

Northwest Atlantic Fisheries Organization (NAFO)



Meeting Proceedings of the General Council and Fisheries Commission for 2009/2010

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Foreword

This issue of the Proceedings contains the reports of all meetings of the General Council (GC) and Fisheries Commission (FC) including their subsidiary bodies held in the twelve months preceding the Annual Meeting in September 2010 (between 1 September 2009 and 31 August 2010). This follows a NAFO cycle of meetings starting with an Annual Meeting rather than by calendar year.

This present 2009/2010 issue is comprised of the following sections:

SECTION I contains the Report of the *ad hoc* Working Group of Fishery Managers and Scientists (WGFMS), 17-18 September 2009, Bergen, Norway.

SECTION II contains the Report of the General Council including its subsidiary body (STACFAD) 31st Annual Meeting, 21-25 September 2009, Bergen, Norway.

SECTION III contains the Report of the Fisheries Commission including its subsidiary body (STACTIC), 31st Annual Meeting, 21-25 September 2009, Bergen, Norway.

SECTION IV contains the Report of the Fisheries Commission Intersessional Meeting, 16 November 2009, London, UK.

SECTION V contains the Report of the FC Working Group on Greenland Halibut Management Strategy Evaluation (WGMSE), 28-29 January 2010, Brussels, Belgium.

SECTION VI contains the Report of the GC Performance Assessment Working Group (PAWG), 26-27 April 2010, Halifax, Nova Scotia, Canada.

SECTION VII contains the Report of the STACFAD Working Group, 28-29 April 2010, Halifax, Nova Scotia, Canada.

SECTION VIII contains the Report of the FC Working Group on Greenland Halibut Management Strategy Evaluation (WGMSE), 2-4 May 2010, Halifax, Nova Scotia, Canada.

SECTION IX contains the Report of the *ad hoc* Working Group of Fishery Managers and Scientists (WGFMS), 5-7 May 2010, Halifax, Nova Scotia, Canada.

SECTION X contains the Report of the Standing Committee on International Control (STACTIC), 18-20 May 2010, Torshavn, Faroe Islands.

Contents

Foreword.....	iii
Map.....	iv
Structure of the Northwest Atlantic Fisheries Organization.....	viii
SECTION I. Report of the <i>ad hoc</i> Working Group of Fishery Managers and Scientists (WGFMS), 17-18 September 2009, Bergen, Norway.....	1
Annex 1. List of Participants.....	8
Annex 2. Agenda.....	11
Annex 3. Interim Measures to Protect Significant Coral Concentrations.....	12
Annex 4. Interim Measures to Protect Significant Sponge Concentrations.....	14
Annex 5. Encounter Provisions for Vulnerable Marine Ecosystems.....	17
Annex 6. Exploratory Fishery Data Collection Form.....	18
Annex 7. Consideration for Amendment of Chapter Ibis.....	19
Annex 8. NAFO Coral Identification Guide (cover page).....	20
SECTION II. Report of the General Council and its Subsidiary Body (STACFAD), 31 st Annual Meeting, 21-25 September 2009, Bergen, Norway.....	21
Part I. Report of the General Council.....	23
Annex 1. List of Participants.....	27
Annex 2. Opening Address by the Norwegian Director General of Fisheries, Liv Holmfjord, to the 31 st NAFO Annual Meeting.....	38
Annex 3. Opening Statement by the Chair of General Council, Terje Lobach (Norway).....	39
Annex 4. Opening Statement by the Representative of Norway.....	40
Annex 5. Opening Statement by the Representative of the European Union.....	41
Annex 6. Opening Statement by the Representative of Canada.....	42
Annex 7. Opening Statement by the Representative of United States of America.....	43
Annex 8. Opening Statement by the Representative of Denmark (in respect of the Faroe Islands and Greenland).....	44
Annex 9. Opening Statement by the Representative of Cuba.....	45
Annex 10. Opening Statement by the Representative of Japan.....	46
Annex 11. Opening Statement by the Representative of the Russian Federation.....	47
Annex 12. Opening Statement by the Representative of Ukraine.....	48
Annex 13. FAO Statement to the 31 st Annual Meeting of NAFO.....	49
Annex 14. Opening Statement to the 31 st Session of NAFO by the Pew Environment Group.....	51
Annex 15. Opening Remarks from WWF at the 31 st NAFO Annual Meeting.....	53
Annex 16. Agenda.....	55
Annex 17. Performance Review Considerations.....	56
Annex 18. 2009 Annual Meeting Press Release.....	58
Part II. Report of the Standing Committee on Finance and Administration (STACFAD).....	63
Annex 1. List of Participants.....	70
Annex 2. Agenda.....	71
Annex 3. Draft Headquarters Agreement.....	72
Annex 4. Proposed changes to the Rules of Procedure for Observers at NAFO Meetings.....	76
Annex 5. Budget Estimate for 2010.....	79
Annex 6. Preliminary Calculation of Billing for 2010.....	82
Annex 7. Preliminary Budget Forecast for 2011 and 2012.....	83

SECTION III.	Report of the Fisheries Commission and its Subsidiary Body (STACTIC), 31 st Annual Meeting, 21-25 September 2009, Bergen, Norway	85
Part I.	Report of the Fisheries Commission	87
Annex 1.	List of Participants	97
Annex 2.	Record of Decisions by the Fisheries Commission.....	108
Annex 3.	Agenda.....	110
Annex 4.	Scientific Council Responses to Questions from the Fisheries Commission ...	112
Annex 5.	Fisheries Commission's Request for Scientific Advice on Management in 2011 and Beyond of Certain Stocks in Subareas 2, 3 and 4 and Other Matters	118
Annex 6.	Quota Table 2010.....	123
Annex 7.	Reopening of Cod in Division 3M and Redfish in 3LN.....	126
Annex 8.	Risk Management / Management Strategy Evaluation Approach to Greenland halibut.....	127
Annex 9.	Interim Measures to Protect Significant Coral Concentrations.....	129
Annex 10.	Interim Measures to Protect Significant Sponge Concentrations.....	132
Annex 11.	Encounter Provisions for Vulnerable Marine Ecosystems	135
Annex 12.	Exploratory Fishery Data Collection Form.....	136
Annex 13.	Follow-up by the Working Group of Fishery Managers and Scientists.....	137
Annex 14.	Delineation of Existing Bottom Fishing Areas in the NAFO Regulatory Area	138
Annex 15.	Use of VMS Information for Search and Rescue.....	147
Annex 16.	Proposal for Improved VMS Reporting.....	148
Annex 17.	Proposal for Improved Catch Reporting	151
Annex 18.	Port State Measures Administrative Changes	153
Annex 19.	Annual Compliance Review 2009 (Compliance Report for Calendar Year 2008)	154
Part II.	Report of the Standing Committee on International Control (STACTIC)	169
Annex 1.	Agenda.....	174
SECTION IV.	Report of the Fisheries Commission Intersessional Meeting, 16 November 2009, London, UK	175
Annex 1.	List of Participants.....	180
Annex 2.	Agenda	184
Annex 3.	Proposal to Reduce by 50% the Allocated Fishing Days for 3M Shrimp.....	185
Annex 4.	Effort Allocation Scheme for Shrimp Fishery in the NAFO Regulatory Area Div. 3M, 2010.....	186
Annex 5.	Request to the Scientific Council for Scientific Advice on Future Management of 3M Shrimp.....	187
SECTION V.	Report of the FC Working Group on Greenland Halibut Management Strategy Evaluation (WGMSE), 28-29 January 2010, Brussels, Belgium	189
Annex 1.	List of Participants	194
Annex 2.	Agenda.....	197
Annex 3.	Chairs' Record of Decision	198
Annex 4.	Request to Scientific Council.....	199
SECTION VI.	Report of the GC Performance Assessment Working Group (PAWG), 26-27 April 2010, Halifax, Nova Scotia, Canada.....	201
Annex 1.	List of Participants	205
Annex 2.	Agenda.....	207
Annex 3.	Terms of Reference of the NAFO Performance Review Panel.....	208
Annex 4.	Criteria for Reviewing the Performance of NAFO	209

SECTION VII.	Report of the STACFAD Working Group, 29-30 April 2010, Halifax, Nova Scotia, Canada	213
Annex 1.	List of Participants	217
Annex 2.	Agenda	218
Annex 3.	Draft Revisions to the Rules of Procedure	219
Annex 4.	Draft Revisions to Rules of Procedure for Observers	224
Annex 5.	Draft Revisions to the Financial Regulations.....	226
Annex 6.	Draft Revisions to the Staff Rules.....	232
SECTION VIII.	Report of the FC Working Group on Greenland Halibut Management Strategy Evaluation (WGMSE), 2-4 May 2010, Halifax, Nova Scotia, Canada.....	245
Annex 1.	List of Participants	251
Annex 2.	Agenda.....	254
Annex 3.	Performance Statistics.....	255
SECTION IX.	Report of the <i>ad hoc</i> Working Group of Fishery Managers and Scientists (WGFMS), 5-7 May 2010, Halifax, Nova Scotia, Canada.....	257
Annex 1.	List of Participants.....	263
Annex 2.	Agenda	266
Annex 3.	Data Collection Requirements in Existing and New Fishing Areas	267
Annex 4.	Footprint Map.....	268
Annex 5.	Requirements for bottom fishing assessment	269
Annex 6.	Review and update of Chapter Ibis of the NAFO CEM.....	270
SECTION X.	Report of the Standing Committee on International Control (STACTIC), 18-20 May 2010, Torshavn, Faroe Islands	277
Annex 1.	List of Participants	291
Annex 2.	Agenda.....	294
Annex 3.	NAFO 2009 Fisheries Profile and Trends (presented by the Secretariat)	295
Annex 4.	Discussion Paper – Outstanding NCEM Related Issues and Next Steps as Identified by the Editorial Drafting Group	305
Annex 5.	Discussion Paper – Revisions to CEM Annexes as Suggested by the Editorial Drafting Group.....	307
Annex 6.	Discussion Paper on "Inspection Party Composition": Article 33(4).....	308
Annex 7.	Discussion Paper on "Notification Requirements" – NAFO CEM Article 30 ..	309
Annex 8.	Discussion Paper on "Report on Infringements" – NAFO CEM Article 42	310
Annex 9.	Discussion Paper on "Reports on Inspection and Surveillance Activities" – NAFO CEM Article 43.....	311

**Structure of the Northwest Atlantic Fisheries Organization (NAFO)
(as at 01 August 2010)**

Contracting Parties

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

President

T. Lobach (Norway)

Constituent Bodies

General Council	Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), EU, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Russia, Ukraine and USA.	<i>Chair</i> – T. Lobach (Norway) <i>Vice-Chair</i> – J. Spencer (EU)
Scientific Council	Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), EU, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Russia, Ukraine and USA.	<i>Chair</i> – R. Alpoim (EU-Portugal) <i>Vice-Chair</i> – C. Hvingel (Norway)
Fisheries Commission	Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), EU, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Russia, Ukraine and USA.	<i>Chair</i> – Kate Sanderson (Denmark in respect of the Faroe Islands & Greenland) <i>Vice-Chair</i> – vacant

Standing Committees

General Council	Standing Committee on Finance and Administration (STACFAD)	<i>Chair</i> – B. Steinbock (Canada) <i>Vice-Chair</i> – D. Warner-Kramer (USA)
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>Chair</i> – J. Morgan (Canada) <i>Chair</i> – C. Hvingel (Norway) <i>Chair</i> – M. Treble (Canada) <i>Chair</i> – G. Maillet (Canada)
Fisheries Commission	Standing Committee on International Control (STACTIC)	<i>Chair</i> – M. Nedergaard (Denmark in respect of the Faroe Islands & Greenland) <i>Vice-Chair</i> – Gene Martin (USA)

Secretariat

Executive Secretary	Vladimir Shibanov
Fisheries Commission Coordinator	Ricardo Federizon
Scientific Council Coordinator	Anthony Thompson
Senior Finance & Staff Administrator	Stan Goodick
Senior Personal Assistant to the Executive Secretary	Bev McLoon
Information Officer	Barb Marshall
Fisheries Information Manager	Cindy Kerr
Publications Manager	Alexis Pacey
IT Manager	George Campanis
Office Manager	Lisa Pelzmann

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SECTION I
(pages 1 to 20)

**Report of the *ad hoc* Working Group of Fishery Managers and Scientists (WGFMS)
17-18 September 2009
Bergen, Norway**

Report of the <i>ad hoc</i> Working Group of Fishery Managers and Scientists (WGFMS)	3
1. Opening by the Chair	3
2. Appointment of the Rapporteur	3
3. Adoption of Agenda.....	3
4. Review of recent information on sponges (from the June 2009 Scientific Council Meeting)	3
5. Review of relevant Scientific Council advice and consideration of recommendations to prevent significant adverse impacts on vulnerable marine ecosystems (VMEs)	4
6. Review of recommendations and follow-up actions from the WGFMS March 2009 Meeting in Vigo, Spain	4
7. Recommendations to be forwarded to the Fisheries Commission	5
8. Other Matters	6
9. Adoption of Report	6
10. Adjournment	6
Annex 1. List of Participants	8
Annex 2. Agenda.....	11
Annex 3. Interim Measures to Protect Significant Coral Concentrations.....	12
Annex 4. Interim Measures to Protect Significant Sponge Concentrations.....	14
Annex 5. Encounter Provisions for Vulnerable Marine Ecosystems	17
Annex 6. Exploratory Fishery Data Collection Form.....	18
Annex 7. Consideration for Amendment of Chapter Ibis	19
Annex 8. NAFO Coral Identification Guide (cover page)	20

**Report of the *ad hoc* Working Group of Fishery Managers
and Scientists (WGFMS)**

(FC Doc. 09/6)

17-18 September 2009

Bergen, Norway

1. Opening by the Chair

The Chair (Bill Brodie, Canada) opened the meeting at 9:35 a.m. on Thursday, September 17, 2009 and welcomed the delegates to the Directorate of Fisheries in Bergen (Annex 1).

2. Appointment of the Rapporteur

Ricardo Federizon (NAFO Secretariat) was appointed the rapporteur.

3. Adoption of Agenda

USA suggested the addition of an item – Impact assessment in relation to Article 4bis of the NAFO Conservation and Enforcement Measures. It was determined that this topic can be covered under item 5. The draft provisional agenda previously circulated was adopted (Annex 2).

4. Review of recent information on sponges (from the June 2009 Scientific Council Meeting)

In response to the 2008 Fisheries Commission request for advice, specifically on the provision of scientific information on the concentration on sponges in the NAFO Regulatory Area (items 9b and 9c of FC Doc 08/19), the Scientific Council Working Group on Ecosystem Approach to Fisheries Management (WGEAFM) met by correspondence in spring 2009. The results of the WGEAFM meeting are contained in document SCS Doc. 09/06; and the Scientific Council Response to the Fisheries Commission Request, based on this report and agreed upon during the June 2009 Meeting are contained in SCS Doc. 09/23 (pages 25-36).

Don Power (Scientific Council Chair) presented the Scientific Council response. He outlined the methodology used in identifying the locations/areas of concentration of sponges in the NRA. Sponge grounds, predominantly comprising of *Geodia spp.* were evaluated. The cumulative catch curve method and a GIS-based method were applied to research survey data to derive weight threshold criteria of 75 kg to identify the areas of significant sponge concentrations. The locations of the significant concentrations are shown in Figure 2 on page 29 of the Scientific Council June 2009 meeting report (SCS Doc. 09/23).

The Scientific Council Chair noted that:

- the 4nm buffer zone delineating the areas of significant concentrations was considered conservative and precautionary;
- high resolution habitat mapping is required in determining coral and sponge habitat boundaries with greater certainty;
- the identified high-concentration areas do not suggest an alteration of the location of the candidate VMEs previously identified (Figure 3 in page 40 of SCS Doc. 08/19).

Regarding item 9c of the Fisheries Commission request, the Scientific Council Chair indicated that it is an integration of items 9a (on corals) and 9b (on sponges). The area or location where high concentrations of both corals and sponges occur is in candidate-VME4 in the southern Flemish Pass to Eastern Canyon. The Scientific Council response to item 9a of the Fisheries Commission request had been presented in the previous meeting of this Working Group (FC Doc. 09/2).

Japan provided a critique on the Scientific Council presentation, which questioned the quantity of 75 kg used by Scientific Council as the threshold criterion. In the Japanese analysis, by using a blend of “cumulative catch curve” and “density” methods, the threshold quantity increased to 575 kg. EU expressed concern that the Scientific Council

did not use commercial data which could allow a more realistic threshold quantity. Russia expressed concern that it cannot accept the Scientific Council's threshold being used as the basis of determining encounter threshold quantity.

It was clarified that the Scientific Council threshold of 75 kg was used solely for the purpose of identifying areas of high concentration, not as an encounter threshold quantity which would be the decision of the Fisheries Commission based upon any recommendation of this Working Group.

5. Review of relevant Scientific Council advice and consideration of recommendations to prevent significant adverse impacts on vulnerable marine ecosystems (VMEs)

Discussions centered on Article 4bis of the NAFO Conservation and Enforcement Measures (NCEM), particularly on subarticle 3. Under this article, Contracting Parties intending to participate in bottom fishing shall submit information and an initial assessment of known and anticipated impacts of its bottom fishing activities on VMEs. The submissions shall be forwarded to the Scientific Council for review.

Problems were encountered during the first year of implementation of this provision. When Contracting Parties were reminded about the submission for their 2010 fishing plans earlier this year (as agreed at the Vigo meeting in March 2009), some Contracting Parties had indicated that they had difficulty in complying because of the lack of guidelines in preparing the submissions. Other Contracting Parties indicated that they could not comply because the quotas and allocations for 2010 were not yet determined, particularly on fish stocks under consideration for re-opening (e.g. cod in Division 3M). Other Contracting Parties also indicated that due to the short span of time, the submission cannot be made in time for the June meeting of the Scientific Council.

Only two submissions were received in time for the Scientific Council meeting in June. The Scientific Council examined the submissions and concluded that due to the limited scientific information in the submissions, it could not perform a scientific evaluation.

In the deliberation, it became apparent that the problem concerning implementation of this article lies on the lack of guidelines in the preparation of the impact assessment and on the timing of submissions. USA pointed out that the "*where possible*" clause in the article might be invoked in avoiding submission obligations. Norway indicated that if Contracting Parties would continue to conduct its traditional fisheries in the NAFO Regulatory Area, an impact assessment might not be necessary. Conditions that might require an impact assessment would be fishing in a new area, participating in a re-opened fishery, fishing involving a new gear, or when new information is available on VMEs.

It was determined that this article deserved closer scrutiny in order to address the problems and issues identified above. It was decided not to forward specific proposal to amend the article. Instead, the matter was brought forward to Fisheries Commission for further review and provision of guidance. The document FCWGWP 09/10, presented by USA, served as the vehicle in forwarding this issue to the Fisheries Commission (see item 7.4).

6. Review of recommendations and follow-up actions from the WGFMS March 2009 Meeting in Vigo, Spain

a. Recommendations on coral

There was no substantive change in the recommendation concerning closure of areas of significant concentrations of corals. This recommendation was formulated during the March 2009 meeting in Vigo during which time it was also recognized that the measures regarding corals might be interlinked with possible sponge fields, e.g. overlaps of significant concentration of coral and sponge areas. This linkage was put into consideration when the recommendation for closures of sponge areas was developed (see item 7.1 on corals).

In the formulation of recommendations on sponges, the key concentrations were established by grouping aggregations of significant sponge encounters. A small number of geographically isolated encounters, i.e. outliers, were excluded. The overlap of sponge and coral areas led to the proposal to combine the two recommendations (see item 7.1 on sponges).

b. Existing bottom fishing area (footprint)

The submissions of the Contracting Parties were already reviewed by the Working Group at the Vigo (March 2009) meeting and the draft footprint, based on these submissions and prepared by the Secretariat, was already reviewed by the Scientific Council. No action was taken on this matter.

c. Exploratory Data Protocol

The Exploratory Data Collection Form which was tabled at the Vigo (March 2009) meeting was reviewed and revised. The *NAFO Coral Identification Guide* was endorsed for use in identifying coral species on fishing and research vessels (see items 7.3 and 7.5).

On Thresholds:

A number of proposals to lower the threshold level from 100 kg of live coral and 1000 kg of sponges were presented and discussed.

The thresholds were proposed under the expectation that in accordance with the Working Group recommendation, the areas of significant concentration of corals and sponges will be closed to bottom fisheries and thus protected. Hence the thresholds would be applied in existing and new fishing areas, i.e., outside the closures. In proposing the revised thresholds, the Working Group expresses the view that the main objectives should be to 1) ensure detection of potential encounters of remaining and unknown concentrations, and 2) facilitate relevant data collection from commercial vessels to be applied in possible future revisions.

