significant number of reports indicate that when observers conduct mesh measurements, they do so with a gauge provided by the vessel.

Part VI A.3.(d)

*"within 30 days following the completion of an assignment...provide a report to the Contracting Party..."*

Without a system to track outstanding reports, the exact number of outstanding reports cannot be determined, but it is estimated that at least 20% of 2002 reports have yet to be submitted.

Part VI A.3.(d)

*"...copies of reports sent to Other Contracting Parties ... will include daily totals of catch by species and division."*

The 12 variations of observer reports do not always include daily totals of catch by species and division:

- 4 of 12 different formats in use report daily catch by division.
- 3 formats report set details but no daily catch.
- A further 3 formats report summary data only and another provides daily totals but not by division.
- 1 format is not in English.



The image shows two pages of a fishing operation report form. The left page is titled "Fishing operation report" and contains sections for vessel information, gear details, and a table for catch data. The right page is titled "STAFFORDVILLE" and contains handwritten entries for various data points.

- Part VI A.5.NCEM:

*"When an apparent infringement of the Conservation and Enforcement Measures is identified by an observer, the observer shall, within 24 hours, report it to a NAFO inspection vessel using an established code, which shall report it to the Executive Secretary."*

To date, Canadian patrol vessels nor the Executive Secretary have received a report of infringement.

### Assessment - OCP Programs

#### Observer-Reported Infringements

Some reports contain sections which identify and provide details on infringements. Most have no direct reference to infringements but some contain enough relevant information to establish that infringements may have occurred. Excerpts from 2002 reports:

*"Observer figures for RED and WIT in 3L differ substantially from the captain's and underreporting of discards was a factor...by 40.1% with RED and 25.3% with WIT."*

*"The fishing master completed fishing operations and production logs every five to seven days. Depending on the movement of the inspection vessel, this period of delay in completing daily logs could be extended by as long as two weeks."*

### Assessment - OCP Programs

#### Infringements Not Detected by Observers

##### **Illegal Gear**

With the exception of a small mesh infringement in the 1F redfish fishery, there have been no report of illegal gear use in any observer report even though Canadian inspectors have noted an increase in the use of liners/small mesh in the 3O redfish fishery.

**Assessment - OCP Programs**  
**Satellite Tracking - Implementation**

Part VI B.1.NCEM:

*"Each Contracting Party shall ensure that each of its vessels operating in the Regulatory Area is equipped with a satellite tracking device allowing the continuous tracking of its position by the Contracting Party."*

Most Contracting Parties are compliant with NCEM requirements; positional data is being received and forwarded; however, one Contracting Party does not have a fully functional satellite-tracking system and some vessels report inoperable systems coincident with suspected periods of misreporting.

Part VI A.4.NCEM:

*"The observer shall monitor the functioning of, and report upon any interference with, the satellite system."*

There are some indications in observer reports of interference:

"Automatic vessel position recording facilities were installed... sometimes the antenna was masked."

"... if you put a zinc metal bucket over the antenna it will distort reading or position of black box...when fishing in the North Atlantic... the reading can be off by 100 miles or 1000 miles making them think even though its operational they must be having a problem....."

**Assessment - OCP Program**  
**Satellite Tracking - Implementation**

One VMS reporting format is used in the NRA, yet no two observer reports are identical, hindering proper assessment.

However, the observer program can still provide valuable information on compliance that would only be enhanced with consistent program implementation.

Data Element:	Code:	Mandatory/ Optional	Remarks:
Start of Record	SR	M	Indicates start of the record
From	FR	M	ISO-3166 Address. Address of the transmitting Party
Address	AD	M	ISO-3166 Address. Destination address, "XNW" for NAFO
Record Number	RN	M	NNNNN, serial number of the record in the relevant year
Record Date	RD	M	YYYYMMDD, Year, month and day
Record Time	RT	M	HHMM, Hours and minutes in UTC
Sequence Number	SQ	M	Message serial number between vessel and land.
Type of Message	TM	M	Message detail; message type, "POS"
International radio call sign	RC	M	IRCS Code, International Radio Call sign of the vessel
Trip Number	TN	O	Activity detail; fishing trip serial number in current year.
Name	NA	M	ISO 8859.1, Name of vessel
External identification	XR	M	ISO 8859.1, Side number of the vessel
Latitude(decimal)	LT	M	+DDD.dddd (WGS84) Values negative if latitude is on the southern hemisphere. Note: LA will still be supported.
Longitude(decimal)	LG	M	+DDD.dddd (WGS84) Values negative if longitude is on the western hemisphere. Note: LO will still be supported.
Date	DA	M	YYYYMMDD, Year, month and day of position
Time	TI	M	HHMM, Hours and minutes in UTC of position
End Record	ER	M	End of record

**Contributions to Monitoring and Control**

Annual monitoring and control programs in the NRA are primarily provided by Canada (\$10.2M) and the EU (\$7.5M).

As a percentage of the value of NRA fisheries, the annual cost of observer coverage in the NRA is approximately 1%. (0.9 for groundfish and 1.2 % for shrimp).

The Observer/VMS Program represents an opportunity for all CP to make contributions to monitoring and control based on their level of participation in the fishery and, for many CPs, this program represents their only contribution.



### **Other Considerations**

#### **Collection of scientific data**

Harmonized Data Collection proposal (NAFO doc. 00/23) was adopted by Fisheries Commission in 2000 but has yet to be implemented by any Contracting Party.

#### **Interaction with Inspectors**

Canadian inspectors report that observers onboard some CP vessels are reluctant to discuss vessel operations with them, even in situations when an infringement has been clearly identified.

### **Conclusions**

The Program for Observers and Satellite Tracking has evolved into 2 distinct programs:

Satellite Tracking has developed as a consistent program operated with common elements by most Contracting Parties.

Observer Coverage has evolved into 12 separate and distinct programs with no common reporting or operational processes.

A comprehensive analysis on the effectiveness of the Observer Program is not possible until all Contracting Parties have fully and consistently implemented all elements of the program.

Although the Observer Program has not been fully or consistently implemented, even incomplete data available confirms reports from other sources indicating levels of non-compliance.

The Satellite Tracking Program is a significant asset in patrol planning although any application beyond that role has yet to be demonstrated.