The Working Group recognized the lack of satisfactory scientific basis for proposing revised thresholds to be applied in commercial bottom fisheries. The recommendation for corals derived in the Vigo (March 2009) meeting was that the threshold of 100 kg per fishing operation adopted in 2008 was on the high side and should be revised downwards. For sponges, for which the threshold of 1000 kg per fishing operation was adopted 2008, new information from the Scientific Council on occurrence in scientific surveys was presented in this meeting but no specific advice on levels for commercial fisheries was available. Observations of coral and sponge catch levels in commercial fisheries were not available to the Scientific Council or to the Working Group.

Despite the lack of satisfactory information, the Working Group decided to propose the threshold level of 60 kg of corals and 800 kg of sponges (see item 7.2). The proposal was based on the following considerations:

The Scientific Council, in applying data from survey trawl with a trawl path width of around 19 m and duration of 15 or 30 minutes, found around 4 kg/tow of corals (all taxa polled) and 75 kg/tow of sponges were appropriate for delineating areas of significant concentrations of these VME indicators. As an example, scaling these survey trawl catch quantities to commercial tows (with a 40 m wide trawl towed for 4 hours) would produce levels of at least 60 kg/tow coral and 1200 kg/tow of sponges. In this scaling-up calculation, a single trawl was used whereas in commercial fisheries both double and triple trawls are common. The Working Group recognized the uncertainty in any scaling-up exercise. However, the example may illustrate the scale of commercial catches.

For corals, a threshold level of 60 kg/tow would represent a value at the level obtained by this simple scaling-up exercise. For sponges, a level of 800 kg/tow would be more conservative and precautionary than the corresponding levels proposed for corals.

7. Recommendations to be forwarded to the Fisheries Commission

The Working Group agreed on the following recommendations which were formulated at the Vigo (March 2009) meeting and at this meeting:

1) Mitigation Measures

On Corals:

The WGFMS recommends to the Fisheries Commission the consideration of the proposal to close areas of high concentration of corals in the NAFO Regulatory Area. The specific mitigation measures in the proposal are contained in FCWGWP 09/03 Rev. 2 (Annex 3).

On Sponges:

The WGFMS recommends to the Fisheries Commission the adoption of the proposal to close areas of high concentration of sponges in the NAFO Regulatory Area. The specific mitigation measures in the proposal are contained in FCWGWP 09/11 Revised (Annex 4).

Further, the WGFMS recommends to the Fisheries Commission the consideration of combining the recommendations on the Report of the WGFMS of March 2009 on corals [Annex 6 of NAFO Doc. 09/2) and sponges as defined in item 1 “Establishment of sponge protection zones in Division 3L, 3M and 3N” of FCWGWP 09/11 Revised (Annex 4).

2) Encounter threshold levels

The WGFMS recommends to the Fisheries Commission the adoption of the proposal establishing the threshold levels of 60 kg live corals and 800 kg for sponges in the encounter provisions in the protection of the Vulnerable Marine Ecosystems in the NAFO Regulatory Area. The specifics of the proposal are contained in FCWGWP 09/12 (Annex 5).

3) Exploratory Fishery Data Collection Form

The WGFMS recommends to the Fisheries Commission the adoption of standard form to be used during exploratory fishery in accordance with Article 5bis 2(b) of the NAFO Conservation and Enforcement Measures (NCEM). The form captures all the information required as stipulated in the template Data Collection Plan described in Annex XXV of the NCEM (Annex 6).

4) Impact Assessment of Bottom Fishing

The WGFMS recommends to the Fisheries Commission the review and provision of guidance in relation to Article 4bis – Assessment of bottom fishing, particularly subarticle 3. Under this article, Contracting Parties proposing to participate in bottom fishing in the NAFO Regulatory Area shall submit to the Executive Secretary an initial assessment of the known and anticipated impacts of its bottom fishing activities on vulnerable marine ecosystem, as well as mitigation measures to prevent such impacts.

There is no guiding document to inform Contracting Parties as to what needs to be included in an assessment. Consequently, the submissions of the Contracting Parties lack uniformity. The Fisheries Commission guidance should include the type of information to be contained in these assessments, so that the Scientific Council can consider and provide advice on these, and that the WGFMS can then advise on mitigation measures to prevent Significant Adverse Impacts (SAIs) on Vulnerable Marine Ecosystems (VMEs).

The FCWGWP 09/10 is forwarded to the Fisheries Commission as a springboard for deliberation when the Fisheries Commission conducts the review and provides guidance (Annex 7).

5) NAFO Coral Identification Guide

The WGFMS recommends to the Fisheries Commission the endorsement of the use of the NAFO Coral Identification Guide (Annex 8) in identifying coral correctly on fishing and research vessels.

8. Other Matters

The Chair opened a discussion on the future of this ad hoc Working Group. It was agreed not to forward specific recommendations, and instead, this ad hoc Working Group should await further instructions from the Fisheries Commission.

9. Adoption of Report

The report was adopted through correspondence after the meeting.

10. Adjournment

The Chair thanked the participants from all Contracting Parties for their work over the course of the meeting, the Scientific Council Chair for his presentation and contributions, and the NAFO Secretariat for their usual excellent support at the meeting, including the work done by the Rapporteur. He also thanked Norway for hosting the meeting

and expressed appreciation for the excellent meeting facilities Norway provided. EU on behalf of the other Contracting Parties thanked the Chair for his efficient work in chairing the session.

The meeting was adjourned at 5:00 p.m. on September 18, 2009.

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Annex 2. Agenda

1. Opening by the Chair, Bill Brodie (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of recent information on sponges (from the June 2009 SC Meeting)
5. Review of relevant Scientific Council advice and consideration of recommendations to prevent significant adverse impacts on vulnerable marine ecosystems (VMEs)
6. Review of recommendations and follow-up actions from the WGFMS March 2009 Meeting in Vigo, Spain
 - a. Recommendations on corals
 - b. Existing bottom fishing area (footprint)
 - c. Exploratory Data Protocol
7. Recommendations to be forwarded to the Fisheries Commission
 - a. From the March 2009 Meeting in Vigo, Spain
 - b. From this meeting
8. Other Matters
9. Adoption of Report
10. Adjournment

Annex 3. Interim Measures to Protect Significant Coral Concentrations (FCWGWP 09/3, Rev. 2)

Background

In 2006, the United National General Assembly (UNGA) in its Sustainable Fisheries Resolution 61/105 called for States and Regional Fisheries Management Organizations (RFMOs) to adopt conservation and management measures in order to prevent significant adverse impacts on vulnerable marine ecosystems. UNGA will review the actions of States and RFMO in this respect in the fall of 2009.

Mindful of the work of the FAO in facilitating the development of international guidelines for the management of deep-sea fisheries operating in the high seas that serve to guide the identification of VMEs

Noting the commitment of NAFO Contracting Parties to implement an ecosystem approach and implement measures following the precautionary approach to address the impacts of fishing on VMEs

Recognizing the significant steps already taken by NAFO to protect Vulnerable Marine Ecosystems (VMEs) in the NAFO Regulatory Area (NRA) including inter alia:

- the closure of four seamounts to commercial fishing (2006)
- the establishment of a 30 Coral Protection Zone (2007)
- the closure of the Fogo Seamounts (2008)
- the adoption of a comprehensive framework for the implementation of UNGA Resolution 61/105 including provisions for the identification of existing bottom fishing areas (footprint), assessment of bottom fishing, Exploratory Fishery Protocol for new fishing areas and the interim Encounter provisions for VMEs in both fished and unfished areas of the NRA (2008)

Further recognizing the numerous international scientific research efforts that are designed to enhance knowledge in the area of VMEs, in particular with respect to addressing knowledge gaps on benthic habitat, communities and species in the NAFO Regulatory Area, especially the upcoming Spanish survey in 2009 and the Canadian survey in 2010

Conscious of the 2008 Intersessional Fisheries Commission Meeting which established a process to determine the boundary for existing fisheries and non-fished areas, and the 2008 NAFO Annual Meeting Fisheries Commission request to Scientific Council to more precisely identify significant concentrations of corals at its October 2008 meeting and significant concentrations of sponge at its June 2009 meeting

Recognizing the SC response which identified remaining concentrations of corals in its October 2008 report

It is proposed that, as part of a continuing commitment to implement the UNGA Resolution, the Working Group of Fisheries Managers and Scientists recommends to the Fisheries Commission for adoption in September 2009:

1. Establishment of additional coral protection zones in Divisions 3L and 3M:

Insert new Article 16 (2) of NCEM:

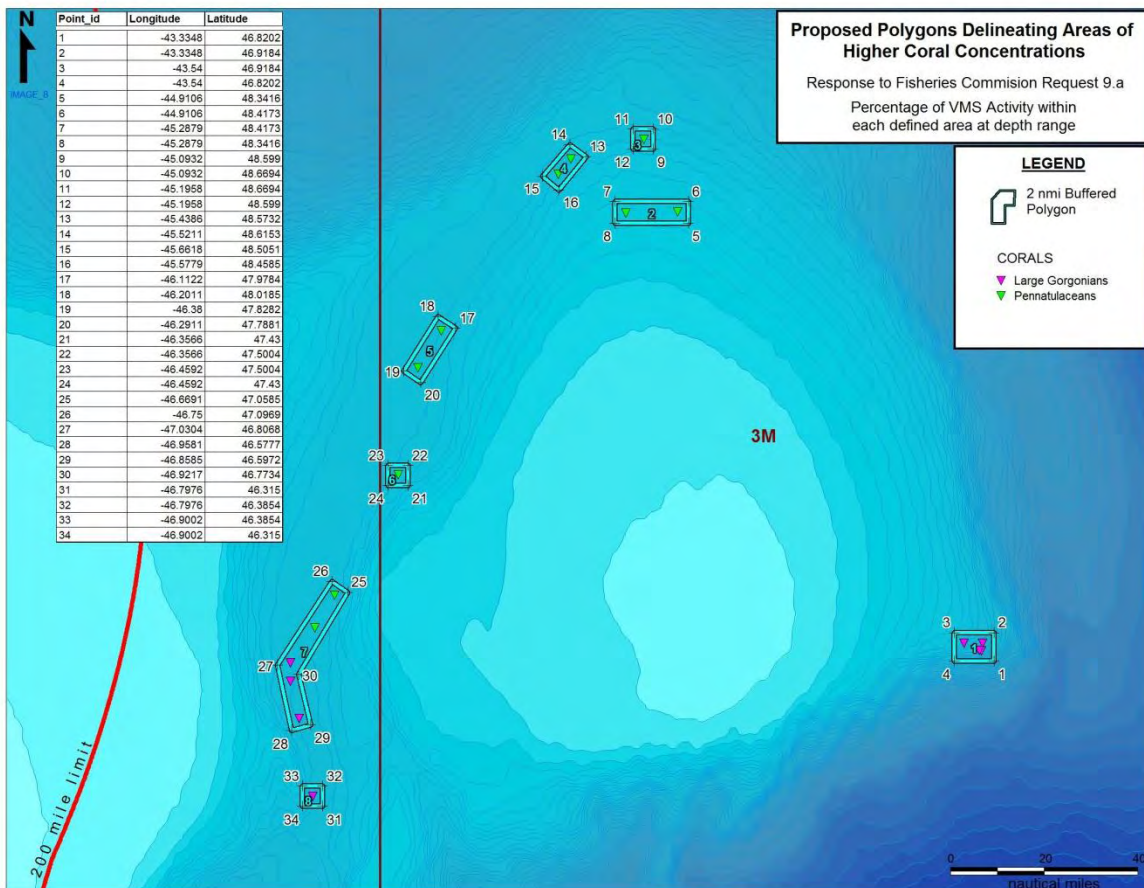
2. As of January 1, 2010 the following areas shall be closed on an interim basis to all bottom fishing activities until December 31, 2011. The closed areas are defined by connecting the following coordinates (in numerical order and back to coordinate 1).

Revoke current Article 16 (2) as this work has been completed.

Amendment to Article 16 (3)

3. The measures referred to in Article 16(1) shall be reviewed in 2012 by the Fisheries Commission taking account the advice from the Scientific Council and the Working Group of Fisheries Managers and Scientists, and a decision shall be taken on future management measures.

Area	Sub-Area	Coordinate 1	Coordinate 2	Coordinate 3	Coordinate 4
Eastern Flemish Cap	1	46°49'13"N 43°20'05"W	46°55'06"N 43°20'05"W	46°55'06"N 43°32'24"W	46°49'13"N 43°32'24"W
Northern Flemish Cap	1	48°20'30"N 44°54'38"W	48°25'02"N 44°54'38"W	48°25'02"N 45°17'16"W	48°20'30"N 45°17'16"W
Northern Flemish Cap	2	48°35'56"N 45°05'36"W	48°40'10"N 45°05'36"W	48°40'10"N 45°11'45"W	48°35'56"N 45°11'45"W
Northern Flemish Cap	3	48°34'24"N 45°26'19"W	48°36'55"N 45°31'16"W	48°30'18"N 45°39'42"W	48°27'31"N 45°34'40"W
Northwest Flemish Cap	1	47°58'42"N 46°06'44"W	48°01'07"N 46°12'04"W	47°49'42"N 46°22'48"W	47°47'17"N 46°17'28"W
Northwest Flemish Cap	2	47°25'48"N 46°21'24"W	47°30'01"N 46°21'24"W	47°30'01"N 46°27'33"W	47°25'48"N 46°27'33"W
Southwest Flemish Pass	1	47°03'31"N 46°40'09"W	47°05'49"N 46°45'00"W	46°48'24"N 47°01'49"W	46°34'40"N 46°57'29"W
		Coordinate 5	46°35'50"N 46°51'31"W	Coordinate 6	46°46'24"N 46°55'18"W
Southwest Flemish Pass	2	46°18'54"N 46°47'51"W	46°23'07"N 46°47'51"W	46°23'07"N 46°54'01"W	46°18'54"N 46°54'01"W



Annex 4. Interim Measures to Protect Significant Sponge Concentrations (FCWGW 09/11 Revised)

Background

In 2006, the United National General Assembly (UNGA) in its Sustainable Fisheries Resolution 61/105 called for States and Regional Fisheries Management Organizations (RFMOs) to adopt conservation and management measures in order to prevent significant adverse impacts on vulnerable marine ecosystems. UNGA will review the actions of States and RFMO in this respect in the fall of 2009.

Mindful of the work of the FAO in facilitating the development of the International Guidelines for the Management of Deep-sea Fisheries operating in the high seas that serve inter alia to guide the identification of VMEs;

Noting the commitment of NAFO Contracting Parties to implement an ecosystem approach and implement measures following the precautionary approach to address the impacts of fishing on VMEs;

Recognizing the significant steps already taken by NAFO to protect Vulnerable Marine Ecosystems (VMEs) in the NAFO Regulatory Area (NRA) including inter alia:

- the closure of four seamount areas to commercial fishing (2006)
- the establishment of a 30 Coral Protection Zone (2007)
- the closure of the Fogo Seamounts (2008)
- the adoption of a comprehensive framework for the implementation of UNGA Resolution 61/105 including provisions for the identification of existing bottom fishing areas (footprint), assessment of bottom fishing, Exploratory Fishery Protocol for new fishing areas and the interim Encounter provisions for VMEs in both fished and unfished areas of the NRA (2008);

Further recognizing the numerous international scientific research efforts that are designed to enhance knowledge in the area of VMEs, in particular with respect to addressing knowledge gaps on benthic habitat, communities and species in the NAFO Regulatory Area, especially the Spanish lead international survey in 2009-2010;

Conscious of the 2008 Annual Meeting in Vigo, where the Fisheries Commission requested advice from the Scientific Council regarding significant concentrations of sponges (FC Doc. 08/19).

Recognizing the SC response which identified significant sponge concentrations in the NAFO Regulatory Area in its June 2009 report.

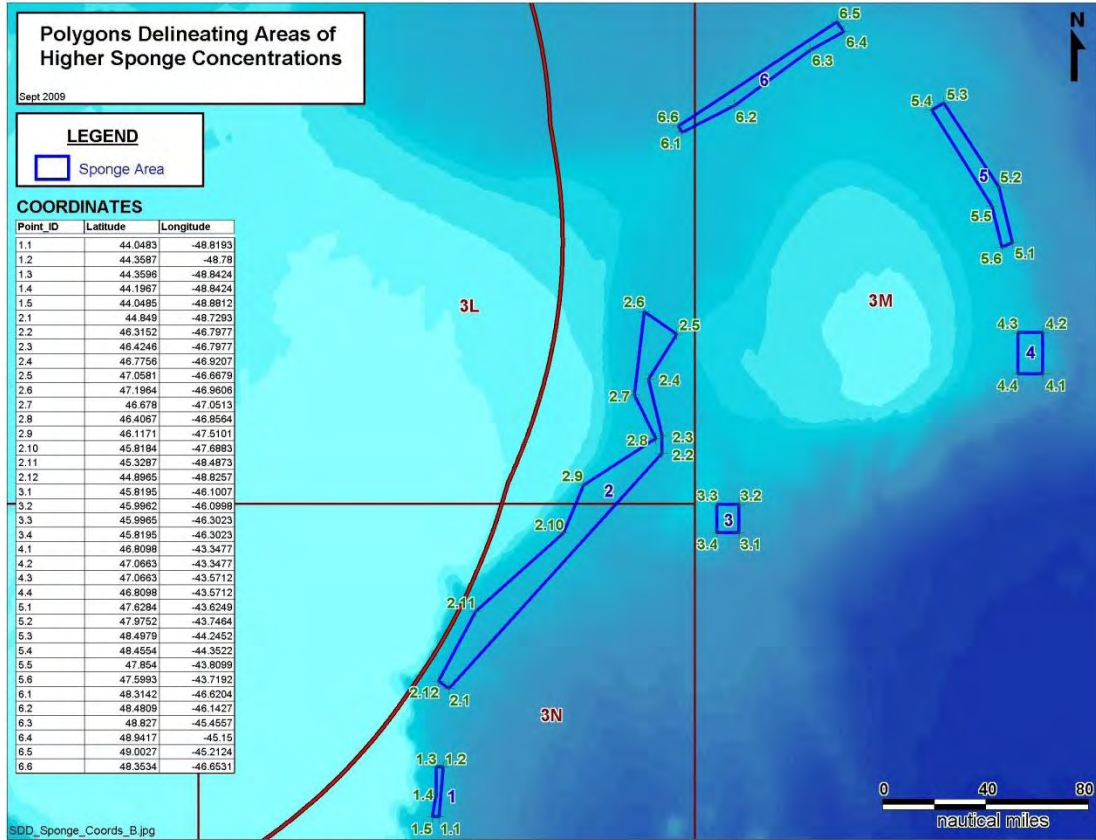
It is proposed that, as part of a continuing commitment to implement the UNGA Resolution, the Working Group of Fisheries Managers and Scientists recommends to the Fisheries Commission for adoption in September 2009:

1. Establishment of sponge protection zones in Divisions 3L, 3M and 3N:

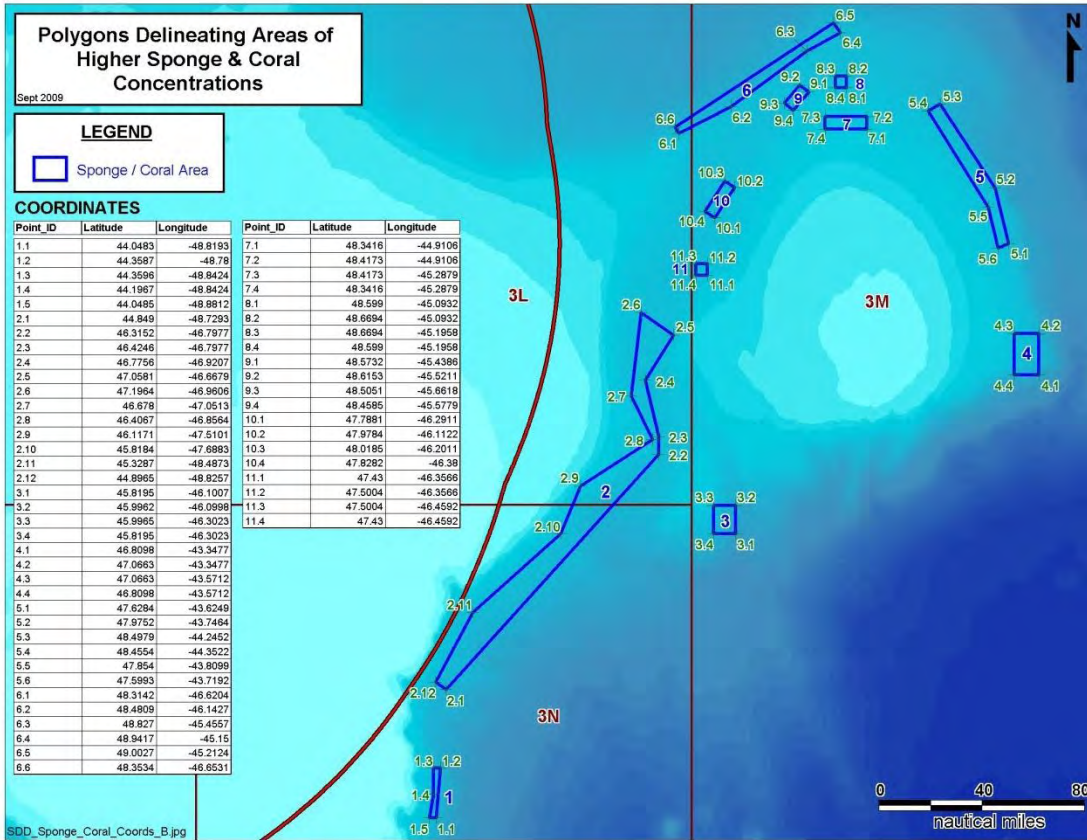
Establish Article 16 bis of NCEM "Sponge Protection Zones"

1. As of January 1, 2010 the following areas shall be closed on an interim basis to all bottom fishing activities until **December 31, 2011**. The closed areas are defined by connecting the following coordinates (in numerical order and back to coordinate 1).