### **Recommendations**

1. Develop a set of guidelines for the operation of the observer program, including a Code of Conduct for Observers.
2. ES should certify all observers upon receipt of appropriate documentation by the relevant CP. Protocols could be developed for the revocation of certifications.
3. ES should regularly update the list of "current" observers and distribute to CP.
4. Develop a training standard and require all observers be trained to this standard in order to receive certification.
5. CP should ensure that, where possible, NAFO inspectors participate in the training and briefing and debriefing processes.
6. Develop a set of clear and consistent guidelines for use by all CP in the observer briefing and debriefing processes
7. Develop protocol to clearly define transparent process for use by all CP in dealing with observer-noted infringements. This protocol should include real-time reporting of infringements to any inspection vessel in the area, directly or through the ES.
8. CP should indicate those infringements identified by observers in their annual report to the ES on the disposition of infringements.
9. Develop common data package, including situation and trip end reports for use by all observers. Reports should at a minimum:
  - be in electronic format and in English
  - include logged as well as observed daily catch
  - include mandatory identification of infringements

10. Develop standardized equipment kit for each observer; including certified mesh gauges, scales, and sampling equipment.
11. Develop a plan for the collection of data to meet SC requirements.
12. Incorporate observer data into the annual compliance review
13. Develop a data collection plan for different fisheries to include product weight, conversion factor and density factor experiments.
14. Develop a protocol for the replacement of observers (at CP expense) in cases where lack of impartiality is proven.
15. CP should deploy at-sea observer coordinators on PV to receive situation reports and conduct briefing/debriefing, where possible.
16. Develop an interview form for inspectors to complete with observers containing checklist of issues to review with observers.
17. Develop a process to encourage feedback from observers on the operation of the program, possibly through a separate report submitted directly to the ES.
18. ES should analyze satellite data to define "trips" and identify late observer reports.
19. Develop notification process to advise CP when observer reports have not been submitted within the allotted time.
20. Require any CP without operational satellite tracking system submit a plan for compliance by January 1, 2004.
21. Require that positional reporting through the satellite system be increased to intervals of 2 hours including manual reports when the satellite system is non-operational.
22. Require daily observed and logged catch records to be submitted *via* satellite system.
23. Require observer reports be submitted *via* the satellite system to facilitate and guide port inspections by flag state authorities.

**Annex 5. Working Paper by Denmark (in respect of Greenland and Faroe Islands)**  
**Produced by Greenland -The Effect of Observers**  
 (STACTIC W.P. 03/5)

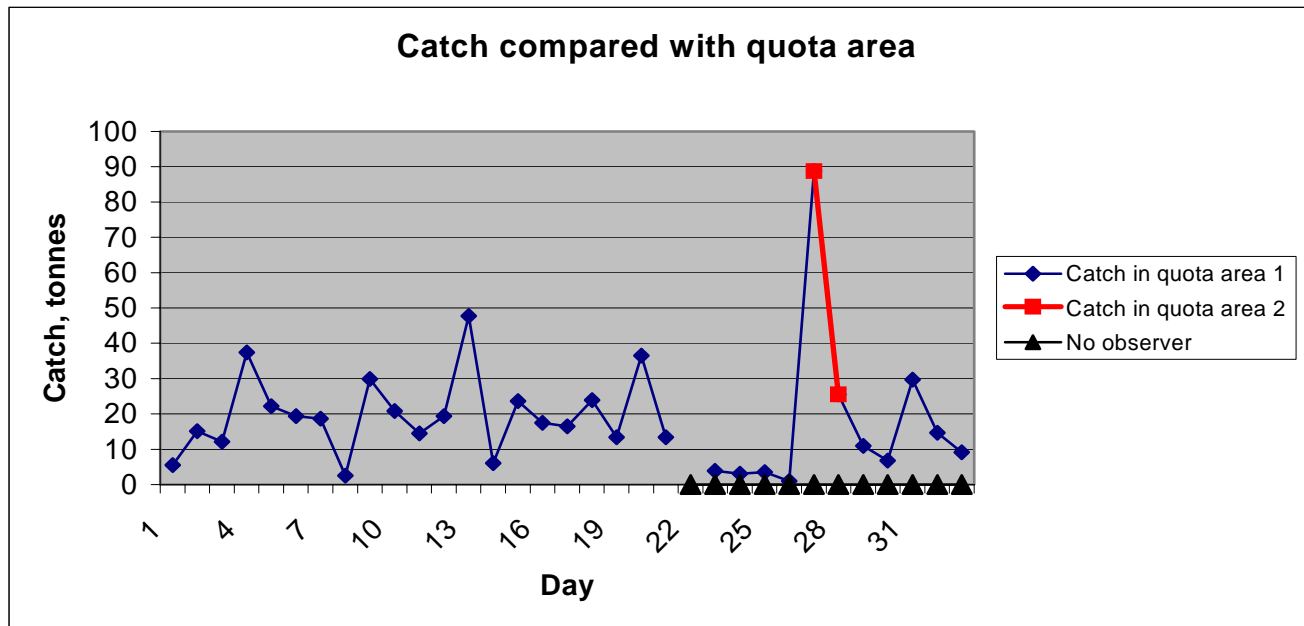
**A case study**

Through analyse Greenland became aware that some vessels would stop the fishery in an area where they were having a good fishery and moved to another quota area, where the fishery normally is very poor. At these trips the vessel had unusually good catches and no observer on board.

There was especially one trip for one vessel that seemed gross. We therefore compared the data in the vessels logbook (catch, time of hauls) with the data from the Vessel Monitoring System (speed). Furthermore we added the days the observer was on board the vessel. The day after the observer left the vessel the vessel started to move to the new quota area.

**Figure 1: Catch compared with quota area and the presence of observer at the vessel.**

Source: Catch record from the logbook.



At the figure 1 it is obvious that the catches are very low 5 days (below 4 tons/day) before the vessel enters the new quota area and 2 days (10 tons/day) after the leaving the area. In the area the vessel caught 90 tons on one day, which is very unusual.

In the attachment 1 the speed of the vessel is compares with the hauls notes in the logbook. The vessel speed is 1-2 knob when the trawl is at the bottom while the speed is 5-7 knots when the vessels are steaming.

Day 25 is a normal fishing day for the vessel. When the vessel is trawling the speed are approx. 1-2 knots and when the vessel is steaming it has a speed of 5-6 knots or more. The trawl is out nearly all day. But the catch is only approx. 4 ton.

Day 26 the vessel has a low speed (normal speed when fishing) for 6 hours but there are no records in the logbook that the trawl is fishing. This is the day before the vessel enters the new quota area.