2. The measures referred to in **Article 16 bis (1)** shall be reviewed before 2012 by the Fisheries Commission taking account the advice from the Scientific Council and the Working Group of Fisheries Managers and Scientists, and a decision shall be taken on future management measures.



2. The WGFMS further recommends that the Fisheries Commission considers combining the recommendations of the Report of the WGFMS of March 2009 on corals [Annex 6 of NAFO/FC Doc. 09/2] and sponges as defined in paragraph 1 above, “Establishment of sponge protection zones in Divisions 3L, 3M and 3N”.



Annex 5. Encounter Provisions for Vulnerable Marine Ecosystems (FCWGWP 09/12)

Encounter Provisions for Vulnerable Marine Ecosystems

In 2006, the United National General Assembly (UNGA) in its Sustainable Fisheries Resolution 61/105 called for States and Regional Fisheries Management Organizations (RFMOs) to adopt conservation and management measures in order to prevent significant adverse impacts on vulnerable marine ecosystems.

Mindful of the work of the FAO in facilitating the development of International Guidelines for the Management of Deep-sea Fisheries operating in the high seas that serve *inter alia* to guide the identification of VMEs;

Noting the commitment of NAFO Contracting Parties to implement an ecosystem approach and implement measures following the precautionary approach to address the impacts of fishing on VMEs;

Recognizing the significant steps already taken by NAFO to protect Vulnerable Marine Ecosystems (VMEs) in the NAFO Regulatory Area (NRA) including *inter alia*:

- the closure of four seamount areas to commercial fishing (2006)
- the establishment of a 30 Coral Protection Zone (2007)
- the closure of the Fogo Seamounts (2008)
- the adoption of a comprehensive framework for the implementation of UNGA Resolution 61/105 including provisions for the identification of existing bottom fishing areas (footprint), assessment of bottom fishing, Exploratory Fishery Protocol for new fishing areas and the interim Encounter provisions for VMEs in both existing and new fishing area of the NRA (2008);

Further recognizing the numerous international scientific research efforts that are designed to enhance knowledge in the area of VMEs, in particular with respect to addressing knowledge gaps on benthic habitat, communities and species in the NAFO Regulatory Area, especially the Spanish lead international survey in 2009-2010; and

Further recognizing the proposal for closed areas for corals and sponges put forward by the September 2009 meeting of the Working Group of Fisheries Managers and Scientists to Fisheries Commission.

The Working Group of Fisheries Managers and Scientists strongly believed that the recommended coral and sponge closed areas and the interim encounter provision thresholds are integral and therefore urged that the Fisheries Commission consider these recommendations as a package.

Therefore, it is proposed that, as part of a continuing commitment to implement the UNGA Resolution, the Working Group of Fisheries Managers and Scientists recommends to the Fisheries Commission for adoption in September 2009:

1. The Fisheries Commission amend the text of Article 5bis 3) as follows:

For both existing and new fishing areas, an encounter with primary VME indicator species is defined as a catch per set (e.g. trawl tow, longline set, or gillnet set) of more than **60** kg of live coral and/or **800** kg of live sponge. These thresholds are set on a provisional basis and may be adjusted as experience is gained in the application of this measure.

Annex 7. Consideration for Amendment of Chapter Ibis

Explanatory Memorandum

Under Chapter 1 bis, Article 4 bis of the NAFO Conservation and Enforcement Measures, Contracting Parties proposing to participate in bottom fishing in the NRA shall submit to the Executive Secretary an initial assessment of the known and anticipated impacts of its bottom fishing activities on vulnerable marine ecosystems, as well as the mitigation measures proposed by the Contracting Party to prevent such impacts. While assessments submitted to the Executive Secretary to date have included many of the same elements (proposed fishing area and target stocks, gear type, etc), there is no guiding document to inform Contracting Parties as to what needs to be included in an assessment. This lack of uniformity may impede the ability of the Scientific Council and subsequently, the WG of Fishery Managers and Scientists on Vulnerable Marine Ecosystems, to develop guidance on this issue for the Fishery Commission.

Paragraph 47 of the *International Guidelines for the Management of Deep-sea Fisheries in the High Seas*, adopted on 29 August 2008 at the FAO, outlines what should be included in an assessment of bottom fishing activities and should be used as a basis for the NAFO assessment requirement.

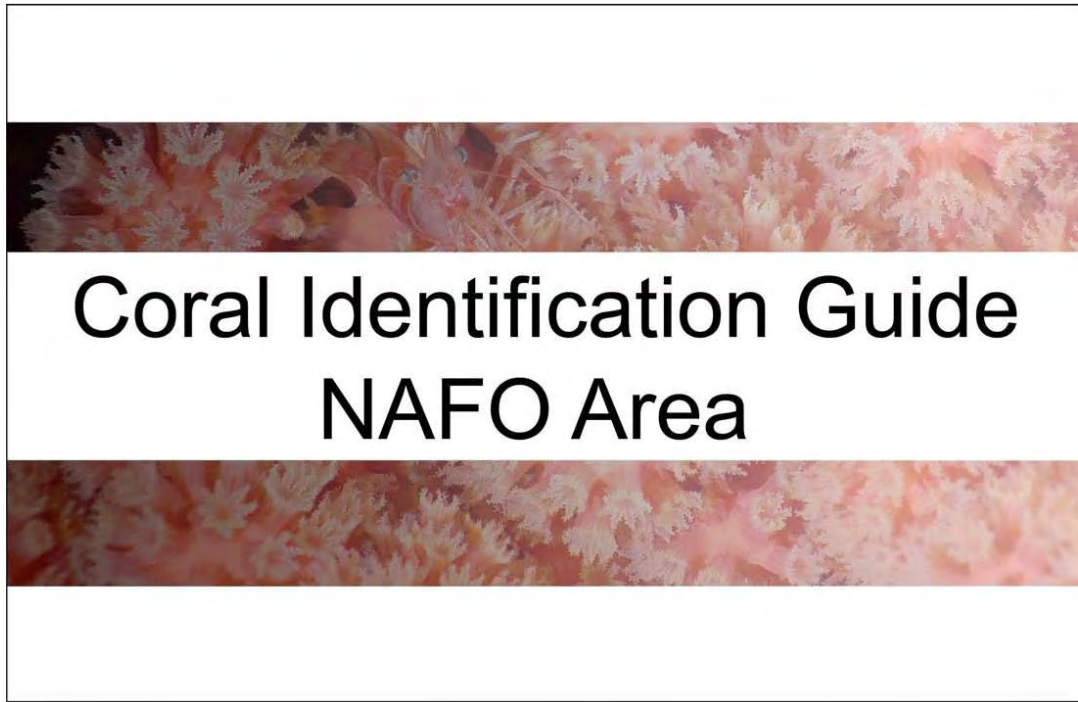
Proposal

Against this background, it is proposed that Article 1 in Chapter Ibis be amended by adding the following to Article 4bis - Assessment of bottom fishing:

3. i bis. Assessments shall include the following elements:

- a. Type(s) of fishing conducted or contemplated, including vessels and gear types, fishing areas, target and potential bycatch species, fishing effort levels and duration of fishing (harvesting plan);
- b. Best available scientific and technical information on the current state of fishery resources and baseline information on the ecosystems, habitats and communities in the fishing area, against which future changes are to be compared;
- c. Identification, description and mapping of VMEs known or likely to occur in the fishing area;
- d. Data and methods used to identify, describe and assess the impacts of the activity, the identification of gaps in knowledge, and an evaluation of uncertainties in the information presented in the assessment;
- e. Identification, description and evaluation of the occurrence, scale and duration of likely impacts, including cumulative impacts of activities covered by the assessment on VMEs and low productivity fishery resources in the fishing area;
- f. Risk assessment of likely impacts by the fishing operations to determine which impacts are likely to be significant adverse impacts, particularly impacts on VMEs and low-productivity fishery resources; and
- g. The proposed mitigation and management measures to be used to prevent significant adverse impacts on VMEs and ensure long term conservation and sustainable utilization of low-productivity fishery resources, and the measures to be used to monitor effects of the fishing operations.

Annex 8. NAFO Coral Identification Guide (cover page)



SECTION II
(pages 21 to 83)

**Report of the General Council and its Subsidiary Body
(STACFAD), 31st Annual Meeting
21-25 September 2009
Bergen, Norway**

PART I.	Report of the General Council	23
	I. Opening Procedure	23
	II. Supervision and Coordination of Organizational, Administrative and Other Internal Affairs	24
	III. Coordination of External Affairs	25
	IV. Finance	25
	V. Closing Procedure	26
	Annex 1. List of Participants	27
	Annex 2. Opening Address by the Norwegian Director General of Fisheries Liv Holmjford, to the 31 st NAFO Annual Meeting	38
	Annex 3. Opening Statement by the Chair of General Council, Terje Lobach (Norway)	39
	Annex 4. Opening Statement by the Representative of Norway	40
	Annex 5. Opening Statement by the Representative of the European Union	41
	Annex 6. Opening Statement by the Representative of Canada	42
	Annex 7. Opening Statement by the Representative of the United States of America	43
	Annex 8. Opening Statement by the Representative of Denmark (in respect of the Faroe Islands and Greenland)	44
	Annex 9. Opening Statement by the Representative of Cuba	45
	Annex 10. Opening Statement by the Representative of Japan	46
	Annex 11. Opening Statement by the Representative of the Russian Federation	47
	Annex 12. Opening Statement by the Representative of Ukraine	48
	Annex 13. FAO Statement to the 31 st Annual Meeting of NAFO	49
	Annex 14. Opening Statement to the 31 st Session of NAFO by the Pew Environment Group	51
	Annex 15. Opening Remarks from WWF at the 31 st NAFO Annual Meeting	53
	Annex 16. Agenda	55
	Annex 17. Performance Review Considerations	56
	Annex 18. 2009 Annual Meeting Press Release	58
Part II.	Report of the Standing Committee on Finance and Administration (STACFAD)	63
	1. Opening by the Chair, Bob Steinbock (Canada)	63
	2. Appointment of Rapporteur	63
	3. Adoption of Agenda	63
	4. Auditors' Report for 2008	63
	5. Administrative and Activity Report by Secretariat	64
	6. Financial Statements for 2009	64
	7. Review of Accumulated Surplus	65
	8. Contingency Funds	65
	9. NAFO Headquarters Agreement	65
	10. Future changes to the Rules of Procedure as a result of amendments to the NAFO Convention	66
	11. Amendments to GC and FC Rules of Procedure related to Observers	66
	12. Budget Estimate for 2010	66

13. Budget Forecast for 2011 and 2012.....	68
14. Adoption of 2010 Staff Committee Appointees	68
15. Recruitment of the new Executive Secretary.....	68
16. Time and Place of 2010 - 2012 Annual Meetings	69
17. Other issues including any questions referred from the General Council during the current Annual Meeting.....	69
18. Adjournment.....	69
Annex 1. List of Participants	70
Annex 2. Agenda.....	71
Annex 3. Draft Headquarters Agreement	72
Annex 4. Proposed changes to the Rules of Procedure for Observers at NAFO Meetings	76
Annex 5. Budget Estimate for 2010	79
Annex 6. Preliminary Calculation of Billing for 2010	82
Annex 7. Preliminary Budget Forecast for 2011 and 2012	83

PART I

Report of the General Council (GC Doc. 09/3)

31st Annual Meeting, September 21-25, 2009 **Bergen, Norway**

I. Opening Procedure (*Agenda items 1-6*)

1. Opening by the Chair

The NAFO President and GC Chair, Terje Lobach (Norway) introduced Liv Holmfjord, the Norwegian Director General of Fisheries, who made a presentation to all delegates (Annex 1) welcoming them to Bergen (Annex 2). The Chair also welcomed all delegates to his home town of Bergen and made an opening statement to the meeting (Annex 3), followed by statements by Norway, the European Union, Canada, the United States of America, Denmark (in respect of the Faroe Islands and Greenland), Cuba, Japan, the Russian Federation, and Ukraine. (Annexes 4-12)

Opening statements were also made by the Food and Agriculture Organization of the United Nations (FAO), the Pew Environment Group and the World Wildlife Fund (WWF). (Annexes 13-15)

2. Appointment of Rapporteur

Jørgen Hansen (Canada) was appointed as Rapporteur.

3. Adoption of Agenda

The agenda was adopted with inclusion of new item 9bis-Performance Assessment (Annex 16) as proposed by the Representative from the United States of America and outlined in GC Working Paper 09/2.

4. Admission of Observers

The Executive Secretary had invited the following intergovernmental organizations to attend the Meeting in an observer capacity: FAO, CCAMLR, CPPS, ICCAT, ICES, NAMMCO, NASCO, NEAFC, NPAFC, PICES and SEAFO. FAO was represented by Hiromoto Watanabe, NEAFC by Denmark (in respect of the Faroe Islands and Greenland). Furthermore, the following NGOs which had been granted observer status during the year were also present: Pew Environment Group (Matthew Gianni, Kristin von Kistowski and Elsa Lee) and World Wildlife Fund (Robert Rangely, Stacey McCarthy, Nina Jensen and Louize Hill). The Sierra Club of Canada had also been granted observer status but was unable to attend.

5. Publicity

The meeting agreed that no public statements be made until after the conclusion of the meeting when a Press Release would be prepared by the Interim Executive Secretary in collaboration with the Chairs of the General Council, Fisheries Commission and Scientific Council.

6. Guidance to STACFAD necessary for them to complete their work (Monday)

In addition to its regular tasks, STACFAD was asked to review the contract for the new Executive Secretary as the last contract had been negotiated in 2006.

II. Supervision and Coordination of the Organizational, Administrative and other Internal Affairs (*Agenda items 7-11*)

7. Review of membership of the General Council and Fisheries Commission

The membership has not changed since 2008 and all twelve Contracting Parties were present: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), the European Union, France (with respect to St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, the Russian Federation, Ukraine, and the United States of America.

8. Status of Ratification process resulting from the adoption of the amended Convention

It was noted that Norway has ratified the amended Convention. The EU congratulated Norway on ratification and stated that they are waiting for a Council decision to ratify the Convention which is currently being translated into the various languages and they expect a smooth ratification process by next November. Canada stated that the amendments to the 1978 NAFO Convention were tabled in the House of Commons on June 12, 2009 and there is a requirement for 21 sitting days to allow Members of Parliament to debate the issue. This period is expected to expire by October 8, 2009. Denmark (in respect of the Faroe Islands and Greenland) stated that the procedure is that the amended Convention must be approved by the respective parliaments of both the Faroe Islands and Greenland, but does not need approval by the Danish Parliament. Procedures are under way in both countries and ratification is expected within a year.

9. Request by Scientific Council for modification of the boundaries of Divisions 3M and 3L

The Chair recalled that this item was introduced last year and deferred to this meeting. The proposal noted that stocks in 3M extend to 3L and it had been recommended to change that portion of 3L to be part of 3M.

Canada raised concern about the boundary change citing possible confusion of catch records as various Contracting Parties have catches in both areas. Canada proposed to consider the boundary change on a stock by stock basis. No consensus was reached and the proposal on modification of the boundaries was not accepted.

(9bis) Performance Assessment of NAFO (*GC Working Paper 09/2*)

The United States of America proposed to establish a Performance Assessment Working Group (PAWG) chaired by the President of General Council suggesting that the final terms of reference be adopted by mail vote and that the work of the Performance Review Panel would start immediately afterwards. Canada submitted an alternate (GC Working Paper 09/4) proposal recommending that the PAWG meet and be tasked to develop a thorough review of the terms of reference/assessments of other RFMOs, to develop a NAFO specific TORs as well as budgetary consideration for a Performance Review Panel and overall assessment process. The PAWG would submit their final report to the General Council for approval. The United States noted its understanding that this proposal allowed sufficient flexibility for the results of the PAWG to be presented for adoption to the General Council intersessionally, if Contracting Parties so decided, so that the performance review could begin as soon as possible.

The Working Paper as presented by Canada was accepted with amendments by the EU recommending that the PAWG meet early in 2010. It was clarified that the PAWG would meet back to back with a STACFAD meeting scheduled to meet in March-April. Denmark (in respect of the Faroe Islands and Greenland) recommended that the Canadian Working Paper be amended by changing item 2 under Proposed Next Steps: "Once established the PAWG will develop the specific TOR and assessment criteria taking into account approaches to performance assessment undertaken by other RFMOs". This amendment was accepted by delegates. (Annex 17)

10. Administrative Report

The Interim Executive Secretary presented an Administrative and Financial report (GC Doc. 09/1) noting that there is only one Contracting Party with any outstanding contributions.

Selection of the Executive Secretary

Heads of Delegation met on Monday, September 21, 2009 and Dr. Vladimir Shibanov of the Russian Federation was offered the position of the Executive Secretary. Delegations congratulated Dr. Shibanov on the appointment.

III. Coordination of External Affairs (Agenda items 12-13)

11. Report of the Executive Secretary on External Meetings

The Interim Executive Secretary reported that since the last Annual Meeting, the Executive Secretary was involved in the following external meetings: FAO Committee on Fisheries (COFI), the second meeting of the Regional Fishery Body Secretariats Network (RSN-2) and the Informal Consultations of States Parties to the United Nations Fish Stocks Agreement. Available reports on these meetings have been posted to the member pages of the NAFO website.

12. International Relations

At the last Annual Meeting (September 2008), it was agreed to allow for appointment of NAFO members to serve as observers to (or at) other relevant organizations. The Chair reported that a representative from Norway attended the annual meeting of the North Atlantic Marine Mammal Commission (NAMMCO) on behalf of NAFO and a report of that meeting has been circulated by Norway. The Chair asked for a volunteer to attend the South East Atlantic Fisheries Organization (SEAFO) that will meet in 10 days and a representative from Norway volunteered. A representative from Denmark (in respect of the Faroe Islands and Greenland) volunteered to act as NAFO observer at the North East Atlantic Fisheries Commission (NEAFC) annual meeting in London in mid November and a representative from the United States of America volunteered to represent NAFO at the North Pacific Anadromous Fish Commission (NPAFC) in Niigata, Japan during the first week of November 2009.

IV. Finance (Agenda items 14-15)

13. Report of STACFAD at the Annual Meeting

The STACFAD Chair, Bob Steinbock (Canada), presented the STACFAD Report (Part II of this Report). He thanked other STACFAD and Secretariat members for all their work and also noted that all NAFO Contracting Parties except one had submitted their outstanding contributions. The Secretariat had been notified that this outstanding contribution was expected to be submitted shortly. After years of facing cash flow difficulties due to significant levels of outstanding contributions, it was noted that the current financial situation for NAFO has much improved and returned to normal levels.

STACFAD noted that the Senior Publications Manager, Barry Crawford, will be retiring in 2010 after serving NAFO for over 35 years. The Committee extended their sincere gratitude to Mr. Crawford for his devotion and commitment to NAFO over this period.

14. Adoption of the Budget and STACFAD recommendations for 2010

STACFAD made the following recommendations to the General Council:

- (1) that the 2008 Auditors' Report be adopted;
- (2) that the amount maintained in the accumulated surplus account be set at \$325,000 of which \$200,000 would be sufficient to finance operations during the first three months of 2010, and of which \$125,000 would be available for use in emergency situations;

- (3) that NAFO adopt the Headquarters Agreement (see STACFAD Report, Annex 3) to be signed with the Government of Canada;
- (4) that an intersessional Working Group meeting of experts be held in 2010 to amend the current Rules of Procedure and to address other elements of an administrative nature related to the entry into force of the amended Convention;
- (5) that General Council adopt the revised rules of procedure related to observers as set out in Annex 4 of the STACFAD Report;
- (6) that the budget for 2010 of \$1,782,000 be adopted;
- (7) that General Council re-appoint the three nominees to the Staff Committee (Bill Brodie, Bob Steinbock, Deirdre Warner-Kramer);
- (8) that the Heads of Delegation consider the draft contract for the incoming Executive Secretary.
- (9) that Staff Rule 9.6 (dealing with separation from service) be modified (see STACFAD Report, item 15);
- (10) that the dates of the 2012 Annual Meeting (to be held in Halifax, N.S., Canada, unless an invitation to host is extended by a Contracting Party and accepted by the Organization) are as follows:

Scientific Council	12 – 21 September 2012
General Council	17 – 21 September 2012
Fisheries Commission	17 – 21 September 2012

General Council adopted all recommendations presented by STACFAD. Canada expressed appreciation to STACFAD for their work. As well, Canada complimented the NAFO Secretariat for their work throughout the year and also complimented all Contracting Parties for submitting the required funds for the financial stability of NAFO.

V. Closing Procedure (*Agenda items 16-20*)

15. Election of Chair

Mr. Terje Lobach (Norway) was re-elected for a term of two years.

16. Time and Place of Next Annual Meeting

The next annual meeting will be held 20-24 September 2010 in Halifax, Nova Scotia, Canada.

17. Other Business

The Representative of the EU on behalf of all the delegates thanked Stan Goodick for taking on the duties as the Interim Executive Secretary.

18. Press Release

It was agreed that the Interim Executive Secretary and the NAFO President finalize the Press Release from this meeting (Annex 18) and circulate it to the press. The Chairs of Fisheries Commission and Scientific Council were also invited to give their input for inclusion in the Press Release.

19. Adjournment

The meeting was adjourned on Friday, 25 September 2009 at 1330 hours.

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Annex 2. Opening Address by the Norwegian Director General of Fisheries, Liv Holmfjord, to the 31st NAFO Annual Meeting

Distinguished delegates, ladies and gentlemen,

It is a pleasure for me to welcome you all to this year's annual NAFO meeting here in Bergen, the gateway to the Norwegian fjords. Founded almost 1000 years ago, fish and fish trade have been crucial to the development of Bergen. It became a commercial and shipping town of European significance, and was during the middle ages the largest Nordic town. It also became the natural geographical and economic centre for the maritime empire known as the Might of Norway. Trading from the north with import of grain and export of fish laid the foundation for growth during centuries, dominated by the Hanseatic merchants, who established one of their four most important trading stations in Bergen; the German Office on the Wharf. If you walk along the wharf today, you'll see many of the buildings from that era.

Today Bergen is a modern city, with many additional pillars for development and growth. But fish is still important to Bergen. The Directorate of Fisheries, the Institute of Marine Research, and National Institute of Nutrition and Seafood Research are all located here, while at the University of Bergen it is possible to conduct studies in various aspects of marine research.

Norway is a strong supporter of bilateral, regional and global cooperation to address challenges in managing marine living resources. As the vast majority of the Norwegian fishing concerns fish stocks shared with other countries, international cooperation in the management of these fish stocks is crucial. A comprehensive network of bi- and multilateral agreements has been agreed with neighbouring countries to provide for the management of shared and straddling fish stocks. The most important ones are the agreements with Russia and the EU. Norway is also party to several regional fisheries management organisations, among them NAFO.

Although the number of Norwegian fishing vessels operating in the NAFO area has decreased significantly over the recent years, Norway considers active participation within the organisation of vital importance. Norway is committed in contributing to rebuilding NAFO stocks, and is also a strong supporter of harmonised actions between regional fisheries management organisations, in particular between NAFO and NEAFC; actions such as coordinated efforts to combat IUU fishing.

Last year, Norway adopted a new Marine Resources Act. It represents a significant modernization of the current legislation, and like the new NAFO Convention, it builds on modern principles concerning management of marine living resources. Thus implementation of principles like application of the precautionary approach, the ecosystem-based approach, optimum utilization and effective control of harvesting goes hand in hand at the national level and at the regional level in the Northwest Atlantic.

I see that you have a full agenda also at this years meeting, which will keep you busy during the week. But hopefully you will also have some spare time to visit some of the attractions Bergen has to offer. Thus I wish you every success with NAFO annual 2009, and welcome you to explore the city of Bergen.

Thank you.

Annex 3. Opening Statement by the Chair of General Council – Terje Lobach (Norway)

Distinguished delegates, ladies and gentlemen,

It is an honour and a pleasure for me to serve as your Chair also at this year's annual meeting.

First of all, I would like to welcome you all to my hometown Bergen, and I wish to thank the Interim Executive Secretary, the secretariat and colleagues at the Directorate of Fisheries for their excellent work in coordinating and arranging this meeting.

Despite considerable efforts taken by NAFO in recent years, many stocks continue to be at very low levels. But there are also a few promising signs, and the improved status of some of the stocks is encouraging.

Through the NAFO Reform process a completely new convention has been adopted, taking into account modern principles concerning management of living marine resources. But ratification seems slow, and I would urge all Contracting Parties to speed up the internal processes. Significant progress has been, through the NAFO Reform process, also made in improved conservation measures and actions taken to ensure that these measures are implemented and complied with. NAFO has also recognized the need for a good and strong science base as fundamental for proper management of marine living resources.

Although it is recognized that NAFO has taken a series of important steps in recent years, I have observed that we, at this juncture is requested to discuss whether a full fledged Performance Review should be initiated. In this regard, I note that most of the other RFMOs have undertaken such reviews, and that SEAFO has agreed to do so before the 2010 annual meeting.

The importance of coordinated port State measures has been recognised by the international community, and Members of FAO agreed in the last week of August on the global, binding agreement. This is a milestone in the fight of IUU fishing, and I understand that NAFO has to consider the impact this Agreement may have on the system of port State measures, which was adopted at the last Annual Meeting.

Protection of ocean habitats and deep sea biodiversity has become an important item on the international agenda. I am pleased to note that NAFO last year adopted a comprehensive framework in response to the calls from the United Nations General Assembly to address bottom fishing and vulnerable marine ecosystems. These responses were last week assessed in New York, with some positive results. Although NAFO now has a set of regulations in place, there are still much to be done, both in the Scientific Council and the Fisheries Commission, to refine the details of this important framework.

Later today heads of delegations will meet to interview and decide on the new Executive Secretary of our organisation. There is a shortlist of four candidates, all of them with good qualifications to take up this very important position. I am really eager on the outcome of our deliberations tonight.

Close cooperation and collaboration are essential to achieving our common goals of stock recovery, conservation and sustainable use of marine living resources. I am confident that together we will manage to meet these challenges.

Thank you. I would now like to open for statements by Contracting Parties, followed by possible statements by others.

Annex 4. Opening Statement by the Representative of Norway

Distinguished delegates, dear colleagues

The Agenda of this years' annual NAFO meeting consists of several topics which need careful attention and deliberations. From the Norwegian side we are looking forward to contributing to find mutually acceptable solutions to the many challenges that we are facing.

Sustainable management of fish stocks depends to a large extent on international co-operation. RFMOs like NAFO are essential in this work. In fact regional implementation of the principles we have agreed to at global level is a vital tool in the development of sustainable fisheries. It is therefore of utmost importance that we succeed in our follow-up of the relevant international instruments.

We have already come long way in many areas. We have set up port state measures and I would in this connection express our satisfaction that a global instrument now has been established which needs to be taken into account. With regard to bottom fishing we have started a difficult process when it comes to vulnerable marine ecosystems. We are encouraged by the progress made last week by the ad hoc Working Group of Fishery Managers and scientists. We look forward to a constructive follow-up during this annual meeting.

I would also mention that we have made institutional progress. We have adapted a revised convention which gives us the necessary framework for implementing all relevant international instruments. It is our hope that this revised convention very soon will enter into force.

Finally I would take this opportunity, on behalf of Vidar Ulriksen, State Secretary of the Norwegian Ministry of Fisheries and Coastal Affairs, to invite you all to a reception tomorrow, Tuesday, 22 September at 19.30 hours. This event will take place in Håkon's Hall which is a five minute walk from this hotel. We hope to see you all there.

Thank you.

Annex 5. Opening Statement by the Representative of the European Union

Thank you Chairman and good morning to all of you.

It is an honour for me to head the European Union delegation in this annual meeting. My delegation and myself are ready to work constructively with all Contracting Parties in order to achieve the best possible result while ensuring the protection of the fisheries stocks, the vulnerable marine ecosystems and the development of sustainable fishing activities.

It is also a pleasure for me to come back to Bergen and meet again my good Norwegian friends with whom we enhanced together some years ago our bilateral cooperation in fisheries.

I take also this opportunity to warmly thank the Norwegian authorities for hosting this annual meeting in this beautiful Hanseatic town of Bergen.

Chairman, this week is important for all of us and especially for our Organisation and its credibility. Therefore we need to tackle important challenges directly and I know by experience that some of them will require lengthy and difficult discussions. But as we all know this is part of any negotiation process: there are difficult and less difficult issues.

This year Chairman we are going also to proceed with the selection of our new Executive Secretary after the resignation of Dr. Johanne Fischer to whom we would like to convey our best wishes in her new function. The candidate to be selected should have inter alia a very good command of administrative matters and fisheries issues as the Executive Secretary is primarily the administrative keystone of our Organisation and our external representative.

During this week we should take decisions on key fisheries stocks. Without entering into details at this stage we need to recognise that in the report of the Scientific Council there are some positive developments or signals compared to the gloomy perspective of recent years. This improvement is the direct result of difficult and painful management decisions which have been adopted by our Organisation and also the result of a fully-fledged control system which some other RFMOs may envy.

The consideration of the Greenland halibut stock is probably one the most important matters facing NAFO this year. This discussion should lead us to take the most appropriate decision bearing in mind the significant actions and effort reductions taken under the rebuilding plan since 2004 and the recommendations of the Scientific Council. We recognise that other stocks such as Cod 3M and the redfish 3LNO have improved and could be considered as candidates for the reopening of these fisheries.

Another issue which is very important and critical this year, is the treatment of the VMEs because of the assessment exercise on the UNGA Resolution 61/105. A process which started in New York last week and which will go on until mid November. For the European Union this is a very important issue and a process in which we are ready to take our responsibilities and contribute at this meeting here to take new decisions which go beyond what has been regularly achieved since 2007 on VMEs in NAFO. The message we received from the Working Group of fisheries managers and scientists which met last week is very encouraging and their recommendations regarding the closure of area of significant aggregations of corals and sponges needs to be supported by the Fisheries Commission. I take the opportunity to welcome and underline the positive and constructive approach employed by this Working Group.

Before concluding Mr. Chairman I would like to urge all Contracting Parties to proceed with their own respective ratification procedures of the amended NAFO Convention in order to have the Lisbon Convention enter into force as early as possible.

Finally Chairman we look forward to work with all Parties around the table with a view to continue the useful and productive work we have carried out in the past and which has contributed to making NAFO a more effective and reliable organisation.

Annex 6. Opening Statement by the Representative of Canada

Mr. Chairman, Distinguished Representatives, Ladies and Gentlemen:

I wish to thank Norway for hosting this annual meeting and for the excellent organization and arrangements.

It is a pleasure for Canada to participate in this 31st annual meeting of NAFO in the beautiful city of Bergen. This venue is both timely and appropriate given Norway's fisheries and environmental leadership in so many areas. Norway demonstrated this leadership recently - being the first NAFO member to ratify the amendments to the 1978 NAFO Convention.

NAFO has made significant progress over the last few years, moving from words to action in embracing change, transforming the Organization and responding to the conservation challenges before us. We have seen significant improvements in compliance in the NAFO Regulatory Area and in the coordinated responses by Contracting Parties to address infringements.

NAFO's progress can be attributed to the increasing collaboration and cooperation among Contracting Parties to improve NAFO. In recent years, NAFO has taken significant steps towards protecting Vulnerable Marine Ecosystems to respond to the requirements of the United Nations General Assembly Resolution 61/105.

This fall, the United Nations General Assembly will review the progress to date by States and Regional Fisheries Management Organizations on the decisions taken to protect VMEs since the Resolution was adopted in 2006. NAFO has demonstrated leadership in recent years with the adoption of measures to close seamounts, to close portions of Division 3O to directed fishing to establish a Coral Protection Zone and the adoption in 2008 of a comprehensive program of measures. NAFO has the opportunity to take further steps this week to protect significant coral and sponge concentrations. We have recommendations to consider in both of these areas from the Ad Hoc Working Group of Fishery Managers and Scientists.

Canada would like to commend the ongoing collaborative research initiatives by Contracting Parties to verify the locations of vulnerable marine ecosystems in the NAFO Regulatory Area. In particular, I would commend the work that is being undertaken by the Spanish research vessel *Miguel Oliver* which includes the participation of scientists from several countries. I also would note the work undertaken by the Canadian research vessel *Hudson*. *These initiatives* will help us to focus and strengthen our measures to protect these sensitive areas.

Canada is also encouraged by the continuing signs of recovery of some of the NAFO-managed stocks as reported by Scientific Council. We must be careful not to lose sight of our ultimate goal of conserving the NAFO managed stocks for future generations. We strongly believe that any consideration of reopening stocks that have been under moratoria should be undertaken only in the context of proper and effective controls to ensure stock conservation and continued stock rebuilding.

I would like to emphasize that in our deliberations this week we are mindful of the importance of continuing to be guided by the precautionary approach in the re-opening and management of fish stocks; the need to ensure responsible harvesting practices by all members' fleets; and the value to us all of accurate, reliable, credible and transparent reporting of catch, as it is the foundation for sound science, management and policy as well as increasingly a prerequisite for access to markets.

I am confident that NAFO will continue to demonstrate to the international community that it is an effective management body and a leader among RFMOs in undertaking its responsibilities to protect vulnerable marine ecosystems and to conserve and manage fisheries sustainably for generations to come.

Thank you.

Annex 7. Opening Statement by the Representative of the United States of America

Mr. Chairman, distinguished delegates, observers, ladies and gentlemen:

The United States is pleased to join our colleagues here in beautiful Bergen, Norway for the 31st NAFO Annual Meeting. We thank the Government and People of Norway for their excellent meeting arrangements and warm hospitality. We look forward to an interesting and productive week.

The United States would like to take this opportunity to communicate our thoughts regarding the work before us. First, we would like to express strong support for continuing efforts by NAFO Contracting Parties to address the impacts of bottom fishing on vulnerable marine ecosystems (VMEs). We intend to improve and update the current NAFO procedures to ensure that these ecosystems survive, as they play an integral role the health of the fisheries on which we all rely. We were pleased to participate late last week in the meeting of the Ad Hoc Working Group of Fishery Managers and Scientists on VMEs and look forward to a constructive follow-up dialogue – and action – during the annual meeting. In support of this effort, we have distributed several U.S. proposals designed to improve the effectiveness of existing conservation and enforcement measures on VMEs. It is our hope that Contracting Parties will support these proposals in the Fisheries Commission.

Additionally, the United States will seek a new General Council agenda item to consider development of a process leading to a NAFO performance assessment. Such an assessment has been widely supported and implemented in the majority of the world's RFMOs and it is time that NAFO undertakes this important activity. The United States has circulated a proposal that is based on procedures already developed and implemented by a number of these RFMOs. It is our hope that Contracting Parties share our feeling that this should be a high priority for our organization.

Relative to conservation and management of NAFO fisheries and associated stocks, the United States looks forward to continuing discussions that will further ensure that conservation and management measures for NAFO-managed stocks, including Greenland halibut, are consistent with scientific advice. We also remain concerned about the status of elasmobranchs. We note that ICCAT, consistent with the request of this organization, adopted a measure for targeted porbeagle fisheries and will consider the need for additional action this year, based on the results of the 2009 ICCAT-ICES porbeagle stock assessment. NAFO should closely monitor this matter and, if appropriate, may wish to seek additional joint work with ICCAT.

We thank you for your attention and look forward to a successful meeting.

**Annex 8. Opening Statement by the Representative of Denmark
(in respect of the Faroe Islands and Greenland)**

Mr. Chairman, Distinguished Delegates, Observers, Ladies and Gentlemen

Greenland and the Faroe Islands are most pleased to be participating in the 31st Annual Meeting of NAFO. Our delegation would first of all like to convey our sincere appreciation to Norway for their hospitality in hosting this meeting. We are happy to be here in beautiful Bergen with its lovely waterfront and with a view to the historical Haakon's Hall.

Our delegation notes with satisfaction positive trends in some stock assessments in the NAFO Convention Area. We believe that this is a clear signal that our management measures for the stocks in questions have by and large been balanced and precautionary enough to allow stock development, even though this development can at times seem to be a very slow process. We continue to encourage and support the difficult and important task of taking into consideration both the biological advice and the interests of the fishing industry so as to ensure optimum and responsible use of our valuable marine resources. Hopefully this can also include the careful reopening of some fisheries still currently under moratoria.

As we noted last year, the Faroe Islands and Greenland are pleased with the progress we have made to design and implement measures to prevent significant adverse impacts of bottom fisheries on vulnerable marine ecosystems. These measures are fully in line with the relevant provisions of UNGA 61/105. They have been reported to the UN, and are reflected in the UN Secretary General's report to this year's General Assembly on actions taken by States and RFMOs pursuant to paragraphs 83 to 90 of UNGA 61/105. We assume that the UN in its fisheries resolution this year, which is being drafted in New York at the moment, will take due note of the comprehensive steps taken over the last 2 years in our North Atlantic RFMOs, NAFO and NEAFC.

Our delegation is of the view that we should now focus our efforts on finalising the necessary fine-tuning of technical and procedural elements in the bottom fishing provisions. In general we must allow ourselves the chance to gain some practical experience from the implementation of the provisions, and not continue to amend the basic framework nor introduce any unnecessary further requirements on our fishing fleets.

Mr. Chairman, we would like to take this opportunity to thank the Secretariat for the preparation of this meeting and in particular to thank Stan Goodick for his efforts as Interim Executive Secretary since May.

Finally, Mr. Chairman Greenland and the Faroe Islands can once again assure you that we look forward to working constructively with all delegations during this year's meeting, so we can collectively contribute to a successful outcome of this 31st Annual Meeting of NAFO.

Thank you.

Annex 9. Opening Statement by the Representative of Cuba

Good morning everybody.

The Cuban delegation wants to thank the Government of Norway and specifically the authorities of Bergen for hosting this 31st Annual Meeting of NAFO and for giving us the wonderful opportunity to visit this beautiful and historical city.

As every year we have ahead of us a very busy week with a lot of work and discussions on important issues, but we are sure that at the end we will be satisfied because the decisions we take will lead to the better work, the strengthening and the international recognition of the North Atlantic Fishery Organization.

Thank you.

Annex 10. Opening Statement by the Representative of Japan

Mr. Chairman, distinguished delegates and observers,

It is a pleasure for us from Japan to be joining our colleagues once again in this beautiful and historic city of Bergen for the 31st NAFO annual meeting. We wish to thank the Government of Norway for hosting this important meeting.

Since the annual meeting last year, the organization has made a remarkable progress under the new principle of the Convention to achieve our common goal of stock recovery, conservation and sustainable use of marine living resources as well as protection of vulnerable marine ecosystems.

Although there still remain several outstanding issues, including ones of particular importance to our delegation, we hope the decisions taken this week will lead to a workable solution based on the best possible scientific advice.

We do hope NAFO, known as one of the world's leading RFMOs, will continue to play a significant role in securing sustainable and responsible fisheries management in Northwest Atlantic.

Finally, we look forward to working with all our colleagues here for successful result of this meeting.

Thank you, Mr. Chairman.

Annex 11. Opening Statement by the Representative of the Russian Federation

Mr. Chairman, distinguished delegates, Ladies and Gentlemen,

First of all I would like to express my deep gratitude to our colleagues from the NAFO Secretariat and the Norwegian Ministry of Fisheries and Coastal Affairs for an excellent arrangement of the thirty-first Annual Meeting of Northwest Atlantic Fisheries Organization (NAFO) at such a wonderful and pleasant venue.

On behalf of the Federal Agency for Fisheries of the Russian Federation, I would like to greet all the participants and wish us every success in our work.

Northwest Atlantic Fisheries Organization is considered by the international fisheries community to be one of the most respected intergovernmental bodies in fisheries management and research activities.

Federal Agency for Fisheries of the Russian Federation and all Russian fishermen highly respect such a unique international forum as Northwest Atlantic Fisheries Organization. This year marks thirty years since the establishment of NAFO. And, if we take into account the fact that NAFO became a successor to the International Commission of the Northwest Atlantic Fisheries (ICNAF), founded back in 1949, this year is the sixtieth anniversary of the distinguished organization.

We recognize the importance of the work carried out by NAFO to ensure sustainable exploitation, efficient management and long-time conservation of living marine resources in the Northwest Atlantic. I am aware that the Parties will endeavour to achieve those objectives and implement the decisions taken by NAFO.

The Northwest Atlantic continues to be one of the most important fisheries areas for the Russian Federation and for all of us. We are deeply interested in sustainable fisheries in this area based on the rational and scientifically-based management. That is why we are greatly satisfied that a number of stocks are recovering due the proper management regime conducted by NAFO.