At day 27 contrary there is noted several hauls in the logbook while the VMS shows that the vessel had a speed at 6-7 knots (normal speed when steaming). The vessel caught around 90 tons during the time period of 9-10 hours. Normally this vessel has maximum catch of 40-50 tonnes/day.

The assumption can be made that the vessels do not write the correct catch and time of the catch in the logbook when there is no observer onboard. Such logbooks have no value to the scientists.

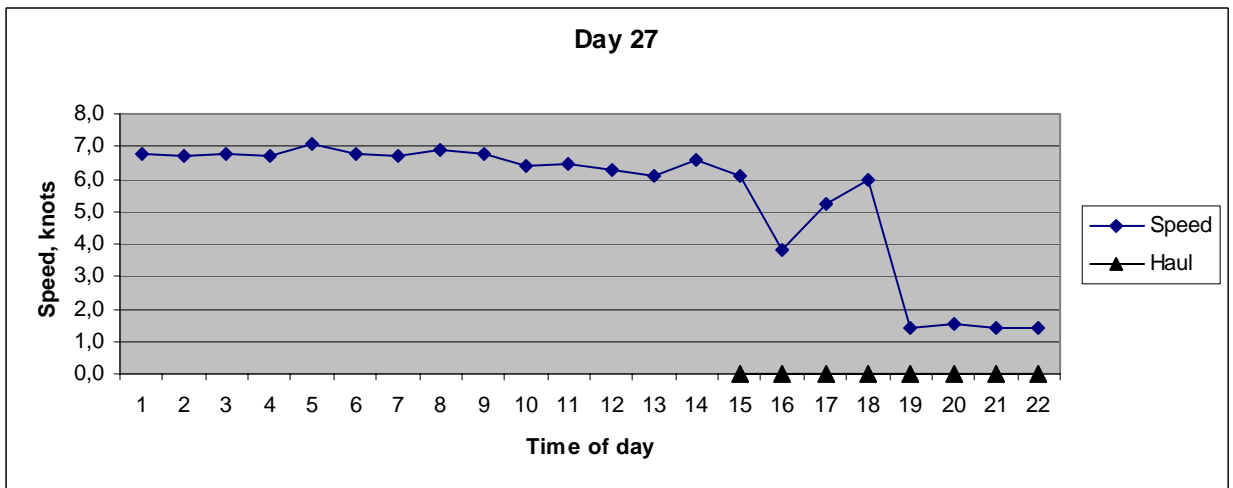
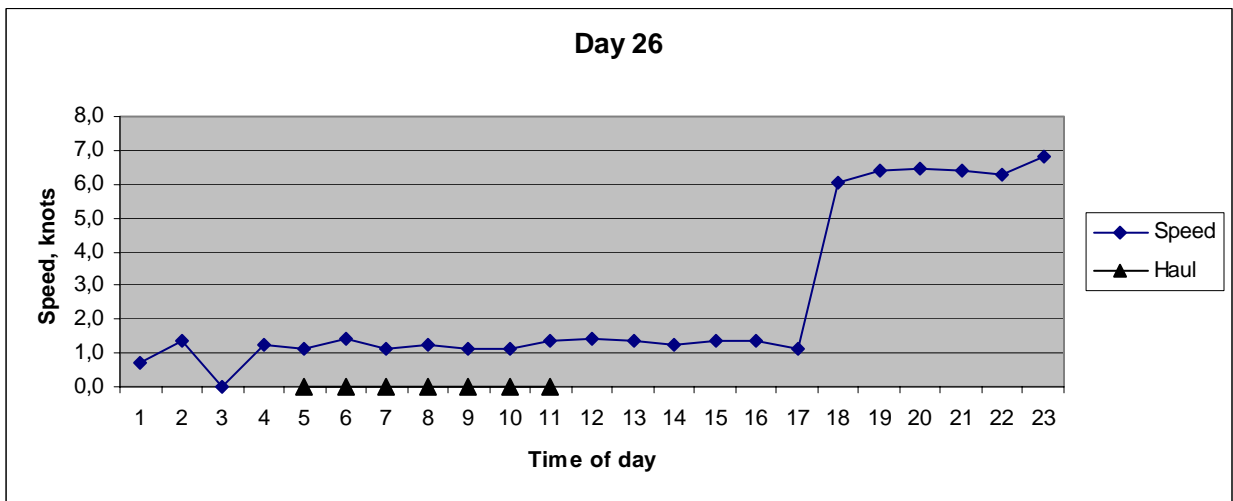
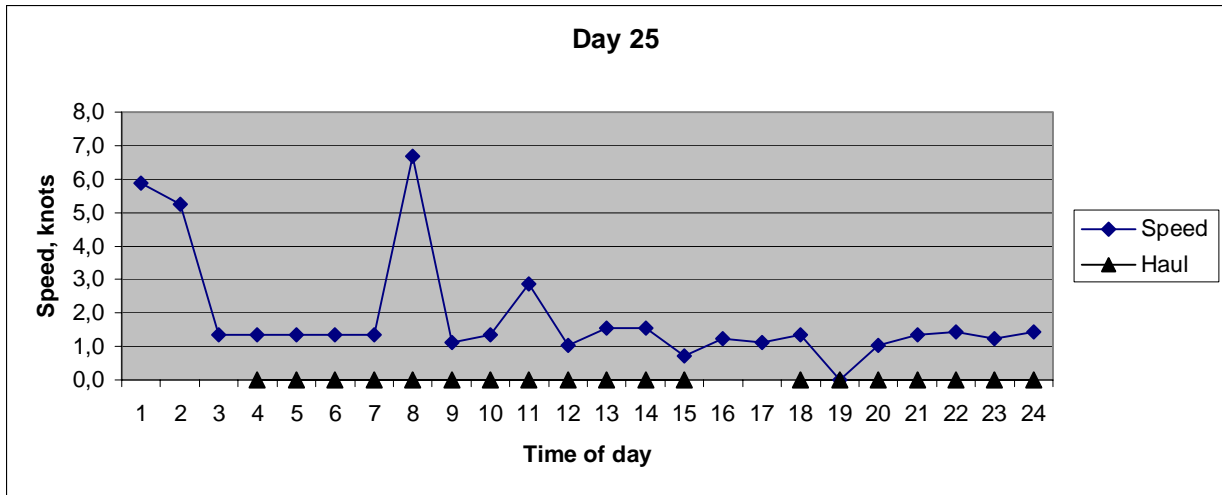
If the observer coverage percentage is going to be lowered following things can be recommended:

1. Increased frequency in VMS position reports for example every hour
2. A more detailed catch report where time and position for every haul is noted in the logbook.
3. The recommendations in point 1 and 2 can be used in order to analyse where to deploy observers.