I hope that successful and fruitful work of this meeting will allow us to elaborate general approaches and principles to resolve outstanding issues in fisheries.

Thank you for your attention.

Annex 12. Opening Statement by the Representative of Ukraine

Distinguished delegates!
Ladies and Gentlemen!

On behalf of Ukrainian delegation, I am very glad to greet you at the 31st annual NAFO meeting. We are looking forward for fruitful cooperation within the meeting framework and would like to assure you of our readiness to support and promote all reasonable proposals of Contracting Parties and NAFO bodies. We are deeply convinced that we have all opportunities to take part in negotiations as a productive partner in view of achieving rational and sustainable exploitation of fishery resources in NAFO Regulatory Area.

Thank you.

**Annex 13. FAO Statement to the 31st Annual Meeting
of the Northwest Atlantic Fisheries Organization (NAFO)**

Hiromoto Watanabe
Fishery Liaison Officer
FAO Fisheries and Aquaculture Department

Bergen, Norway
21 September 2009

FAO is very grateful for the invitation extended by the Secretariat of the Northwest Atlantic Fisheries Organization (NAFO), to observe its Thirty-first Annual Meeting held in this beautiful city of Bergen. FAO also wishes to express its gratitude for the warm hospitality provided by the Norwegian authorities. FAO has been keeping a close and effective working relationship with NAFO and desires to continue such collaboration.

Regional Fishery Bodies (RFBs) including Regional Fisheries Management Organizations (RFMOs) play a unique role in facilitating international cooperation for the conservation and management of fish stocks. RFBs represent the only realistic means of governing fish stocks that occur either as straddling or shared stocks between zones of national jurisdiction or between these zones and the high seas, or exclusively on the high seas. Therefore, to strengthen RFBs in order to conserve and manage fish stocks more effectively remains the major challenge facing international fisheries governance.

The Twenty-seventh Session of the FAO Committee on Fisheries (COFI 27) held in March 2007 discussed RFBs related matter, as a stand-alone Agenda item for the first time in the history of COFI. Many Members requested that FAO continue supporting RFBs. In the Twenty-eighth Session of COFI (COFI 28) in March 2009, under several substantial agenda items, in particular such as Progress in the Implementation of the Code and International Plans of Action (Item 4), Management of deep-sea fisheries in the high seas (Item 7) and Combating IUU fishing (Item 8), the important role of RFBs were also repeatedly underscored. Immediately after the session of COFI, the Second Meeting of Regional Fishery Body Secretariats Network (RSN 2) was held in Rome and reconfirmed the significant role of and expectation for RFBs to play in global and regional fisheries governance.

There has been a couple of remarkable progress recently made in global fisheries governance. The International Guidelines for the Management of Deep-sea Fisheries in the High Seas were agreed upon on 29 August 2008. This new international instrument is the first of its kind in terms of integrating fisheries management and conservation requirements. RFBs are again highly expected as driving force to implement the Guidelines and NAFO is recognized as one of the leading RFBs in this context, which leads me to keenly observe discussion to be made under the relevant agenda item here.

Many distinguished delegates will be also aware that COFI, acknowledging the urgent need for a comprehensive suite of port State measures, agreed to proceed with the development of a legally-binding agreement on port State measures based on the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing and the 2005 FAO Model Scheme on Port State Measures to Combat IUU Fishing. A Technical Consultation on Port State Measures continued its endeavour since June 2008 and the final resumed session was just held in late August and concluded the discussion on the draft text. Implementation of the instrument will depend highly on cooperation and collaboration with and among RFBs.

I would also like to report that the Development of a Comprehensive Global Record of Fishing Vessels is also ongoing and a Technical Consultation is expected to be organized in 2010. For this particular matter, cooperation and collaboration with RFBs is also essential. As part of the COFI approved programme of work and in preparation for the Technical Consultation, several Global Record pilot projects are in the planning stages, including one involving the tuna RFMOs and another involving NEAFC. The pilot project is on the agenda of the upcoming PECCOE meeting at NEAFC. The IMO, Lloyd's and Equasis are also expected to be partners in these pilots. A brief note on the nature and progress of this initiative is also available as a separate note for those interested.

I also wish to touch upon the issue on climate changes and fisheries. FAO organized an Expert Workshop on Climate Change Implications for Fisheries and Aquaculture from 7 to 9 April 2008 and presented a technical

background document for the High-Level Conference on World Food Security: the Challenges of Climate Change and Bioenergy held in Rome from 3 to 5 June 2008. During the last session of COFI many members agreed that improvement in the management of fisheries and aquaculture would increase their resilience and adaptability to climate change. While the matter is quite complex and broad in its scope, I recognize that NAFO has already taken this matter into account and have great interest in any further observation to be presented in this week. A policy flyer on this matter is also available separately for those interested.

In this highly internationalized fisheries arena, it is now almost impossible for FAO to work on global and regional or even national fisheries issues without cooperation and collaboration with RFBs. Therefore, I would like to reaffirm FAO's strong expectation and commitment to work with RFBs continuously and in a collaborative manner.

NAFO is one of the world's leading RFBs, having a long history and much experience in the sustainable management of fisheries in the Northwest Atlantic Ocean. In particular, its proactive and precautionary approach to protect vulnerable marine ecosystems is highly appreciated. FAO also highly recognizes the Organization as one of the RFBs that initiated the reforming process at the earliest stage in order to strengthen its function and performance. Therefore, it is highly expected that NAFO, under a new Executive Secretary expected to be selected within this week, will continue playing a significant role in regional action to secure sustainable and more responsible fisheries management.

In conclusion, I would like to convey to the meeting greetings from FAO's Assistant Director-General for Fisheries and Aquaculture, Mr Ichiro Nomura. He wishes the meeting every success in its deliberations.

Annex 14. Opening Statement to the 31st Session of NAFO by the Pew Environment Group

We appreciate the opportunity to attend the Annual Meeting of NAFO and participate in the meeting as observers. We would like to begin with the issue of IUU fishing. Over the past year, the Pew Environment Group has undertaken research to assess the effectiveness of the implementation of port State measures in relation to vessels listed on IUU vessel lists maintained by eight RFMOs. A Pew research team has tracked the port visits globally of vessels on IUU vessel lists between January 2004 and March 2009 using information contained in publicly available databases. This information indicated altogether 413 port visits to ports in 72 countries by 55 vessels during the period of time the vessels were on the RFMO IUU vessel lists. Of these, 144 port visits were made by vessels from December 2006 while they were listed on NAFO's IUU vessel list. Almost one-third (45) of these visits were to ports of Contracting Parties; the remainder to ports of non-contracting parties. Pew considers that 33 of these port visits could constitute potential violations of NAFO CEMs. In addition, Pew has reviewed and updated the information on RFMO IUU vessel lists, which is included in the information we put on the observers' information table and attached as an annex to Pew's opening statement.

We would like to thank the Secretariat for giving us the opportunity to distribute information on Pew's Port State Performance research at this meeting. We have sent information on this research with NAFO specific research results and questions to the Chair and the Secretariat last week and we would appreciate that the research and the questions raised in the Pew information be considered by Contracting Parties and by the meeting of STACTIC this week under the agenda items 5b, 6 and 7 of the STACTIC meeting.

Currently Pew's research is open for public review and input at www.portstateperformance.org until the end of 2009. Pew intends to finalize the research and publish a report on the results in early 2010. To be sure we incorporate the best available information for the final report, we would appreciate any information from the Secretariat of NAFO and/or Contracting Parties which contradicts, verifies or supplements the information we have obtained from the publicly available databases. We would also be interested to know whether and which of the port visits identified by the research as a potential violation of NAFO's CEMs would be considered by STACTIC to be a violation of NAFO's CEMs and what, if any, recommendations STACTIC would have to improve the effective implementation of NAFO's port State measures.

We look forward to discussing our research findings and to cooperating with NAFO on strengthening the implementation of port State measures to prevent, deter and eliminate IUU fishing. In this regard we would also note that the Port State Agreement to prevent, deter and eliminate IUU fishing will be adopted later this year by the UN FAO Conference and we would urge all NAFO Contracting Parties to ratify the Agreement as a matter of priority.

We would now like to speak to the issue of deep-sea fisheries and the protection of vulnerable marine ecosystems (VME) on behalf of the Deep Sea Conservation Coalition (DSCC) of which the Pew Environment Group is a member. NAFO must take measures to much more effectively implement UN General Assembly (UN GA) resolution 61/105 to protect VMEs. Last week the UN GA reviewed the implementation of the 2006 UN GA resolution and recognized that substantial improvement was needed in relation to conducting impact assessments, area closures to protect VMEs, and move-on rules and encounter protocols.

From the DSCC's point of view, impact assessments must be conducted by flag States, consistent with the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas and become standard operational procedure for the management of high seas bottom fisheries in the NAFO region. There are major weaknesses in the NAFO VME move-on rule, in particular the threshold levels are far too high. We recognize the progress that has been made by NAFO in closing several seamount areas and the 3'O' area closure to bottom fishing over the past several years. However, much more needs to be done to close areas to protect corals, sponges and other VME related areas in the Grand Banks and Flemish Cap areas, including the use of biogeographic information in making determinations of where VMES are likely to occur.

The United Nations General Assembly will again take up the issue of the implementation of resolution 61/105 in November. The outcome of this meeting will be subject to scrutiny by the UNGA. In addition, NGOs and many interested scientists will also be paying close attention to the decisions made by NAFO this week. Finally, we

would note that the UN GA resolution calls on States ‘individually’ and through RFMOs to take measures consistent with the resolution to protect vulnerable marine ecosystems. In our view, flag States are under an obligation to implement the resolution even where an RFMO does not adopt or implement measures fully consistent with the resolution. In this regard, we would strongly encourage NAFO Contracting Parties to take unilateral action to regulate their flagged vessels if NAFO fails to adopt measures to fully implement the UN GA resolution.

Thank you

Kristin von Kistowski, Advisor to the International Ocean Governance Program
Elsa Lee, Associate, International Ocean Governance Program
Matthew Gianni, Political and Policy Advisor, Deep Sea Conservation Coalition

**Annex 15. Opening Remarks from WWF at the 31st NAFO Annual Meeting
By Robert Rangeley, Vice-President, WWF-Canada, Atlantic Region**

- WWF would like to thank our Norwegian hosts and NAFO for welcoming us here in Bergen for the 31st Annual Meeting.
- WWF has attended a number of these meetings, including myself and Stacey McCarthy from Canada here this week. I'm also pleased to introduce my colleagues Nina Jensen from WWF-Norway and Louize Hill from WWF-Scotland.
- WWF participates as an observer because we continue to be concerned about the state of the Northwest Atlantic ecosystem and we are pleased to be able to contribute to NAFO's goals in efforts to restore and maintain ecosystem health, rebuilt stocks, and strengthen sustainable fisheries.
- WWF's believes it is important to state our conservation measures of success based on NAFO's goals and commitments at the outset of the meeting which are available on the back table.
- This year WWF will focus on minimizing cod bycatch on the southern Grand Banks and **protecting vulnerable marine ecosystems**, such as coldwater coral forests or sponge reefs, from the impacts of bottom fishing.

With regards to cod:

- NAFO took an important step two years ago by adopting a southern Grand Bank Cod Recovery Strategy that included a 3NO bycatch reduction target of 40% for 2008.
- Unfortunately, the bycatch target of 420 tonnes was grossly exceeded by over 500 tonnes.
- Clearly, certain contracting parties are not doing enough to reduced bycatch, which has been excessive since the moratorium in 1994 and has prevented recovery.
- Voluntary measures did not work in 2008 and Fisheries Commission indicated that additional measures may be necessary if the target was not met.
- WWF believes that only by adopting mandatory bycatch limits, and undertaking the necessary research on spatial and temporal patterns of fish distributions will NAFO ever succeed in rebuilding the 3NO cod stock.
- WWF has commissioned a study demonstrating the value of such research as applied on the Grand Banks within the Canadian EEZ. We have shared this with Scientific Council.
- We have also completed an analysis of the economic value of cod recovery.
- NAFO has committed to implementing ecosystem-based approaches and precautionary quotas and need look no further than its host country, Norway, for a demonstration of the benefits of these efforts for cod recovery.
- AND, it is possible to reduce cod bycatch on the Grand Banks to acceptable levels that may promote recovery as Canada has demonstrated in its yellowtail flounder fishery.

With regards to Vulnerable Marine Ecosystem Protection:

- WWF recognizes some of the important steps NAFO has taken in recent years toward implementing the 2006 United Nations General Assembly (UNGA) Resolution on Sustainable Fisheries (61/105).
- With strong policy in place and new data on VME areas mapped, WWF looks forward to the implementation of meaningful protection for VMEs. Success will be measured against the following suite of management measures:

- 1. The closure of all of NAFO's known candidate vulnerable marine ecosystems (VME) in locations where bottom fishing is likely to result in significant adverse impacts.**
- 2. Mandatory scientific observer coverage for exploratory fishing areas.**
- 3. Reducing the current encounter thresholds for corals and sponges in line with the latest Scientific Council findings.**
- 4. Maintaining VME encounter provisions for coral and sponges in line with new scientific advice.**

Finally,

WWF would like to invite all attendees to this NAFO Annual Meeting to visit us in the Forstuen Room (just next to the lobby) anytime this week to discuss these and other fishery conservation issues further.

Thank-you

Annex 16. Agenda

I. Opening Procedure

1. Opening by the Chair, Terje Lobach (Norway)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity
6. Guidance to STACFAD necessary for them to complete their work (Monday)

II. Supervision and Coordination of the Organizational, Administrative and other Internal Affairs

7. Review of Membership of the General Council and Fisheries Commission
8. Status of ratification process resulting from the adoption of the amended Convention
9. Request by the Scientific Council for modification of the boundaries of Divisions 3M and 3L
- 9bis. Performance Assessment
10. Administration Report
11. Selection of the Executive Secretary

III. Coordination of External Affairs

12. Report of Executive Secretary on external meetings
13. International Relations

IV. Finance

14. Report of STACFAD at the Annual Meeting
15. Adoption of the Budget and STACFAD recommendations for 2010

V. Closing Procedure

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

Annex 17. Performance Review Considerations

(GC Working Paper 09/4, Revised - Adopted)

Background

The US has proposed creating a Performance Assessment Working Group (PAWG) that would undertake a performance review to identify the strengths and weaknesses in NAFO, as urged by the United Nations General Assembly in its resolution 63/112 on Sustainable Fisheries for Regional Fishery Management Organizations (RFMOs).

The PAWG would be led by the Chair of the General Council, include the NAFO Executive Secretary, and membership open to all CPs. The role of PAWG would include the development of terms of reference (TORs) detailing the chairmanship and composition of a Panel (including a process for appointing internal and external members if supported by PAWG), assessment criteria and administrative procedures.

While the US is proposing that the final terms of reference be adopted by mail vote and that the work of the Performance Review Panel would start immediately afterwards, it is suggested that the PAWG would report to General Council at the 2010 Annual Meeting before any assessment activities occur.

The PAWG would have an expanded mandate to include a review of the terms of reference/assessments of other RFMOs, to develop a NAFO-specific TORs, as well as budgetary considerations for a Performance Review Panel and the overall assessment process.

A comprehensive package would be presented to the General Council for decision by Contracting Parties at the 2010 NAFO Annual Meeting. Subsequently, the General Council would approve the TORs and budget requirements to allow a Review Panel to commence the assessment process.

Explanatory Notes

1. Timing

While performance reviews are generally looking at past practices, NAFO is in a unique situation of undertaking its review at the time of amending its Convention. It is possible that the 75% majority position to amend the Convention will not occur until late 2011, and therefore it will be important that the review not compromise the current ratification process.

2. Criteria

PAWG should develop the detailed criteria following a thorough review of performance assessments completed by other RFMOs.

The PAWG should consider the functions and mandate of NAFO when developing TORs and assessment criteria such as:

- a) the (unamended) NAFO Convention;
- b) the criteria of other RFMO Performance Reviews (NEAFC, ICCAT, CCAMLR), and other criteria from UNSFA and FAO;
- c) relevant criteria developed through the Kobe I and II processes; and,
- d) guidance provided by the "Recommended Best Practices for Regional Fisheries Management Organizations" (aka the "model RFMO" developed by Chatham House).

In developing criteria, ecosystem-based fisheries aspects should be included in the terms of reference, including implementation of 2006 UNGA Resolution in relation to VMEs.

3. Composition of the Panel

PAWG would recommend the composition of the Review Panel based on the best practices of other RFMOs. Among the considerations would be the use of external experts. For example, ICCAT used only external experts

while NEAFC used a mix of both internal and external experts. The recommendation from PAWG would be presented to the General Council for final approval.

4. Administrative Procedures

Paramount to any administrative procedures is the need for transparency. This would include making the results of any Performance Reviews public and easily available on the NAFO website.

A key issue would be public access to any report because Review Panels are independent, and the report is their product. In ICCAT the report was released simultaneously to the public and to ICCAT members, which posed challenges to the Parties in responding to media calls. In CCAMLR, the report was submitted to Parties first and in the draft South Pacific RFMO treaty, the review is made public only after it is submitted to the Commission. Another issue for PAWG to consider is the access by observers.

5. Budget Considerations

PAWG must consider budgetary requirements when developing the TORs, especially if membership in the Review Panel is from outside contracting parties. Also, the actual costs involved in completing an assessment would be part of the package presented to General Council.

Proposed Next Steps

1. Establish in early 2010 a Performance Assessment Working Group (PAWG) open to all CPs and chaired by the Chair of the NAFO General Council. The PAWG will also include the NAFO Executive Secretary.
2. Once established the PAWG will develop the specific TOR and the assessment criteria taking into account approaches to performance assessments undertaken by other RFMOs.
3. PAWG would determine the composition of the Review Panel and prepare appropriate budgets related to the operation of the Panel and the actual assessment.
4. Presentation of the TOR, budget, and Review Panel composition to the General Council for approval.

Annex 18. 2009 Annual Meeting Press Release

NAFO Flemish Cap Cod is Back

FOR IMMEDIATE RELEASE

BERGEN, NORWAY - The Northwest Atlantic Fisheries Organization (NAFO) held its 31st Annual Meeting from the 21st to the 25th of September, 2009. The Norwegian Directorate of Fisheries hosted the meeting in Bergen, Norway. The meeting focused on the establishment of stock management measures and continuing to protect vulnerable marine ecosystems (VMEs).

NAFO stocks open after a decade

Two stocks previously under moratoria for more than 10 years have been reopened for directed fishing. Atlantic cod on the Flemish Cap (Div. 3M) and Redfish in Div. 3LN will be harvested once again by the international fleets. Quotas for these stocks have been allocated using pre-moratoria values.

NAFO Members remain committed to reduce by-catch to contribute to the rebuilding of Div. 3NO cod and other stocks.

NAFO closes additional areas

To further protect sensitive marine areas in the international waters of the Northwest Atlantic several areas near the Flemish Cap and Nose of the Grand Banks have been closed. This action reconfirms NAFO's commitment to protect vulnerable marine habitats and species. Twelve significant coral and sponge locations and five seamount areas are now closed to bottom fishing. NAFO will notify United Nations General Assembly that advances made at this meeting implies that fishing in the NAFO Regulatory Area will not cause significant adverse impacts to VMEs.

NAFO defines its fishing footprint

In order to respond to UN calls, NAFO officially mapped areas in the NAFO Regulatory Area where bottom fishing has historically occurred. This "footprint" distinguishes between existing and new fishing areas. An encounter protocol will apply and Contracting Parties will complete assessments of their bottom fisheries for known or anticipated impacts on VMEs.

NAFO bolsters its vessel monitoring

NAFO continues to modernize the way it monitors the fisheries. Additional information to that being presently collected will be submitted automatically through the vessel monitoring system. These improvements will greatly improve traceability of the fishing vessels.

NAFO agreed on a performance review process

NAFO Contracting Parties have agreed to hold a working group meeting next year to develop terms of reference, assessment criteria and composition of a panel to review the Organization. The Working Group will report to the General Council.

New NAFO Executive Secretary

A new Executive Secretary has been appointed. Vladimir Shibanov from the Russian Federation will take up the post early in 2010 in Dartmouth, NS, Canada. Dr Shibanov has had many years of experience in NAFO through his involvement in Scientific Council and Fisheries Commission.

-30-

Additional highlights of the meeting can be found in the attached backgrounder.

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Backgrounder

The 31st NAFO Annual Meeting was hosted by the Norwegian Directorate of Fisheries and the Director General, Liv Holmefjord welcomed the 175 delegates to Bergen, Norway. The three bodies of NAFO, General Council (chaired by Terje Lobach, Norway), Scientific Council (chaired by Don Power, Canada) and Fisheries Commission (chaired by Vladimir Shibanov, Russian Federation) and their subsidiary bodies met for one week at the Radisson SAS Royal Hotel, Bryggen. The NAFO member countries came together to deliberate on management measures and scientific assessment regarding the international fisheries of the Northwest Atlantic. The meeting was also attended by observers from the Food and Agriculture Organization (FAO); the World Wildlife Fund (WWF) and the Pew Environment Group.

The Fisheries Commission agreed on management measures for the 21 fish stocks managed by NAFO. The advice on the status of fish stocks and the ecosystem given by the Scientific Council to the Organization and Coastal States was mainly elaborated at its main meeting in June. While many stocks remain at low levels there were signs of improvement in some stocks. Two stocks previously under moratoria have been reopened. Directed fishing has been re-established for the first time in over ten years for Atlantic cod in Division 3M and Redfish in Divisions 3LN. The Total Allowable Catch (TAC) for cod is set at 5,500 tons with a number of precautionary measures established to limit by-catches for this stock in other fisheries, and the TAC for redfish was set at 3,500 tons.

NAFO continues to take steps to protect vulnerable marine ecosystems by establishing coral and sponge protection zones in addition to closures already made in previous years. As well, protocols have been devised to minimize catches of these species. It is recognized that there are numerous international scientific research efforts underway to enhance the knowledge on benthic habitat, communities and species in the NAFO Regulatory Area, particularly the Spanish-led international survey in 2009-2010.

This year NAFO mapped areas in the international waters of the Northwest Atlantic where bottom fishing has occurred, in accordance with guidelines adopted by FAO. It is expected that the NAFO fishing “footprint” will be reviewed regularly.

The Port State Control adopted last year measures have improved the compliance by vessels fishing in the international waters. A total of 245 at-sea inspections conducted in 2008 resulted in only 5 infringements was minimal. Fishing vessels operating in the NAFO Regulatory Area continue to be monitored by VMS but will be subject to more frequent reporting procedures. These improvements, among other things, allow the inspection services to more accurately determine the locations of fishing vessels.

Fishing in the NRA will be subject to more frequent monitoring and reporting.

The 32nd Annual Meeting of the Organization will be held in Canada The table of NAFO TACs and quotas agreed at this session is attached.

Meetings

Prior to the Annual Meeting, the following NAFO meetings were held during 2009: (1) Working Group of Fishery Managers and Scientists on VMEs (19-20 March); (2) Standing Committee on International Control (5-7 May); (3) Scientific Council *ad hoc* Working Group on Assessment Methods for SA 2 + Div. 3KLMNO Greenland Halibut (1-3 June); (4) Scientific Council Regular Meeting (Dartmouth, Canada, 4-18 June); (5) *Ad Hoc* Working Group of Fisheries Managers and Scientists (17-18 September).

The meeting was attended by over 175 delegates from twelve Contracting Parties – Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), European Union, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Russia, Ukraine and United States of America.

NAFO Interim Executive Secretary

25 September 2009, Bergen, Norway

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**CEM Annex I.A.
Annual Quota Table**

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 2010 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.

Species Division/Contracting Party	Cod			Redfish				American plaice		Yellowtail 3LNO		
	3L	3M	% of 3M Cod TAC	3NO	3LN	% of 3LN Redfish TAC	3M	3O	Sub-Area 2 and Div. 1F+3K		3LNO	3M
Canada		44	0.80	0	1491	42.60	500	6000	385 ^{2,4}	0	0	16575 ⁵
Cuba		204	3.70	-	343	9.80	1750		385 ^{2,4}	-	-	-
Denmark (Faroe Islands and Greenland)		1229	22.35	-	-		69 ¹⁹		9627 ^{2,3}	-	-	-
European Union		3136 ²⁵	57.03	0 ¹¹	638 ²⁵	18.23	7813 ¹²	7000	9627 ^{2,3} 2503 ^{2,15}	0	0 ¹¹	-
France (St. Pierre et Miquelon)		-		-	-		69 ¹⁹		385 ^{2,4}	-	-	340 ⁵
Iceland		-		-	-		-		9627 ^{2,3}	-	-	-
Japan		-		-	-		400	150	385 ^{2,4}	-	-	-
Korea		-		-	-		69 ¹⁹	100	385 ^{2,4}	-	-	-
Norway		509	9.25	-	-		-		9627 ^{2,3}	-	-	-
Russia		356	6.47	0	1007	28.77	9137	6500	9627 ^{2,3}	-	0	-
Ukraine								150	385 ^{2,4}			
United States of America		-		-	-		69 ¹⁹		385 ^{2,4}	-	-	-
Others		22	0.40	0	21	0.60	124	100	-	0	0	85 ⁵
TOTAL ALLOWABLE CATCH	^{*9}	5500²³	100.0	^{*9}	3500²⁴	100.0	10000⁸	20000	12516	^{*21,16}	^{*9,16}	17000^{21,22}

Species	Witch		White hake	Capelin	Skates	Greenland halibut	Squid (Illex) ¹		Shrimp	
	3L	3NO					Sub-areas 3+4	3L	3NO	
Canada		0	1765	0	2000	1778	N.S. ⁶	24990		
Cuba		-		0		-	510	334		
Denmark (Faroe Islands and Greenland)		-		-		206	-	334		
European Union		0 ¹¹	3529	0 ¹¹	7556	6951 ¹⁸	N.S. ⁶ 611 ¹³	1670 ¹⁴		
France (St. Pierre et Miquelon)		-		-		194	453	334		
Iceland		-		-		-	-	334		
Japan		-		0		1215	510	334		
Korea		-		-		-	453	334		
Norway		-		0		-	-	334		
Russia		0	353	0	2000	1512	749	334		
Ukraine						-		334		
United States of America		-		-		-	453	334		
Others		0	353	-	444	0 ⁷	794	0		
TOTAL ALLOWABLE CATCH	^{*9}	^{*16,9}	6000	^{*20,9}	12000	11856	34000 ¹⁶	30000		^{*9}

* Ban on fishing in force.

- 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.
- 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.
- Quota to be shared by vessels from Denmark (Greenland and Faroe Islands), European Union, Iceland, Norway and Russia. Catches in the NAFO Convention Area shall be deducted from the quotas allocated in the NEAFC Convention Area.
- Quota to be shared by vessels from Canada, Cuba, France (St. Pierre et Miquelon), Japan, Korea, Ukraine and USA.
- Contracting Parties shall inform the Executive Secretary before 01 December 2009 of the measures to be taken to ensure that total catches do not exceed the levels indicated.
- 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 (= 29,458 tons).

7. In 2005, the previous 935 t "Others" quota was assigned to three Contracting Parties. When the TAC exceeds 30,000 t the next 1,300 t beyond 30,000 will be allocated to an Others quota which can be accessed by those who do not hold Greenland halibut allocation. In deciding the relevant contributions of Contracting Parties to the 1,300 t Others quota, the Fisheries Commission will take into account the fact that some Contracting Parties received a benefit from the 935 t quota which was reassigned in 2005.
8. Not more than 5000 tons may be fished before 01 July 2010. 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% of the TAC.
9. The provisions of Article 12, paragraph 1.b) of the Conservation and Enforcement Measures shall apply.
10. In the case of the NEAFC decision which modifies the level of TAC in 2010 as compared to 2009, these figures shall be accordingly adjusted by NAFO and formalized through a mail vote.
11. Including fishing entitlements of Estonia, Latvia, and Lithuania following their accession to the European Union and in accordance with sharing arrangements of the former USSR quota adopted by the Fisheries Commission at its Annual Meeting in 2003 (FC Working Paper 03/7).
12. Including allocations of 1571 tonnes each for Estonia, Latvia and Lithuania out of a sharing of 20,000 tonnes, following their accession to the European Union.
13. Allocations of 128 tonnes each for Estonia, Latvia and Lithuania as well as 227 tonnes for Poland out of a TAC of 34,000 tonnes, following their accession to the European Union.
14. Including allocations of 334 tonnes each for Estonia, Latvia, Lithuania and Poland out of a TAC of 30,000 tonnes, following their accession to the European Union
15. Allocation of 2,234 tonnes for Lithuania and 269 tonnes to Latvia following their accession to the European Union.
16. Applicable to 2010 and 2011.
17. The quota shares in footnotes 4 and 15 can only be fished in the NAFO Regulatory Area. If an increase in the overall TAC as defined in footnote 10 leads to an increase in these shares, the first 500 tonnes of that increase shall be added to the quota share referred to in footnote 4.
18. Including an allocation of 389 tonnes for Estonia, Latvia, and Lithuania following their accession to the European Union.
19. Notwithstanding the provisions of footnote 8 and without prejudice to future agreements on allocations, these quotas may be fished in their entirety by these Contracting Parties.
20. Applicable until at least 2012.
21. In lieu of Article 12.1 (a) and (b) of the CEM, the following by-catch provisions for American plaice only in the 3LNO yellowtail fishery shall apply: Contracting Parties fishing for yellowtail flounder allocated under the NAFO allocation table will be restricted to an overall Am. plaice by-catch harvest limit equal to 13% of their total yellowtail fishery as calculated in accordance with Article 12.1 (c). For 2010, the by-catch percentage will increase to 15% unless a Scientific Council projection indicates that this rate is likely to undermine stock recovery or cause an unreasonable delay in reaching B_{lim} , in which case the increase may be subject to a reassessment by the Fisheries Commission.
22. Following the NAFO annual meeting and prior to January 1 of the succeeding year, at the request of the USA, Canada will transfer 1000 tonnes of its 3LNO yellowtail quota to the USA.
23. The allocation key of this stock is based on the 1998 Quota Table. In 1999, a moratorium on cod in Division 3M was declared.
24. The allocation key of this stock is based on the 1997 Quota Table. In 1998, a moratorium on redfish in Division 3LN was declared.
25. Including fishing entitlements of 61 tons each for Estonia, Latvia, and Lithuania in accordance with sharing arrangements of the former USSR quota adopted by the Fisheries Commission at its Annual Meeting in 2003 (FC Working Paper 03/7) and allocation of 209 tons for Poland following their accession to the European Union.
26. Including fishing entitlements of 173 tonnes each for Estonia, Latvia, and Lithuania in accordance with sharing arrangements of the former USSR quota adopted by the Fisheries Commission at its Annual Meeting in 2003 (FC Working Paper 03/7) following their accession to the European Union.

PART II

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

**31st Annual Meeting, 21-25 September 2009
Bergen, Norway**

1. Opening by the Chair

The first session of STACFAD was opened by the Chair, Bob Steinbock (Canada) on 21 September 2009. The Chair welcomed delegates and members of the NAFO Secretariat to the meeting and thanked the Norwegian authorities for hosting this meeting in beautiful Bergen.

Present were delegates from Canada, European Union, Denmark (in respect of Faroe Islands and Greenland), Norway, the Russian Federation, and the United States of America and two members of the Secretariat (Annex 1).

2. Appointment of Rapporteur

Stan Goodick (NAFO Secretariat) was appointed Rapporteur.

3. Adoption of Agenda

The provisional agenda, as circulated, was adopted (Annex 2).

4. Auditors' Report for 2008

At last year's Annual Meeting, the Organization revised Financial Regulation 7.1 to reflect its decision to restrict the length of time a firm carrying out the NAFO audit shall serve to a maximum of three years. In light of this decision, in October 2008 the Secretariat notified the current firm, Grant Thornton LLP, Chartered Accountants that they would not be reappointed for the upcoming year as they had exceeded the maximum term allowed.

The Secretariat began the process of contacting firms and requesting proposals to be considered to carry out the audit of NAFO's accounts for the 2008, 2009 and 2010 fiscal periods. The auditing firm of Deloitte and Touche LLP, Chartered Accountants was chosen and subsequently engaged to audit the financial statements of the Organization.

The Financial Statements of NAFO for December 31, 2008 were circulated to the Heads of Delegation of the General Council in May 2009 and to STACFAD delegates in advance of the Annual Meeting. The financial statements included the auditors' report, the statements of financial position, operations, accumulated surplus, cash flows and the notes to the financial statements.

The Interim Executive Secretary for NAFO presented the Auditors' Report and Financial Statements of the Northwest Atlantic Fisheries Organization for the year ended 31 December 2008. It was noted that the total expenditures incurred for the fiscal period ending 2008 amounted to \$1,500,329, which was \$28,671 below the approved budget of \$1,529,000. It was also noted that outstanding contributions from Contracting Parties on December 31, 2008 was \$231,756.

The balance in the accumulated surplus account at year end amounted to \$531,253. At last year's Annual Meeting, General Council approved maintaining the level in the accumulated surplus account for 2009 at 20% of the 2009 budget. As the 2009 budget was approved for \$1,618,000, this means that \$323,600 ($\$1,618,000 \times 20\%$) would remain in the accumulated surplus account for 2009. The remaining \$207,653 ($\$531,253 - \$323,600$) would be used to reduce annual contributions for 2009.

It was noted in the Auditors' Report that the Organization: (1) has not recorded the pension plan assets, liabilities and unfunded deficit, (2) has a policy not to capitalize its capital assets, and (3) has not recorded a liability for separation entitlements, as approved at the annual meeting in September 2007. The audit determined the financial affairs of the Organization had been conducted in accordance with the Financial Regulations and budgetary provisions of NAFO and presented a fair and accurate accounting of the financial affairs of the Organization.

STACFAD recommends that the 2008 Auditors' Report be adopted.

5. Administrative and Activity Report by Secretariat

Under this item, the Secretariat highlighted NAFO administrative matters and activities including membership, officers, meetings, publications and submission of fishery statistics (GC Doc. 09/1-Revised). The Secretariat once again expressed the importance of receiving accurate and timely catch reports and urged Contracting Parties to ensure compliance with this NAFO requirement.

6. Financial Statements for 2009

The NAFO Interim Executive Secretary presented the Financial Statements for the fiscal year ending 31 December 2009.

Budgetary Expenses

The approved operating budget for 2009 was set at \$1,618,000. It was noted in the financial statements that expenditures for the year are projected to be \$1,498,000, below the approved budget by \$120,000 or 7.4%.

Salaries and benefits for the Secretariat staff members are projected to be \$152,000 below its approved budget. The main factor for being under budget was the early resignation of the Executive Secretary, Dr. Johanne Fischer. The Executive Secretary's position remained vacant for the balance of the year while the recruitment process was undertaken.

There are two expense categories which are expected to exceed their approved budget for the year. Professional Services are projected to be \$62,000, which is \$32,000 over the approved budget. The main factor for this was the ongoing legal expenses associated with a claim made against the Organization regarding wrongful dismissal. Recruitment and relocation expenses are also projected to be \$11,000 over budget for the year. There was no provision in the 2009 budget for recruitment and relocation expenses as the departure of the NAFO Executive Secretary was unexpected. In addition, the guidelines for the recruitment process of a new Executive Secretary provided for payment of expenses (travel, per diem, accommodation) for short-listed candidates to travel to be interviewed at the Annual Meeting in Bergen, Norway, unless the candidate was already part of a Contracting Party delegation. Expenses were paid for two of the four candidates.

All remaining 2009 operating expenses are anticipated to be on or near budget for the year.

Balance Sheet

After years of reporting the Organization was facing cash flow difficulties due to significant levels of outstanding contributions on the part of some Contracting Parties, the Secretariat was pleased to report that only one Contracting Party has outstanding contributions. Cuba currently owes \$66,928 for the years 2008 and 2009, although they have communicated that payment would be forthcoming shortly.

The balance sheet shows the estimated cash position at December 31, 2009 to be \$652,599, which is sufficient to finance appropriations in early 2010 pending the receipt of annual payments by Contracting Parties in the spring of 2010.

7. Review of Accumulated Surplus and 8. Contingency Funds

According to the financial regulations of the Organization, STACFAD and General Council shall review the amount available in the accumulated surplus account during each annual meeting. The accumulated surplus account shall be set at a level sufficient to temporarily finance appropriations pending receipt of annual payments by Contracting Parties and for use in an emergency.

For the years 2007-2009, the accumulated surplus account had been set at its maximum level, 20% of the annual budget for the current financial year, due to significant levels of outstanding contributions. NAFO's cash flow situation has returned to its normal level and is no longer considered to be in an emergency funding situation.

At the September 2008 Annual Meeting, STACFAD had recommended that NAFO should establish a contingency fund in 2009 for the purpose of covering emergency and unforeseen situations, other than non payment of annual contributions, provided that all current major outstanding contributions were paid by that time (STACFAD Report, September 2008, Item 8). It was agreed that the details of the operation of the contingency fund would be decided at the 2009 Annual Meeting.

At the current meeting, STACFAD decided that an alternative to setting up a separate contingency fund, while still achieving the same results, would be to simply amend the current financial regulations 4.4 and 4.5 regarding the accumulated surplus account as follows:

4.4 The Chair of the General Council, ~~after consultations with~~ in consultation with the Chair of STACFAD and representatives of all of the members of the General Council, may authorize expenditures from ~~an~~ the accumulated surplus account for unforeseen and extraordinary expenses to the good conduct of the business of the Organization. ~~Such funds shall not be in excess of 20% of the annual budget for the current financial year.~~

4.5 The Standing Committee on Finance and Administration and the General Council shall review the amount available in the accumulated surplus account during each annual meeting. Insofar as possible, the General Council shall anticipate unforeseen expenditures during the succeeding three years and shall attempt to maintain the accumulated surplus account at a level sufficient to finance ~~appropriations in accordance with Rule 4.3 and operations during the first three months of the year plus an amount up to a maximum of 10% of the annual budget for the current financial year~~ for use in an emergency in accordance with Rule 4.4.

The Secretariat noted the accumulated surplus account at December 31, 2009 is estimated to be \$641,600.

In light of the above proposed amendment to Rule 4 of the financial regulations, **STACFAD recommends that the amount maintained in the accumulated surplus account be set at \$325,000 of which \$200,000 would be sufficient to finance operations during the first three months of 2010, and of which \$125,000 would be available for use in emergency situations.**

9. NAFO Headquarters Agreement

In view of the process towards entry into force of the amendments to the NAFO Convention and as agreed at last year's annual meeting, Canada had provided a draft Headquarters Agreement to the Secretariat (Annex 3) which was circulated to Contracting Parties on May 12, 2009.

STACFAD discussed the draft agreement and concluded that it was ready for adoption.

STACFAD recommends that NAFO adopts this Headquarters Agreement to be signed with the Government of Canada.

10. Future changes to the Rules of Procedure as a result of Amendments to the NAFO Convention

In view of the process towards entry into force of the amendments to the NAFO Convention and the resulting merger of General Council and Fisheries Commission, it will be necessary for the Organization to amend the current Rules of Procedure.

STACFAD considered the draft but was unable to conclude its work at this meeting.

STACFAD recommends that an intersessional Working Group meeting of experts be held in 2010 to amend the current Rules of Procedure and to address other elements of an administrative nature related to the entry into force of the amended Convention.

11. Amendments to GC and FC Rules of Procedure related to Observers

At the 2008 NAFO Annual Meeting, STACFAD recommended to General Council to revise the General Council and Fisheries Commission Rules of Procedure to provide permanent accreditation to approved observers, subject to various conditions, and to harmonize the rules for observers among the constituent bodies. General Council deferred decisions on this matter to the 2009 Annual Meeting.

A common set of rules for the admission and accreditation of observers to General Council, Fisheries Commission and Scientific Council was developed by the Secretariat and presented to STACFAD (STACFAD W.P. 09/2). It is suggested that these rules would be supervised by General Council, as the body dealing with external relations within NAFO, and that modification and amendments, if and when necessary, be undertaken after consultation with NAFO's other constituent bodies.

The Scientific Council reviewed and accepted this draft at its June 2009 meeting.

STACFAD recommends that General Council adopt the revised rules of procedure related to observers as set out in Annex 4.

12. Budget Estimate for 2010

The Secretariat presented the 2010 budget estimate (GC Working Paper 09/1, Revised) to the Committee highlighting the following items:

<i>Approved Budget 2009</i>	<i>Preliminary Budget Forecast 2010</i>	<i>Budget Estimate 2010</i>
<i>\$1,618,000</i>	<i>\$1,737,000</i>	<i>\$1,782,000</i>

The 2010 budget estimate of \$1,782,000 represents an increase of \$45,000 (2.6%) from the 2010 preliminary budget forecast and an increase of \$164,000 (10.1%) from the 2009 approved budget.

Although the variances will be discussed in detail below, three major reasons have attributed to the increase in the 2010 budget estimate.

1. At last year's annual meeting, it was announced that the latest valuation of the pension plan for the employees of the Organization had a substantial deficit of \$975,000. To fulfill Canadian regulations, NAFO is required to make annual supplementary payments of \$100,800 per year, for the next 15 years, or until the plan is fully funded. As a result of this extraordinary item, the Secretariat was requested to propose reductions to categories other than salaries and benefits which were implemented by reducing services and operations in a number of areas, including additional help, computer services, equipment, other meetings and travel as well as professional services. These adjustments resulted in savings of

\$59,000. It was noted that these cuts were for a short-term nature for 2009 only and would be included in the 2010 budget proposal.