**Attachment 1**

**The vessels speed compared with the time of hauls.**

Source: Speed from VMS and time of hauls from the logbooks.



**Annex 6. Proposal by Denmark (in respect of Greenland and Faroe Islands) to Establish a Working Group on Harmonization of Communication of Catches, VMS Messages and Reports by Fishing Vessels Operating in the NAFO-and NEAFC Area**  
(STACTIC W.P. 03/4-Revised)

The first period after the introduction of VMS in NAFO has shown a need for better harmonization of the reports exchanged between the FMCs of the CP and the NAFO Secretariat as well as the reports forwarded from the fishing vessels to the FMC or Secretariat of NAFO (and NEAFC). It is a practical problem for many fishermen, who are fishing both in NEAFC and NAFO's regulated areas, to administrate the differences in the reports. This can give some problem with for example missing data, quality of the data and so forth, which is received from the fishermen, and as a consequence give the administration more work. Furthermore this is also a considerable burden in the development of the VMS-software, which generated the messages and handles the communication to the different bodies.

In the attached scheme we have compared the data elements of the reports used by NAFO and NEAFC as 'Position' report, 'Catch on entry' and 'Catch on exit'. Some of the data elements are the same for the two organizations and the only difference is that some are mandatory for one organization and optional for the other. This is a minor problem for the fishermen because they can choose always to take the data element in the reports although it is only optional. But when there are data elements, which only exist in the report from one of the organisations, it can be a problem for the fishermen.

From a software point of view this can be solved but nevertheless it complicates and makes software much more expensive.

The comparison between the 'Catch on Entry' and 'Catch on Exit' shows that there are several differences. For the reports to NAFO four data elements are required: 'NAFO division to enter' (RA), 'Master of the vessel' (MA), 'Directed species' (DS) which is not mentioned in the NEAFC's reports.

If the reports of the two organizations were harmonised, the reports will arrive faster, the quality will be better, as well as make life easier for fishermen and the FMCs. Further there is a good foundation for developing cooperation between the two secretariats which run compatible systems and in the long term this could be a platform for the two organisations to share the burden as they may develop new systems and software together.

**POSITION report/message**

<b>Data element</b>	<b>Code</b>	<b>NEAFC</b>	<b>NAFO</b>	<b>Description</b>
Start Record	SR	M	M	System detail; indicates start of record
Address	AD	M	M	Message detail; destination, 'XNE' for NEAFC, 'XNW' for NAFO
Sequence Number	SQ	M <sup>1</sup>	O	Message detail; serial number in current year
Type of Message	TM	M	M	Message detail; message type, 'POS'
Radio Call sign	RC	M	M	Vessel registration detail; international radio call sign of the vessel
Trip Number	TN	O	O	Activity detail; fishing trip serial number in current year
Vessel Name	NA	O	M	Vessel registration detail; name of the vessel
Contracting Party Internal Reference Number	IR	O	-	Vessel registration detail. Unique Contracting Party vessel number as ISO-3 flag state code followed by number
External Registration Number	XR	O	M	Vessel registration detail; the side number of the vessel
Latitude	LA	M <sup>2</sup>	M <sup>3</sup>	Activity detail; position at time of transmission
Longitude	LO	M	M	Activity detail; position at time of transmission
Latitude (decimal)	LT	M <sup>4</sup>	M <sup>5</sup>	
Longitude (decimal)	LG	M	M	
Date	DA	M	M	Message detail; date of transmission
Time	TI	M	M	Message detail; time of transmission
From	FR	M	M	Name of transmitting party
Record Date	RD	M	M	Year, month and date
Record Time	RT	M	M	Hours and minutes in UTC
Record Number	RN	M	M	Serial number of the record in the relevant year
End of Record	ER	M	M	System detail; indicates end of the record

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<sup>1</sup> Optional in case of a VMS message

<sup>2</sup> LO and LA mandatory for manual messages

<sup>3</sup> LO and LA mandatory for manual messages

<sup>4</sup> LT and LG mandatory for VMS messages

<sup>5</sup> LT and LG mandatory for VMS messages

**CATCH ON ENTRY**

<b>Data element</b>	<b>Code</b>	<b>NEAFC</b>	<b>NAFO</b>	<b>Description</b>
Start Record	SR	M	M	System detail; indicates start of record
Address	AD	M	M	Message detail; destination, 'XNE' for NEAFC, 'XNW' for NAFO
Sequence Number	SQ	M	O	Message detail; serial number in current year
Type of Message	TM	M	M	Message detail; message type, 'COE'
Radio Call sign	RC	M	M	Vessel registration detail; international radio call sign of the vessel
Trip Number	TN	O	O	Activity detail; fishing trip serial number in current year
Vessel Name	NA	O	M	Vessel registration detail; name of the vessel
Contracting Party Internal Reference Number	IR	O	-	Vessel registration detail. Unique Contracting Party vessel number as ISO-3 flag state code followed by number
External Registration Number	XR	O	M	Vessel registration detail; the side number of the vessel
Latitude	LA	M <sup>6</sup>	M	Activity detail; position at time of transmission
Longitude	LO	M <sup>7</sup>	M	Activity detail; position at time of transmission
Quantity on board	OB			Activity detail; quantity by species on board, in pairs as needed.
Species		M	M	FAO species code
Live weight		M	M	Live weight in kilograms, rounded to the nearest 100 kilograms.
Date	DA	M	M	Message detail; date of transmission
Time	TI	M	M	Message detail; time of transmission
From	FR	M	M	Address of the transmitting party (Contracting Party)
NAFO division to enter	RA	-	M	NAFO division into which the vessel is about to enter
Name of the master	MA	-	M	Name of the master of the vessel
Directed species	DS	-	M	
End of Record	ER	M	M	System detail; indicates end of the record

<sup>6</sup> Optional if a vessel is subject to satellite tracking.

<sup>7</sup> Optional if a vessel is subject to satellite tracking.



**CATCH ON EXIT**

<b>Data element</b>	<b>Code</b>	<b>NEAFC</b>	<b>NAFO</b>	<b>Description</b>
Start Record	SR	M	M	System detail; indicates start of record
Address	AD	M	M	Message detail; destination, 'XNE' for NEAFC, 'XNW' for NAFO
Sequence Number	SQ	M	O	Message detail; serial number in current year
Type of Message	TM	M	M	Message detail; message type, 'COX'
Radio Call sign	RC	M	M	Vessel registration detail; international radio call sign of the vessel
Trip Number	TN	O	-	Activity detail; fishing trip serial number in current year
Vessel Name	NA	O	M	Vessel registration detail; name of the vessel
Contracting Party Internal Reference Number	IR	O	-	Vessel registration detail. Unique Contracting Party vessel number as ISO-3 flag state code followed by number
External Registration Number	XR	O	M	Vessel registration detail; the side number of the vessel
Latitude	LA	M <sup>8</sup>	M	Activity detail; position at time of transmission
Longitude	LO	M <sup>9</sup>	M	Activity detail; position at time of transmission
Weekly catch	CA			Activity detail; Cumulative catch retained on board by species, either since commencement of fishing in the R.A. or last "Catch" report, in pairs as needed.
Species		M	M	FAO species code
Live weight		M	M	Live weight in kilograms, rounded to the nearest 100 kilograms.
Days fished	DF	M		Activity detail; number of fishing days in the Regulatory Area either since commencement of fishing in the R.A. or last "Catch" report
Date	DA	M	M	Message detail; date of transmission
Time	TI	M	M	Message detail; time of transmission
From	FR	M	M	Address of the transmitting party (Contracting Party)
NAFO division to enter	RA	-	M	NAFO division into which the vessel is about to enter
Name of the master	MA	-	M	Name of the master of the vessel
End of Record	ER	M	M	System detail; indicates end of the record

<sup>8</sup> Optional if a vessel is subject to satellite tracking.

<sup>9</sup> Optional if a vessel is subject to satellite tracking.

## **Annex 7. Proposal by the European Community with a View to Improving the Control Scheme of NAFO (STACTIC W.P. 03/1-Revision 2)**

### **Explanatory Memorandum**

At the 2002 Annual Meeting of NAFO, the Fisheries Commission endorsed a recommendation of STACTIC that the Scheme for observers and Satellite tracking should be extended for one more year until the end of 2003 pending a thorough revision. The issue has therefore been put on the agenda for the inter-sessional meeting of STACTIC in June 2003.

Experience has shown that at least the observer part of this scheme has been of a limited use for control and scientific purposes and not been applied in a consistent manner by all Contracting Parties. The observer scheme has also proved to be very costly. There is therefore an urgent need both to reinforce the effectiveness of the Scheme and improve its cost-effectiveness.

This proposal is intended to improve NAFO rules in light of experience. Even though the proposal is focused on the elaboration of a new observer scheme applicable from 1 January 2004, it also contains proposed amendments of other parts of the Control Scheme intended to complement the new observer Scheme. The two parts of this proposal should be seen as a global package of measures. The main features are as follows.

#### Observer Scheme

**Improved communications and follow up** – Observer findings are not reported on a real time basis and therefore in most cases not available to inspection and port authorities in time. Observers should therefore be obliged to transmit catch reports on a regular basis so that those data are available for inspection vessels for at sea inspections, and for port authorities when the vessel returns to port. In order to achieve this goal, observers should be provided with independent means to transmit reports electronically on a real time basis.

**Improved quality of observer data** – The current observer rules do not provide for any rules regarding training of observers. This has often led to the situation where insufficiently trained observers with very different backgrounds are being placed on vessels. The result has in many cases been that observer data has been considered unreliable and has not been used for control or scientific purposes. Therefore, all observers should be obliged to undergo a standardised training which should include a certification process.

Clearer provisions on the tasks and obligations of the observers as well as the obligations of the captain of the vessel are also needed to achieve this goal.

**Increase cost effectiveness** – The proposed amendments of the control Scheme which now are proposed will improve the monitoring and control of the fishing activities in such a way that the current requirement to place observers on all vessels will no longer be needed. The current 100 % coverage in the observer scheme can therefore be significantly reduced.

#### Other parts of the control Scheme

**Improved VMS effectiveness** – The current frequency requirement to send position reports every 6 hours is not always sufficient to monitor the activities of the vessel in a satisfactory manner. In other parts of the Atlantic, an increased frequency is being used. It would therefore seem appropriate to increase the frequency of position reports in NAFO.

**Improved logbook reporting requirements** – Logbook data is not reported by the captain on a real time basis and therefore not available to inspection authorities. Captains should therefore be obliged to transmit catch reports on a regular basis so that those data are available for inspection vessels for at sea inspections, and for port authorities when the vessel returns to port. Such a requirement would be similar to those foreseen for observers.

**Improved means for port inspections** – Inspections in port constitute a corner stone of the control Scheme in NAFO. Port authorities do not, however, always have access to findings from observers, from at sea inspections nor VMS data, when the vessel intends to land its catch. Amendments to rectify this situation, including a requirement of prior notification of landing, are therefore necessary.

## EC proposal

### Improving the NAFO Observer Programme from 2004

*(N.B. References to Articles in this text refer to other Sections of the Conservation and Enforcement Measures)*

#### Objectives

1. The Objective of the observer programme shall be:
  - a) to monitor the compliance with the Conservation and Enforcement measures in force, and
  - b) to collect catch and effort data, other scientific data and additional information related to the fishery in the Regulatory Area.

#### Scope

2. Each Contracting Party shall require that a minimum of [X %] of its vessels fishing in the Regulatory Area at any one time, carry at least one observer on board the vessel.
- 2a A Contracting Party with one vessel operating in the Regulatory Area shall ensure the presence of an observer on board that vessel for no less than X% of the time that the vessel is present in the Regulatory Area.
3. Contracting Parties shall immediately place an observer on board any vessel flying their flag that is cited for a serious infringement as described in Article X, unless the vessel is re-routed in accordance with Article X. Contracting Parties with an inspection presence in the Regulatory Area shall have their inspectors confirm their vessels' infringements before the observer is placed on board.