2. The unexpected resignation of the Executive Secretary during 2009 means the Organization will incur recruitment and installation costs of \$51,000 for a new Executive Secretary to commence in 2010.
3. The intersessional scientific budget has increased by \$16,000 due to the inclusion of a new general provision for an ad hoc fund for unforeseen expenses incurred by SC for the provision of providing responses to requests for advice from FC.

<i>Personal Services:</i>	Budget 2009	\$1,251,000	Budget 2010	\$1,290,000
			Increase (3.1%)	\$39,000

The salaries and remuneration for the members of the Secretariat follow the salary levels and categories of the public sector of the host country (Canada). Salaries increases for 2010 have been set at 1.5%. Personnel changes for 2010 include the start date for the new Executive Secretary and the anticipated retirement of the Senior Publications Manager.

Superannuation and Annuities include the annual supplementary payment of \$100,800 towards the pension fund deficit. The next valuation of the pension plan is scheduled for January 1, 2011. Concerns were expressed over how the Organization would be able to afford another unfunded liability, if the next valuation were to be in an elevated position.

<i>Additional Help:</i>	Budget 2009	\$15,000	Budget 2010	\$20,000
			Increase (33.3%)	\$5,000

The additional help budget is for the digitization and translation of NAFO fisheries information and digitization of archive documents. The \$5,000 increase is a return of the budget to its 2008 level.

<i>NAFO Meetings:</i>	Budget 2009	\$114,000	Budget 2010	\$146,000
			Increase (28.1%)	\$32,000

The NAFO meetings budget includes travel expenses by the Secretariat to attend meetings, logistical expenses to host a meeting in the headquarters area, invited expert travel costs, etc. Increases to the budget include costs associated with hosting the 2010 Annual Meeting reception (not required in 2009 as reception costs were covered by the host country) and the inter-sessional other meetings budget being returned to its 2008 level.

The inter-sessional scientific budget of \$30,000 includes a provision for a workshop on new assessment methods as well as the establishment of an ad hoc fund for unforeseen expenses incurred by SC for the provision of answering requests for advice from FC.

<i>Professional Services:</i>	Budget 2009	\$30,000	Budget 2010	\$51,000
			Increase (70%)	\$21,000

The professional services budget includes expenses for audit, consulting, insurance, legal fees, professional development, training and public relations. The increase is a return of the budget to its 2008 level as well as a provision for legal costs associated with the ongoing wrongful dismissal suit.

<i>Recruitment and Relocation:</i>	Budget 2009	\$0	Budget 2010	\$51,000
			Increase (100%)	\$51,000

The recruitment and relocation budget covers the relocation and installation expenses of the incoming Executive Secretary due to the unexpected resignation of the Executive Secretary during 2009. These expenses were originally forecasted to occur in 2011.

STACFAD recommends that the budget for 2010 of \$1,782,000 (Annex 5) be adopted.

A preliminary calculation of billing for the 2010 financial year is provided in Annex 6. The preliminary calculation of billing is based on the budget estimate of \$1,782,000 and shall be reduced by any amount determined by the General Council to be in excess of the needs of the accumulated surplus account.

The accumulated surplus account at December 31, 2009 is estimated to be \$641,600 and the recommended minimum balance in the accumulated surplus account for operations and emergency use for the 2010 fiscal year is \$325,000. This allows for \$316,600 (\$641,600-\$325,000) to be applied towards the 2010 billing.

Funds required to meet the 2010 administrative budget and appropriated from Contracting Parties is estimated to be \$1,465,400 (\$1,782,000-\$316,600).

13. Budget Forecast for 2011 and 2012

STACFAD reviewed the preliminary budget forecast for 2011 (\$1,735,000) and 2012 (\$1,733,000) (Annex 7) and approved the forecast in principle. It was noted that the budget for 2011 will be reviewed in detail at the next Annual Meeting.

14. Adoption of 2010 Staff Committee Appointees

The Secretariat nominated the following people to serve as members of the Staff Committee for September 2009-September 2010: Bill Brodie, Deirdre Warner-Kramer and Bob Steinbock.

STACFAD recommends that General Council appoint the three nominees.

15. Recruitment of the new Executive Secretary

Subsequent to the last Annual Meeting, the Organization was informed by the Executive Secretary, Dr. Johanne Fischer that she had accepted a new job and was resigning from her position at NAFO. General Council decided to follow the recruitment procedures and timeline similar to what was undertaken in 2002, when the former Executive Secretary was hired. The Senior Finance and Staff Administrator, Stan Goodick was appointed Interim Executive Secretary until the new Executive Secretary takes office.

At the request of the General Council, STACFAD prepared a draft proposed contract between the newly elected Executive Secretary and the Organization. The conditions of the contract were based on those set out in the previous Executive Secretary's contract.

STACFAD recommends that the Heads of Delegation consider the draft contract.

During the review of the relocation costs for internationally recruited members of the Secretariat as stated in the contract, STACFAD noted that the current staff rule 9.6 was considered too restrictive as it only provided for payment if relocating to his/her home country.

Given the desire for flexibility in line with the UN rules, **STACFAD recommends Staff Rule 9.6 be modified as follows (changes in *italics*):**

Rule 9.6

On separation from service, an internationally recruited member of the Secretariat relocating to his/her home country, *or to another country outside Canada*, shall be entitled to the following:

- a) payment of travel expenses from the place of residence for arrival at the new residence, for the member and family;
- b) payment of removal costs including the shipment of personal effects and household goods from the place of residence to the location of the new place of residence if not paid by the new employer. Staff members without dependants 4 890 kg and/or a 20 foot standard international shipping container (33m³) and staff members with dependants 8 150 kg and/or a 40 foot standard international shipping container (67 m³);

- c) payment of reimbursement of sundry other expenses related to relocation, including insurance of goods in transit and excess baggage charges subject to the relevant rules and criteria applicable on appointment of the same member of the Secretariat.
- d) A repatriation grant. The amount of the grant depends on the length of continuous service with the Secretariat away from the home country in accordance with the table below. The grant is not paid to members of the Secretariat who are dismissed for cause.

Years of continuous service away from home country	Months of salary constituting the repatriation grant
1-2	1
3-4	2
5-6	3
7 and more	4

- e) *payments under a, b, and c should be limited to costs that are comparable to relocating to the home country. Such payments shall be subject to prior approval by the Executive Secretary.*
- f) *with respect to the costs of the Executive Secretary, such payments shall be subject to prior approval by the President in consultation with the Chair of STACFAD.*

16. Time and Place of 2010 – 2012 Annual Meetings

As previously agreed, the dates of the 2010 and 2011 Annual Meetings (to be held in Halifax, N.S., Canada, unless an invitation to host is extended by a Contracting Party and accepted by the Organization), are as follows:

2010:

Scientific Council - 20 – 24 September
 General Council - 20 – 24 September
 Fisheries Commission - 20 – 24 September

2011:

Scientific Council - 19 – 23 September
 General Council - 19 – 23 September
 Fisheries Commission - 19 – 23 September

STACFAD recommends that the dates of the 2012 Annual Meeting (to be held in Halifax, N.S., Canada, unless an invitation to host is extended by a Contracting Party and accepted by the Organization) are as follows:

Scientific Council - 12 – 21 September
General Council - 17 – 21 September
Fisheries Commission - 17 – 21 September

For budgetary planning purposes, STACFAD urges that any invitations by a Contracting Party to host an Annual Meeting be issued as early as possible.

17. Other issues including any questions referred from the General Council during the current Annual Meeting

STACFAD noted that the Senior Publications Manager, Barry Crawford, will be retiring in 2010 after serving NAFO for over 35 years. The Committee extended their sincere gratitude to Barry for his devotion and commitment to NAFO over this period and wishes him a long and happy retirement.

No other issues were referred to STACFAD from the General Council.

18. Adjournment

The final session of the STACFAD meeting adjourned on 23 September 2009.

Annex 1. List of Participants

Name	Contracting Party
Bob Steinbock Rhonda Hash Douglas Forsyth	Canada
Julius Peedah Elin Mortensen	Denmark (in respect of Faroe Islands and Greenland)
Alan Gray	European Union
Hilde Ognedale	Norway
Olga Sedykh	Russian Federation
Deirdre Warner-Kramer	United States of America
Stan Goodick Bev McLoon	NAFO Secretariat

Annex 2. Agenda

1. Opening by the Chair, Bob Steinbock (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Auditors' Report for 2008
5. Administrative and Activity Report by Secretariat
6. Financial Statements for 2009
7. Review of Accumulated Surplus
8. Contingency Funds
9. NAFO Headquarters Agreement
10. Future changes to the Rules of Procedure as a result of amendments to the NAFO Convention
11. Amendments to GC and FC Rules of Procedure related to observers
12. Budget Estimate for 2010
13. Budget Forecast for 2011 and 2012
14. Adoption of 2010 Staff Committee Appointees
15. Recruitment of the new Executive Secretary
16. Time and Place of 2010 - 2012 Annual Meetings
17. Other issues including any questions referred from the General Council during the current Annual Meeting
18. Adjournment

Annex 3. Draft Headquarters Agreement

Headquarters Agreement between the Government of Canada and the Northwest Atlantic Fisheries Organization

The Government of Canada and the Northwest Atlantic Fisheries Organization, wishing to conclude an agreement respecting the headquarters of the Organization in Canada, have agreed as follows:

Article 1

Definitions

For the purposes of the present Agreement:

- (a) “Convention” means the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, signed on 24 October 1978 in Ottawa, Canada.
- (b) “NAFO” means the Northwest Atlantic Fisheries Organization, established under Article II of the Convention.
- (c) “Representative of members of NAFO” means a representative of a Contracting Party to the Convention and shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.
- (d) “Officials of NAFO” means the President, the Executive Secretary and internationally recruited staff of NAFO.

Article 2

NAFO shall have in Canada the legal capacities of a body corporate, including the capacity to contract, to acquire and dispose of property, and to institute legal proceedings.

Article 3

NAFO, its property and its assets, wherever located and by whomsoever held, shall enjoy immunity from every form of judicial process except in so far as in any particular case the Executive Secretary of NAFO has expressly waived its immunity. Such waiver shall be understood not to extend to any measure of execution, save with the express consent of the Executive Secretary. NAFO shall establish guidelines as to the circumstances in which the Executive Secretary may waive any immunity of NAFO, and as to the method in which any such waiver shall be made.

Article 4

The premises of NAFO shall be inviolable. The property and assets of NAFO, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action, except with the consent of and under the conditions agreed to by the Executive Secretary of NAFO. This Article shall not prevent the reasonable application of fire protection regulations.

Article 5

The archives of NAFO, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

Article 6

NAFO, its assets, income and other property shall be:

- (a) exempt from all direct taxes except for charges for public utility services;

(b) exempt from customs duties and taxes in respect of articles imported or exported by NAFO in the furtherance of its function; articles imported under such exemption shall not be sold or disposed of in Canada except under conditions agreed to by the Government of Canada.

(c) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Article 7

NAFO shall enjoy in Canada, for its official communications, treatment not less favourable than that accorded by the Government of Canada to any other Government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to the press and radio. No censorship shall be applied to the official correspondence and other official communications of NAFO.

Article 8

NAFO shall have the right to use codes and to despatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Article 9

Representatives of members of NAFO shall, to such extent as may be required for the performance of their functions, enjoy the following privileges and immunities:

(a) immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind;

(b) inviolability for all papers and documents;

(c) the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(d) exemption in respect of themselves and their spouses from immigration restrictions, alien registration or national service obligations in the state they are visiting or through which they are passing in the exercise of their functions;

(e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

(f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys; and also,

(g) such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.

Article 10

In order to secure, for the representatives of members of NAFO complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of members of NAFO.

Article 11

Privileges and immunities are accorded to the representatives of members of NAFO, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with NAFO. Consequently a member not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the member the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

Article 12

Officials of NAFO shall:

- (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) be exempt from taxation on the salaries and emoluments paid to them by NAFO;
- (c) be immune from national service obligations;
- (d) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (e) be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government concerned;
- (f) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
- (g) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

Article 13

Privileges and immunities are granted to officials in the interests of NAFO and not for the personal benefit of the individuals themselves. The Executive Secretary shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of NAFO. In the case of the Executive Secretary, the General Council shall have the right to waive immunity.

Article 14

NAFO shall co-operate at all times with the appropriate authorities in Canada to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this Agreement.

Article 15

Nothing in this Agreement exempts a Canadian citizen, residing or ordinarily resident in Canada, from liability for any taxes or duties imposed by any law in Canada.

Article 16

Any dispute between NAFO and the Government of Canada concerning the interpretation or application of this Agreement or any supplementary agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred to a tribunal of three arbitrators for final decision. One arbitrator shall be designated by the President of NAFO, and another by the Minister of Foreign Affairs of Canada. The two arbitrators shall appoint a third arbitrator.

Article 17

1. This Agreement shall enter into force in accordance with an Exchange of Notes between the Executive Secretary of NAFO and the Government of Canada.
2. This Agreement may be revised at the request of either Party, through consultations on the modifications in question.
3. This Agreement may be renounced by either Party, upon provision of two years notice.

Done at _____[location]_____, on ___[date]_____, in the English and French languages, each version being equally authentic.

[representative of Canada]

[representative of NAFO]

**Annex 4. Proposed changes to the Rules of Procedure
for Observers at NAFO Meetings**
(STACFAD W.P. 09/2, Revision 1)

The Secretariat presented STACFAD WP 08/4 Rev to STACFAD in September 2008 with suggestions to revise the General Council and Fisheries Commission rules of procedure to give accreditation to observers, subject to various conditions, and to harmonize the rules for observers among the constituent bodies. STACFAD supported the amendments with some minor changes (STACFAD Report, September 2008, Item 12 and Annex 5). General Council reviewed the STACFAD recommendation and deferred decisions on this matter to the 2009 Annual Meeting (GC Doc. 08/4, paragraph 17).

It is here suggested that a common set of rules for the admission and accreditation of observers apply equally to General Council, Fisheries Commission and Scientific Council. It is suggested that these rules would be under the management of GC, as the body dealing with external relations within NAFO, and that modification and amendments, if and when necessary, be undertaken after consultation with NAFO's other constituent bodies.

The "common" observer rule would be placed at the back of the "NAFO Rules of Procedure and Financial Regulations" booklet, and on the appropriate NAFO webpage, and apply equally to GC, FC and SC. GC Rule 9, FC Rule 10 and SC Rule 1.3 would be deleted.

The Secretariat presented this proposed draft "harmonized" rules to Scientific Council at its June 2009 meeting (SCS Doc. 09/22). This was accepted by Scientific Council who asked the Secretariat to forward the proposal to General Council at the 2009 Annual Meeting (SC June Meeting Report, 2009, p. 61, XI.4.a).

**Application for Observer Status to NAFO Meetings
(General Council, Fisheries Commission and Scientific Council)**

1. The Executive Secretary shall invite, as observers:
 - a) intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or *vice-versa*; and
 - b) non-Contracting Parties identified as harvesting fishery resources in the Regulatory Area.

2. Any NGO that supports the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO, and desires accreditation as observers to NAFO meetings, shall notify the Secretariat at least 100 days in advance of the first meeting it wishes to attend. This application must include:
 - a) name, address, telephone, fax number of the organization;
 - b) address of all its national/regional offices;
 - c) aims and purposes of the organization and a statement that the NGO fully supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;
 - d) information on the organization's total number of members, its decision-making process and its funding;
 - e) a brief history of the organization and a description of its activities;
 - f) representative papers or other similar resources produced by or for the organization on the conservation, management, or science of fishery resources to which the Convention applies; and
 - g) a history of NAFO observer status granted/revoked;

3. Observer status shall apply to all non-restricted sessions, whether at the Annual Meeting or at intersessional meetings.

4. NGO applications shall be reviewed by the Executive Secretary who shall notify the Contracting Parties of the names and qualifications of NGOs having fulfilled the requirements stipulated in Rule 2. If one or more of the Contracting Parties object giving in writing its reasons within 30 days, the matter will be put to a vote by written procedure. Applications will then be considered as accepted in accordance with the procedures laid down in Article V para 2 of the Convention. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.

5. Any NGO with observer accreditation:
 - a) is required to register its representatives at the NAFO Secretariat at least *fourteen* days in advance of the meeting;
 - b) may be required to limit the number of their observers at any meeting due to conference room capacity. The Executive Secretary will transmit any such determination in the conditions of participation;
 - c) may be required to pay a fee, which will cover the additional expenses generated by their participation, as determined annually by the Executive Secretary;
 - d) that has not communicated with the Secretariat or attended at least one meeting in the previous three years shall cease to be an accredited NGO but may reapply in writing to the Executive Secretary; and
 - e) will have their accreditation reviewed by the Executive Secretary every five years taking into account any new information or development regarding the NGO since the last accreditation and circulate a summary of the review to Contracting Parties. If one or more of the Contracting Parties object to a renewal of the accreditation of the NGO with NAFO giving in writing its reasons within 30 days, the matter will be

put to a vote by written procedure. Renewal of the accreditation will then be considered as accepted in accordance with the procedures laid down in Article V para 2 of the Convention. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.

6. Observers admitted to a meeting:
 - a) shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by a Contracting Party or the Executive Secretary.
 - b) may attend meetings, as set forth above, but may not vote;
 - c) may make oral statements during the meeting upon the invitation of the Chair;
 - d) may only distribute documents at meetings via the general information table;
 - e) may engage in other activities as appropriate and as approved by the Chair;
 - f) may not use film, video, and audio recording devices, etc. to record meeting proceedings; and
 - g) may not issue press releases or other information to the media on agenda items under discussion during NAFO meetings.
7. Observers admitted to a meeting shall comply with the above and all rules and procedures applicable to other participants in the meeting. Failure to conform to these rules or any other rules that NAFO may adopt for the conduct of observers may result in removal from the meeting by the presiding officer and revocation of their observer accreditation status.
8. These rules shall be subject to review and revision, as appropriate. If any Contracting Party so requests, the adequacy of these rules shall be reviewed and assessed and, if necessary, amendments shall be adopted by General Council in the light of the need of NAFO to function effectively when conducting its business.