#### Obligations of the Contracting Parties

4. Contracting Parties shall recruit, designate and place observers on board vessels flying their flag as well as on vessels of non Contracting Parties that so agree. While on board, observers shall remain under the responsibility of the Contracting Party that designated them and respond to the relevant authorities thereof.
- 4a Where a Contracting Party has not placed an observer on board a vessel and is obliged to do so, any other Contracting Party may place an observer on board subject to the consent of the Contracting Party of the vessel, until the latter provides a replacement.
5. Contracting Parties shall ensure that an observer be on board the vessels referred to in section 2 at all times while fishing in the Regulatory Area.
6. The duties of the observer shall begin when the vessel enters into the Regulatory Area.
7. When selecting the vessels on board of which observers are to be placed, Contracting Parties shall take into account inter alia the history of compliance of individual vessels, as well as that of their owners and/or operators.

Observers shall be rotated between all vessels and, as far as possible, a balance shall be maintained between the types of fishery in which the vessels are engaged.

- 7a Contracting Parties shall ensure that technical facilities on board their vessels necessary to send electronic observer reports have been tested with the Secretariat. The testing of this exchange shall be deemed successful once data exchanges have been completed with all recipients at a 100% reliability rate.
8. Contracting Parties shall ensure that the observers they designate have the following qualifications:
  - a) sufficient experience to identify species and fishing gear;
  - b) satisfactory knowledge of the relevant Conservation and Enforcement Measures;
  - c) the ability to carry out scientific tasks or to observe and record fishing activities accurately;
  - d) satisfactory knowledge of the language of the flag State of the vessel onboard which they carry out their duties;
  - e) computer skills relevant for the exercise of their tasks;
  - f) general nautical skills.

9. Contracting Parties shall further ensure that designated observers have completed the technical training required by the guidelines laid down in Annex X prior to any placement on vessels. This training shall last at least X weeks and shall include a certification process.
- 9a Contracting parties shall ensure that their observers carry adequate insurance for the tasks they are required to carry out and any other risks derived from their presence and activities on board.
10. Contracting Parties shall provide the observer with a portable computer and other means necessary to fulfil their tasks relating, in particular, to the drafting and transmission of reports by electronic means, as well as a standardised equipment kit including certified mesh gauges, scales and sampling equipment.
11. Contracting parties shall create a computerised data base where all data contained in weekly, summary and final reports in accordance with this programme is collected.
12. Contracting Parties shall provide the Executive Secretary with a list of certified observers operating under this programme, which shall be kept current. The Executive Secretary shall make this list available to Contracting parties with an inspection presence in the Regulatory Area.
- [12a Contracting Parties shall ensure that vessels with catch on board when entering the Regulatory Area that do not carry observers are available for inspection at a pre-arranged checkpoint.]

### **Impartiality**

13. Observers shall be independent and impartial and may not under any circumstances be a crew member or officer, nor have any links with the owner or crew of the vessel on board of which they are placed. An observer whose lack of impartiality has been proven shall be immediately replaced by the designating Contracting Party.

### **Tasks of the observers**

14. The tasks of observers shall be the following:
- a) monitor the vessel's compliance with the Conservation and Enforcement Measures adopted by the Fisheries Commission and in force. In particular, they shall
    - (o) estimate the catch held on board on entry into the Regulatory Area;
    - (i) record the fishing activities of the vessel and verify the position of the vessel engaged in fishing;
    - (ii) observe and estimate catches with a view to identifying catch composition and depth and monitoring discards, by-catches and undersized fish;
    - (iii) record gear type, mesh size and attachments deployed;
    - (iv) verify the entries made in the logbook;
    - (v) monitor the functioning of, and report on any tampering with, the Satellite tracking system;
    - (vi) be available to inspectors during at sea inspections;
    - (vii) upon request from the relevant inspection authorities, be available for a debriefing when the vessel enters into port;
    - (viii) if the observer considers it appropriate, signal any observations on possible violations to the captain
  - b) carry out scientific work as requested by the Fisheries Commission based on advice by the Scientific Council. In particular, they shall
    - (i) record details of the vessel's partition of time between searching, fishing and transit;
    - (ii) take samples of catches and record the biological data of species caught;
    - (iii) collect catch and effort data on a haul by haul basis. This data shall include location, depth, time of the net on the bottom, catch composition, discards, by-catches and undersized fish;

- (iv) collect data, including location, on fishing gear loss and waste disposal.

### Status of the Observer

~~[15. Observers shall be given the status of ship's officers.]~~

16. Observers shall have no enforcement authority. Observations made by observers in accordance with paragraph 14 (a) may not be construed as inspection findings made in accordance with Article XX.

### Duties of the Observer

17. In performing its duties, the observer shall:
- a) treat as confidential all information with respect to the fishing operations of the vessels and of the owners of the vessels and accept this requirement in writing as a condition for placement;
  - b) comply with all requirements established in laws and regulations of the Contracting Party to the vessel to which the observer is assigned insofar as such requirements are not incompatible with the Conservation and Enforcement Measures adopted by the Commission and in force;]
  - c) respect the hierarchy and general rules of behaviour which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this programme.

### Obligations of the Captain

18. Captains of vessels carrying observers on board shall in particular
- a) co-operate fully with the observer and ensure that all officers and crew do likewise, in order to facilitate the observer carrying out his/her tasks efficiently;
  - b) provide observers appropriate accommodation, including lodging, food and adequate sanitary facilities of a standard commensurate with the status of a ship's officer;
  - c) provide observers adequate space on the bridge or pilot house for clerical work, as well as work tables, scales and other equipment on deck adequate for carrying out observer duties;
  - d) give observers access to all fishing gear and any other relevant equipment, including satellite navigation equipment, radar display viewing screens and electronic means of communications available on board the vessel for transmission of observer reports;
  - e) give observers access to the vessels working deck during net and fish retrieval and to any specimen, alive or dead, that is brought onboard the vessel or to be discarded;
  - f) maintain a good and respectful working relationship with the observer, ensure their security and welfare in the performance of their duties and safeguard their freedom and dignity.

### Reporting requirements of the observer

19. In carrying out his/her duties, observers shall establish the following reports in an electronic format:
- a) a **weekly report** by division on catches by species retained on board, discards and undersized fish.  
These reports shall be transmitted to the Contracting Party of the vessel and the Executive Secretary by Monday 24:00 UTC for the preceding week ending Sunday midnight. The VMS template described in Annex Y shall be used. If the electronic means for transmitting these reports to and from and FMC is not functioning, the observer shall notify the FMC of this failure and transmit the report by any other means of communication available, keep a written log of these transmissions on board and make them available to inspectors if requested;
  - b) a **summary report** at the end of the assignment. The VMS template described in Annex Z shall be used. This report should include observations on instances of possible serious violations, if any, including

instances where fishing activities in the Regulatory Area are being declared as having been taken outside this Area.

The summary report shall be transmitted to the Contracting Party of the vessel as well as directly to the inspection authorities of the port of landing at least 30 hours in advance of the vessel's entry into port. A copy of this report shall be made available to the captain of the vessel;

- c) a **final report** within 5 days after the end of the assignment. This report shall include daily totals of catch by species and division.

The final report shall be transmitted to the Executive Secretary and the Contracting Party of the vessel.

#### **Obligations of the Executive Secretary**

20. Upon receipt of the reports referred to in paragraph 19, the Executive Secretary shall:

- a) forward the weekly observer reports to Contracting Parties with an active inspection presence in the Regulatory Area.
- b) notify the Contracting Party of any vessel from which no weekly reports have been received for 1 week without justification, and copy this notification to Contracting Parties with an inspection presence;
- c) upon request, make the final report available to other Contracting Parties. Copies of reports made available to other Contracting Parties shall not include location of catch in latitude and longitude.

20a. The Executive Secretary shall also bring to the attention of any Contracting Party instances of incomplete reporting or the absence of final reports.

#### **Costs**

21. All costs arising from the assignment of observers under this Programme shall be borne by the Flag State Contracting Party of the vessel onboard which they are placed. Contracting Parties may charge their costs, in part or in full, to the operators of their vessels.

#### **Review**

22. This Observer Programme shall be subject to review and revision in 2005, except where levels of compliance would decrease to a level warranting the review or revision at an earlier date.

**Annex Y**

## Observer Report

<b>Data Element:</b>	<b>Code:</b>	<b>Mandatory/ Optional</b>	<b>Remarks:</b>
Start record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination, “XNW” for NAFO
Sequence Number	SQ	M	Message detail; message serial number in current year
Type of Message	TM	M	Message detail; message type, “OBR” as Observer report
Radio call sign	RC	M	Vessel registration detail; international radio call sign of the vessel
Fishing Gear	GE	M	Activity detail; FAO code for fishing gear
Directed Species <sup>7</sup>	DS	M	Activity detail; FAO species code
Mesh Size	ME	M	Activity detail; average mesh size in millimeters
Relevant Area	RA	M	Activity detail; NAFO Division
Weekly Catches  species live weight	CA	M M	Activity detail; cumulative catch by species retained on board, (exclusive of discards), either since commencement of fishing in R.A. <sup>2</sup> or last “Catch” report, in pairs as needed. FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Discarding  species live weight	RJ	M <sup>1</sup>	Activity detail; discarded catch by species, either since commencement of fishing in R.A. <sup>2</sup> or last “Catch” report, in pairs as needed. FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Undersize  species live weight	US	M <sup>1</sup>	Activity detail; undersize catch by species, either since commencement of fishing in R.A. <sup>2</sup> or last “Catch” report, in pairs as needed. FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Log Book	LB	M	Activity detail; “Yes” or “No” <sup>3</sup>
Production	PR	M	Activity detail; code for the production
Hails	HA	M	Activity detail; observers verification if the reports made by the captain are correct, “Yes” or “No” <sup>4</sup>
Apparent Infringements	AF	M	Activity detail; “Yes” or “No” <sup>5</sup>
Observer Name	ON	M	Message detail; name of the observer signing the report
Date	DA	M	Message detail; date of transmission
Free Text	MS	O <sup>6</sup>	Activity detail; for further comments by the observer
Time	TI	M	Message detail; time of transmission
End of record	ER	M	System detail; indicates end of the record

- 1 Only to be transmitted if relevant
- 2 Meaning the first “Catch Report” in current fishing trip in the R.A.
- 3 “Yes” if the observer approves the Log Book entries by the captain
- 4 “Yes” if the observer approves the Hails transmitted by the captain
- 5 “Yes” if an infringement is observed
- 6 Mandatory if “LB” = “No”, or “HA” = “No”, or “AF” = “Yes”.
- 7 Directed species is the species which represents the greatest catch for that day

**Annex Z**

Template for summary report (proposed Icelandic template).

**Additional Amendments aiming at improving the NAFO Control Scheme  
(falling outside the scope of the observer scheme)**

1. **Increase frequency in VMS** position reports (currently 6 hours).

**Rationale:** The current 6 hour frequency requirement for VMS position reports can be considered as insufficient to follow the movements of individual vessels in a satisfactory manner.. It therefore may be appropriate to increase the frequency in an appropriate fashion.

2. **Introduce a weekly catch report requirement for the master.** Such reporting requirement would be very similar to weekly reports of the observer. Such provision would be inserted in Part III section E (hail system) and could read:

“The master shall on a weekly basis transmit a report by division on aggregate catches by species retained on board, discards and undersized fish as recorded in the logbook. The VMS templates described in Annex Y shall be used.

The weekly reports shall be transmitted by Monday 24:00 UTC for the proceeding week ending Sunday midnight. If the electronic means for transmitting these reports to and from and FMC is not functioning, the master shall notify the FMC of this failure and transmit the report by any other means of communication available, keep a written log of these transmissions on board and make them available to inspectors if requested.

Contracting Parties shall ensure that technical facilities on board their vessels necessary to send electronic catch reports have been tested with the Secretariat. The testing of this exchange shall be deemed successful once data exchanges have been completed with all recipients at a 100% reliability rate.

The Executive Secretary shall notify the Contracting Party of any vessel from which no weekly reports have been received for 2 consecutive weeks without justification, and copy this notification to Contracting Parties with an inspection presence in the Regulatory Area.”

**Rationale:** Unless they board the vessel, inspectors patrolling in the area are currently unable to follow the fishing activities of the fishing vessels on a real time basis. By introducing reporting requirements for observers and masters of fishing vessels on a weekly basis, inspections vessels will be provided with a tool to compare not only fishing vessels with and without an observer, but also the figures of the master and observers on the same vessel. Such information would facilitate the task of the inspection vessel to ensure an effective level of compliance in the Area. Such weekly reports will also allow the flag State to have a control over captures of the vessels on a real time basis.

3. Introduce provisions regarding the **vessels authorisation to fish**. Such provisions could read.

“1. Each flag state Contracting Party shall:

1. a). authorise the use of fishing vessels flying its flag for fishing activities under Article 1 only where it is able to exercise effectively its responsibilities in respect of such vessels;
- b). ensure that only authorised fishing vessels flying its flag conduct fishing activities under Article 1;
- c). ensure that fishing vessels flying its flag comply with applicable measures adopted under the NAFO Convention;
- d).ensure that authorised vessels have no history of IUU fishing activities or that, if those vessels have such a history, the new owners have provided sufficient evidence demonstrating the previous owners and operators have no legal, beneficial, or financial interest in, or control over those vessels, or that having taken into account all relevant facts, their authorised vessels are not engaged in or associated with IUU fishing;
- e). ensure, to the extent possible under domestic law, that the owners and operators of the authorised vessels are not engaged in or associated with fishing activities by fishing vessels which are not authorised to fish in the Regulatory Area;
- f). take measures to ensure, to the extent possible under domestic law, that the owners of authorised vessels are citizens or legal entities within the flag state contracting party so that any contract or punitive actions can be effectively taken against them;



g). undertake to manage the number of authorised fishing vessels and their fishing effort commensurate to the fishing opportunities available to that Contracting Party in the Regulatory Area;

2. Flag State Contracting Parties shall establish a validation system comprising in particular cross checks and verification of all data resulting from applicable measures adopted under the NAFO convention. The flag state shall notify any discrepancies following such cross checks to the captain and require an explanation.”

**Rationale** The current measures are aimed at reinforcing the obligations of the flag state to exercise an effective control over its vessels and to ensure that compliance data is cross-checked by the flag state.

4. Improve means for port state authorities to conduct an effective **port inspection**. Such a provision could read:

“Vessels operating in the Regulatory Area shall, at least 48 hours in advance of seeking access to port for the purpose of landing catch, provide the relevant port/inspection authorities and, if the port state is not the flag state, its flag State authorities with the following information:

- a) a copy of their authorisation to fish;
- b) details of their fishing trip such as areas fished and quantities of fish therein by species they intend to land;
- c) a copy of the inspection reports in case the vessel has been inspected at sea .

Upon receipt of this information, and where applicable, of the summary report submitted by the observer in accordance with Article X, the relevant port authorities shall compare the data contained therein as well as data derived from VMS reports. The landing of the catch shall not be permitted until this process has been finalised.

If the relevant vessel is flying another flag than the flag of the port State, port state and flag states authorities shall co-operate to compile all data necessary for port inspection. The port authorities shall, without delay, transmit all data received to the flag State for verification by comparison with data derived from VMS reports. The flag State shall provide the port State with a statement determining if the data corresponds to VMS data and other data available to the flag state. The port authorities shall attach the statement of the flag State to the port inspection report. The landing of the catch shall not be permitted until this process has been finalised.”

In addition, the content of port inspections and the way in which they are conducted in general should be examined in order to ensure that landings are monitored effectively.

**Rationale:** The current control system does not provide for a sufficient inter action between the different control tools in place. When a vessel enters into port, the port inspection authorities have often not access to findings of inspections at sea, observers or VMS data. By obliging the captain of the vessel to make a port call in advance, and by giving port authorities access to such information, port authorities will be in a better position to carry out an effective port inspection.

5. Amendment of the **port inspection report** (Annex 12).

Require that port inspection authorities certify that VMS data has been verified for comparison (or, if the port State is not the flag State, that the statement of the flag State is attached to the port inspection report).

**Rationale:** to ascertain that VMS data has been used as background material during the port inspection.

**Annex Y**

## Weekly Catch Report

<b>Data Element:</b>	<b>Code :</b>	<b>Mandatory / Optional</b>	<b>Remarks:</b>
Start record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination, “XNW” for NAFO
Sequence Number	SQ	M	Message detail; message serial number in current year
Type of Message	TM	M	Message detail; message type, “CAT” as Catch report
Radio call sign	RC	M	Vessel registration detail; international radio call sign of the vessel
Trip Number	TN	O	Activity detail; fishing trip serial number in current year
Vessel Name	NA	O	Vessel registration detail; name of the vessel
Contracting Party Internal Reference Number	IR	O	Vessel registration detail; unique Contracting Party vessel number as ISO-3 flag state code followed by number
External Registration Number	XR	O	Vessel registration detail; the side number of the vessel
Relevant Area	RA	M	Activity detail: NAFO Division
Latitude	LA	M <sup>1</sup>	Activity detail; position at time of transmission
Longitude	LO	M <sup>1</sup>	Activity detail; position at time of transmission
Weekly Catches species live weight	CA	M M	Activity detail; cumulative catch by species retained on board (exclusive of discards), either since commencement of fishing in R.A. <sup>2</sup> or last “Catch” report, in pairs as needed. FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Discarding species live weight	RJ	M	Activity detail; discarded catch by species, either since commencement of fishing in R.A. <sup>2</sup> or last “Catch” report, in pairs as needed. FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Undersize species live weight	US	M	Activity detail; undersize catch by species, either since commencement of fishing in R.A. <sup>2</sup> or last “Catch” report, in pairs as needed. FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Date	DA	M	Message detail; date of transmission
Time	TI	M	Message detail; time of transmission
End of record	ER	M	System detail; indicates end of the record

1 Optional if a vessel is subject to satellite tracking

2 Meaning the first “Catch Report” in current fishing trip in the R.A.

### Annex 8. List of STACTIC Working Papers

The following is a list of STACTIC working papers presented during the meeting and accessible through the meeting overview table on the Members Page:

<b>STACTIC W.P. 03/1 (Revision 2)</b>	<b>Proposal by the European Community with a view to improving the control Scheme of NAFO</b>
<b>STACTIC W.P. 03/2</b>	<b>Evaluation of the Program for Observers and Satellite Tracking – Presentation by Executive Secretary regarding information requested in STACTIC W.P. 02/31</b>
<b>STACTIC W.P. 03/3</b>	<b>Canadian Assessment of the Program for Observers and Satellite Tracking</b>
<b>STACTIC W.P. 03/4 (Revised)</b>	<b>Proposal by Denmark (in respect of Greenland and Faroe Islands) to establish a working group on harmonization of communication of catches, VMS messages and reports by fishing vessels operating in the NAFO- and NEAFC area</b>
<b>STACTIC W.P. 03/5</b>	<b>Working paper by Denmark (in respect of Greenland and Faroe Islands) Produced by Greenland - The effect of observers</b>
<b>STACTIC W.P. 03/6</b>	<b>Final draft version - Overhaul of the Conservation and Enforcement Measures</b>