Annex 5. Budget Estimate for 2010
(Canadian Dollars)

	Approved Budget 2009	Projected Expenditures 2009	Preliminary Budget Forecast 2010	Budget Estimate 2010
1. Personal Services				
a) Salaries	\$884,000	\$748,000	\$921,000	\$902,000
b) Superannuation and Annuities	179,000	182,000	181,000	191,000
c) Medical and Insurance Plans	81,000	75,000	94,000	96,000
d) Employee Benefits	107,000	94,000	94,000	101,000
Subtotal Personal Services	<u>1,251,000</u>	<u>1,099,000</u>	<u>1,290,000</u>	<u>1,290,000</u>
2. Additional Help	15,000	15,000	20,000	20,000
3. Communications	26,000	26,000	27,000	26,000
4. Computer Services	25,000	25,000	29,000	28,000
5. Equipment	31,000	31,000	36,000	35,000
6. Fishery Monitoring	45,000	45,000	48,000	48,000
7. Hospitality Allowance	3,000	3,000	3,000	3,000
8. Materials and Supplies	33,000	33,000	33,000	33,000
9. NAFO Meetings				
a) Sessional	80,000	78,000	92,000	91,000
b) Inter-sessional Scientific	14,000	14,000	14,000	30,000
c) Inter-sessional Other	20,000	16,000	25,000	25,000
Subtotal NAFO Meetings	<u>114,000</u>	<u>108,000</u>	<u>131,000</u>	<u>146,000</u>
10. Other Meetings and Travel	30,000	25,000	42,000	35,000
11. Professional Services	30,000	62,000	40,000	51,000
12. Publications	15,000	15,000	16,000	16,000
13. Recruitment and Relocation	0	11,000	22,000	51,000
	<u>\$1,618,000</u>	<u>\$1,498,000</u>	<u>\$1,737,000</u>	<u>\$1,782,000</u>

Notes on Budget Estimate 2010
(Canadian Dollars)

Item 1(a)	Salaries Salaries budget estimate for 2010	\$902,000
Item 1(b)	Superannuation and Annuities Employer's pension plan which includes employer's contributions, administration costs, and actuarial fees. The latest actuarial valuation of the pension plan showed the plan to be in a deficit requiring an unfunded liability payment.	\$191,000
Item 1(c)	Group Medical and Insurance Plans Employer's portion of Canada Pension Plan, Employment Insurance, Group Life Insurance, Long Term Disability Insurance and Medical Coverage.	\$96,000
Item 1(d)	Employee Benefits Employee benefits as per the NAFO Staff Rules including overtime, repatriation grant, termination benefits, vacation pay, and travel to home country for internationally recruited members of the Secretariat. Termination Benefits Liability	\$101,000 \$66,000 35,000
Item 2	Additional Support Digitization and translation of NAFO Fisheries Information (e.g. Observer Reports), interns and other assistance as required.	\$20,000
Item 3	Communications Phone, fax and internet services Postage Courier/Mail service	\$26,000 \$13,000 9,000 4,000
Item 4	Computer Services Computer hardware, software, supplies and support.	\$28,000
Item 5	Equipment Leases (print department printer, photocopier and postage meter) Purchases Maintenance	\$35,000 \$23,000 8,000 4,000
Item 6	Fishery Monitoring Vessel Monitoring System (VMS) annual license and maintenance fee Lloyd's Register of vessels	\$48,000 \$45,000 3,000
Item 9(a)	NAFO Sessional Meetings June (SC), September (FC, GC and SC) Halifax/Dartmouth, Nova Scotia, Canada and November (SC) Copenhagen, Denmark.	\$91,000
Item 9(b)	NAFO Inter-sessional Scientific Meetings Invited expert travel costs for a NAFO SC Assessment Workshop (date/venue to be determined) and a general provision for unforeseen expenses necessarily incurred by SC required for the provision of answering requests for advice from FC..	\$30,000
Item 9(c)	NAFO Inter-sessional Other General provision.	\$25,000

Item 10	<p>Other Meetings and Travel</p> <p>International Meetings regularly attended by the NAFO Secretariat:</p> <ol style="list-style-type: none"> 1. Aquatic Sciences and Fisheries Abstracts (ASFA) 2. Co-ordinating Working Party on Fishery Statistics (CWP) 3. Fisheries Resources Monitoring Systems (FIRMS) 4. International Fisheries Commissions Pension Society (IFCPS) 5. NEAFC Advisory Group for Data Communication (AGDC) 6. Regional Fishery Body Secretariats Network (RSN) 7. Secretariats of the North Atlantic Regional Fisheries Management Organizations (NARFMO) 8. Sirius IT Annual vTrack User Group Meeting 9. United Nations Fish Stock Agreement (UNFSA) <p>Other Meetings</p>	\$35,000	
Item 11	<p>Professional Services</p> <p>Professional Services (audit, consulting, legal fees, and insurance)</p> <p>Professional Development and Training</p> <p>Public Relations</p>	<p>\$35,000</p> <p>11,000</p> <p>5,000</p>	\$51,000
Item 12	<p>Publications</p> <p>Production costs of NAFO publications which may include the following: Conservation and Enforcement Measures, Convention, Inspection Forms, Journal of Northwest Atlantic Fishery Science, Meeting Proceedings, Rules of Procedure, Scientific Council Reports, etc.</p>	\$16,000	
Item 13	<p>Recruitment and Relocation</p> <p>Costs associated with the relocation of the incoming Executive Secretary</p>	\$51,000	

**Annex 6. Preliminary calculation of billing for Contracting Parties
against the proposed estimate of \$1,782,000 for the 2010
financial year (based on 12 Contracting Parties to NAFO)**
(Canadian Dollars)

Budget Estimate	\$1,782,000
Deduct: Amount from Accumulated Surplus Account (pending approval from General Council)	<u>316,600</u>
Funds required to meet 2010 Administrative Budget	<u>\$1,465,400</u>

60% of funds required = \$879,240
 30% of funds required = \$439,620
 10% of funds required = \$146,540

Contracting Parties	% of Total Catch in the Convention Area			2010 Preliminary Billing
	Nominal Catches for 2007	10%	30%	
Canada	550,923	57.31%	\$36,635.00	\$503,892.44
Cuba (1)	1,381	0.14%	-	1,230.94
Denmark (in respect of Faroe Islands and Greenland) (2)	193,653	20.15%	31,319.64	177,166.86
European Union	40,110	4.18%	-	36,752.23
France (in respect of St. Pierre et Miquelon)	4,021	0.42%	650.32	3,692.81
Iceland	-	-	-	0.00
Japan	1,969	0.20%	-	1,758.48
Republic of Korea	-	-	-	36,635.00
Norway	3,653	0.38%	-	3,341.11
Russian Federation (3)	8,101	0.84%	-	44,020.62
Ukraine	-	-	-	36,635.00
United States of America (3)	157,477	16.38%	25,468.87	144,019.51
Funds required to meet 1 January - 31 December 2010 Administrative Budget	961,288	100.00%	\$146,540.00	\$879,240.00
				<u>\$1,465,400.00</u>

(1) Based on provisional catch reports received from chartering arrangements.

(2) Faroe Islands = 4,491 metric tons
 Greenland = 189,162 metric tons

(3) Based on 2007 provisional catch reports.

2009 Billing for comparison purposes	
Approved Budget 2009	\$1,618,000
Deduct: Accumulated Surplus	<u>207,654</u>
Funds required 2009 Budget	<u>\$1,410,346</u>

Nominal Catches for 2006	% of Total Catch in the Convention Area	2009 Annual Assessment
543,200	52.73%	\$560,977.35
2,728	0.27%	37,543.41
207,125	20.11%	235,749.89
45,062	4.38%	72,322.54
2,609	0.25%	37,756.07
4,054	0.39%	38,558.86
1,886	0.18%	36,781.82
-	-	35,258.65
2,314	0.22%	37,120.31
10,242	0.99%	43,636.11
404	0.04%	35,597.13
210,551	20.44%	239,043.86
1,030,175	100.00%	<u>\$1,410,346.00</u>

**Annex 7. Preliminary Budget Forecast for 2011 and 2012
(Canadian Dollars)**

	Preliminary Budget Forecast 2011	Preliminary Budget Forecast 2012
1. Personal Services		
a) Salaries	\$923,000	\$951,000
b) Superannuation and Annuities	192,000	194,000
c) Medical and Insurance Plans	95,000	99,000
d) Employee Benefits	96,000	64,000
Subtotal Personal Services	1,306,000	1,308,000
2. Additional Help	20,000	20,000
3. Communications	27,000	27,000
4. Computer Services	29,000	30,000
5. Equipment	36,000	36,000
6. Fishery Monitoring	48,000	33,000
7. Hospitality Allowance	3,000	3,000
8. Materials and Supplies	33,000	34,000
9. NAFO Meetings		
a) Sessional	86,000	94,000
b) Inter-sessional Scientific	30,000	30,000
c) Inter-sessional Other	25,000	25,000
Subtotal NAFO Meetings	141,000	149,000
10. Other Meetings and Travel	35,000	35,000
11. Professional Services	41,000	41,000
12. Publications	16,000	17,000
13. Recruitment and Relocation	0	0
	\$1,735,000	\$1,733,000

SECTION III
(pages 85 to 174)

**Report of the Fisheries Commission and its Subsidiary Body
(STACTIC), 31st Annual Meeting
21-25 September 2009
Bergen, Norway**

PART I.	Report of the Fisheries Commission.....	87
	I. Opening Procedure	87
	II. Administrative	87
	III. Scientific Advice	88
	IV. Conservation of Fish Stocks in the Regulatory Area.....	90
	V. Ecosystem Considerations	93
	VI. Conservation and Enforcement Measures	94
	VII. Closing Procedure	96
	Annex 1. List of Participants	97
	Annex 2. Record of Decisions by the Fisheries Commission	108
	Annex 3. Agenda.....	110
	Annex 4. Scientific Council Responses to Questions from the Fisheries Commission	112
	Annex 5. Fisheries Commission's Request for Scientific Advice on Management in 2011 and Beyond of Certain Stocks in Subareas 2, 3 and 4 and Other Matters.....	118
	Annex 6. Quota Table 2010	123
	Annex 7. Reopening of Cod in Division 3M and Redfish in 3LN	126
	Annex 8. Risk Management / Management Strategy Evaluation Approach to Greenland halibut.....	127
	Annex 9. Interim Measures to Protect Significant Coral Concentrations.....	129
	Annex 10. Interim Measures to Protect Significant Sponge Concentrations.....	132
	Annex 11. Encounter Provisions for Vulnerable Marine Ecosystems.....	135
	Annex 12. Exploratory Fishery Data Collection Form.....	136
	Annex 13. Follow-up by the Working Group of Fishery Managers and Scientists.....	137
	Annex 14. Delineation of Existing Bottom Fishing Areas in the NAFO Regulatory Area	138
	Annex 15. Use of VMS Information for Search and Rescue.....	147
	Annex 16. Proposal for Improved VMS Reporting.....	148
	Annex 17. Proposal for Improved Catch Reporting	151
	Annex 18. Port State Measures Administrative Changes.....	153
	Annex 19. Annual Compliance Review 2009 (Compliance Report for Calendar Year 2008)	154
Part II.	Report of the Standing Committee on International Control (STACTIC).....	169
	1. Opening of the Meeting.....	169
	2. Appointment of Rapporteur.....	169
	3. Adoption of Agenda	169
	4. Compliance Review 2008 including review of reports of apparent infringements.....	169
	5. Review and evaluation of NAFO Compliance objectives	170
	6. Review of current IUU list pursuant to NAFO CEM Article 57.3	171
	7. Implementation of Port State Measures.....	171
	8. Possible Amendments of Conservation and Enforcement Measures	171
	9. Omega Mesh Gauge	172
	10. Other Matters	172
	11. Election of Vice-Chair.....	173
	12. Time and Place of Next Meeting	173

13. Adoption of Report.....	173
14. Adjournment.....	173
Annex 1. Agenda.....	174

PART I

Report of the Fisheries Commission (FC Doc. 09/21)

31st Annual Meeting, 21-25 September 2009 **Bergen, Norway**

I. Opening Procedure (*Agenda items 1-4*)

1. Opening by the Chair, Vladimir Shibanov (Russia)

The meeting was opened by the Chair, Vladimir Shibanov (Russian Federation), at 12:00 hrs on Monday, September 21, 2009. Representatives from the following Contracting Parties (CPs) were in attendance: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), the European Union (EU), France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Russian Federation, Ukraine, and the United States of America (USA) (Annex 1).

Representatives from the Food and Agriculture Organization of the United Nations (FAO), Pew Environment Group, and the World Wildlife Fund–Canada (WWF) were also present as Observers. The North East Atlantic Fisheries Commission (NEAFC) was represented by Denmark (in respect of the Faroe Islands and Greenland).

2. Appointment of Rapporteur

Ricardo Federizon, Fisheries Commission Coordinator (NAFO Secretariat), was appointed Rapporteur for this meeting. As Rapporteur, he was responsible to maintain and prepare the record of decisions made by the Fisheries Commission (Annex 2).

3. Adoption of Agenda

Sub-item 9.11 "Thorny Skate in Divisions 3LNO" was inserted. The adopted agenda is presented in Annex 3.

4. Guidance to STACTIC necessary for them to complete their work

The Chair of the Standing Committee on International Control (STACTIC), Mads Trolle Nedergaard (DFG) presented the results of STACTIC May 2009 intersessional meeting (FC Doc 09/3). He outlined the issues of bycatches, transfer of fishing possibilities from shared quota allocations, and NAFO Conservation and Enforcement Measures Editorial Review being brought forward to the Fisheries Commission for clarification and the pending proposals which would be further discussed in this meeting. Regarding the issues mentioned above, STACTIC was instructed to deliberate further on these and report back to the Fisheries Commission (see item 15.1 – 15.3).

The recommendations from the intersessional meeting would be forwarded to the Fisheries Commission together with the recommendations from this Annual Meeting (see item 15).

II. Administrative (*Agenda item 5*)

5. Review of Commission Membership

The review of the Commission membership was conducted at the General Council session. It was noted that the membership of the Fisheries Commission is currently twelve (12). All Contracting Parties have voting rights in 2010.

III. Scientific Advice (Agenda items 6-7)

6. Consideration of the Scientific Assessments

a) Presentation of scientific advice by the Scientific Council Chair

- Scientific advice on fish stocks

The Scientific Council Chair, Don Power (Canada), presented a summary of scientific advice to the Fisheries Commission. The Scientific Council Chair indicated that the scientific advice of particular stocks include comments and caveats. He urged the Fisheries Commission to consult the relevant SCS documents when considering management and conservation measures of the fish stocks. Details of the scientific advice for fish stocks are contained in SCS Doc 09/23 from the June 2009 Scientific Council meeting. An updated advice on the shrimp stocks was presented, replacing the previous advice contained in SCS Doc 08/25 from the October 2008 Meeting.

The following stocks were fully assessed including elaboration of scientific advice and recommendations for 2010:

- **Shrimp in Division 3M.** The indices of biomass in the July 2009 survey showed a sharp decline, confirming recent downward trends, even though the levels of exploitation have been low since 2005. The most recent estimate of stock size is below B_{lim} . Due to the continued poor recruitment, there are also serious concerns that the stock will stay at low levels. The stock has now entered the collapse zone defined by the NAFO Precautionary Approach framework, and recruitment prospects remain poor. Therefore, Scientific Council recommends that the fishing mortality be set as close to zero as possible in 2010.
- **Shrimp in Divisions 3LNO.** The most recent survey results show a steep decline in stock size, and Scientific Council urges caution in the setting of TACs. This downturn in biomass is unexpected as recruitment has been reasonable in recent years. The recent exploitation rates of about 14% may be too high. Scientific Council therefore urges caution in the exploitation of the stock and considers that exploitation rates should not be raised, but kept below recent levels.

Catch options	Exploitation rate
20 000 t	11.49%
25 000 t	14.37%
30 000 t	17.24%
35 000 t	20.11%

- **Greenland halibut in Subarea 2 + Divisions 3KLMNO.** To provide a consistent increase of the 5+ exploitable biomass, fishing mortality should be reduced to a level not higher than $F_{0.1}$.

The following stocks were fully assessed including elaboration of scientific advice for 2010 and 2011:

- **American Plaice in Divisions 3LNO.** No directed fishery. Bycatches should be kept to the lowest possible level and restricted to unavoidable bycatch in fisheries directing for other species.
- **Yellowtail flounder in Divisions 3LNO.** Any TAC option up to 85% F_{msy} . For 2010, 85% F_{msy} equates to TAC of 25 500 t; for 2011, this equates to 23 500 t.
- **Redfish in Division 3M.** Catch of all three redfish stocks/species in Div. 3M should not exceed 8 500 t which is in the range of catches in recent years.
- **Cod in Division 3M.** There is sufficient evidence to allow a small amount of directed fishing. A fishing mortality not to exceed F_{2008} will allow further recovery of the stock.
- **White hake in Divisions 3NOPs.** The catch in Div. 3NO, at the current TAC of 8 500 t, is unrealistic. Catches should not exceed the 2006-2008 average annual catch level of 850 t. Catches in Subdivision 3Ps should not exceed the 2006-2008 average annual catch level of 1 050t.
- **Capelin in Divisions 3NO.** No directed fishery.

On the following stocks, multi-year scientific advice was provided. The Scientific Council reviewed the status of these stocks at the June 2009 meeting, and found no significant change to alter the advice. Accordingly, the Scientific Council reiterates the previous advice as follows:

- **Redfish in Divisions 3LN.** The total catch in 2010 should not exceed 3 500 t. This total catch should include directed catches and all bycatches taken in other fisheries.
- **Thorny Skate in Divisions 3LNOPs.** The total catch in 2010 should not exceed 6 000 t.
- **Witch Flounder Divisions 3NO.** No directed fishing. Bycatches in fisheries targeting other species should be kept at the lowest possible level.
- **American Plaice in Division 3M.** No directed fishing. Bycatch should be kept at the lowest possible level.
- **Redfish in Division 3O.** Scientific Council is unable to advise on an appropriate TAC in 2010.
- **Cod in Divisions 3NO.** No directed fishery. Bycatches should be kept at the lowest possible level and restricted to unavoidable by catch in fisheries directed for other species. Efforts should be made to reduce current level of bycatch.
- **Witch flounder in Divisions 2J + 3KL.** No directed fishing. Bycatches in fisheries targeting other species should be kept at the lowest possible level.

On the following topics, the SC Chair referred to the specific sections in SCS Doc 09/23 regarding the SC response on the Special Request for Management Advice:

- **The Precautionary Approach** (Page 20 of the SCS Doc 09/23)
 - **Evaluation of Recovery Plans** (Page 21 of the SCS Doc 09/23)
 - **Review of pelagic redfish distribution and stock affinities** (Pages 21-22 of the SCS Doc 09/23)
 - **Cod bycatch reduction measure for Cod in Divisions 3NO** (Pages 22-25 of the SCS Doc 09/23)
 - **Evaluation of alternative assessment methods for Greenland halibut in SA2 + Div. 3KLMNO** (Pages 36-39 of the SCS Doc 09/23)
 - **Specific projections for recovering stocks (cod in Div. 3M, American plaice in Div. 3LNO)** (Page 39 of the SCS Doc. 09/23)
 - **Consequences of mid-water trawl size reduction to 100 mm or lower** (Page 46 of the SCS Doc 09/23)
 - **Overview of role of seals in the marine ecosystem and impact on fish stocks** (Pages 67-68 and pages 67-69 of the SCS Doc 09/23)
- **Vulnerable Marine Ecosystems (VMEs) and other ecosystem considerations**
 - **On significant concentration of corals.** The SC Chair indicated that the Scientific Council response on the Fisheries Commission Request concerning corals (item 9a of FC Doc 08/19) was first presented at the ad Hoc Working Group of Fishery Managers and Scientists Meeting held in Vigo, Spain in March 2009. Details of the response are contained in pages 255- 262 of the Scientific Council 2008 Report. Three main coral taxa were evaluated: sea pens (Pennatulaceans), small gorgonians (*Acanella*), and large gorgonians (*Keratoisis*, *Acanthogorgia*, *Paragorgia*, etc). The term “key location” was introduced to express an area in which a collection of significant coral concentrations was found. The key locations (Figures 2-6 in pages 255-262 of the Scientific Council 2008 Report) were for the most part nested within the candidate VMEs identified previously (Figure 6 in page 45 of the Scientific Council 2008 Report).
 - **On significant concentration of sponges.** The SC Chair indicated that the Scientific Council response on the Fisheries Commission Request concerning sponges (item 9b of FC Doc 08/19) was first presented at the ad Hoc Working Group of Fishery Managers and Scientists Meeting held in Bergen, Norway in September 2009. Details of the response are contained in pages 27 - 43 of the Scientific Council June 2009 meeting report (SCS Doc 09/23). Large sponges (*Geodia spp.*) was evaluated. Using a 75 kg weight threshold criteria (from research survey catch data), significant concentrations of sponges were identified. The locations of the

significant concentrations are shown in Figure 2 on page 29 of the Scientific Council June 2009 meeting report (SCS Doc 09/23).

The Scientific Council Chair further noted that concerning both corals and sponges:

- the identification of the areas of significant concentrations in no way suggests an alteration of the map of the candidate VMEs previously identified (see Figure 6 in page 45 of the Scientific Council 2008 Report).
- a high resolution habitat mapping is required to identify the candidate VMEs with greater certainty (e.g. through camera surveys and ROV activities) and will also allow monitoring of health and recovery.
- a 4 nm-buffer zone around the position of each of the significant coral and sponge concentration was used to delineate the areas of concentration. The buffer zone was considered conservative and precautionary until detailed mapping of these areas and additional research on buffer areas becomes available.

- **Other issues (as determined by Scientific Council Chair)**

The concept of "Management Strategy Evaluation" (MSE) was presented. MSE involves the evaluation of alternative management strategies encompassing clearly defined harvest controls against a range of simulated realizations of the true fishery and fish stock dynamics. The aim is to find those management strategies that are robust to the uncertainties while achieving performance statistics required by the managers (page 62-63 of SCS Doc 09/23). MSE could be considered for application in the management of Greenland halibut (see item 9.6).

b) Feedback to the Scientific Council regarding its work during this Meeting

Questions and enquiries for further clarification arose in response to the Scientific Council Chair's presentation, to which the Scientific Council prepared responses during the meeting. The questions from the Fisheries Commission and the responses from the Scientific Council are compiled in Annex 4. These concern the white hake in Divisions 3NO, cod in Division 3M, redfish in Division 3M, Greenland halibut in Subarea 2 and Divisions 3KLMNO, and shrimp in Divisions 3M and 3LNO.

Regarding the pelagic redfish distribution and stock affinities, the Russian Federation expressed its concern regarding disagreement among experts of the Workshop on Redfish Stock Structure (WKREDS) over the structure of *Sebastes mentella* in the Irminger Sea and adjacent areas, and therefore highlighted the need to continue investigations into the issue and reserved its position in respect of any decisions made on the basis of recommendations of this Workshop.

7. Formulation of Request to the Scientific Council for Scientific Advice on the Management of Fish Stocks in 2011 and on other matters

The Fisheries Commission **adopted** FC WP 09/24 Rev. containing its request to the Scientific Council for scientific advice on management in 2011 and beyond of certain stocks in subareas 2, 3, and 4 and on other matters (Annex 5)

IV. Conservation of Fish Stocks in the Regulatory Area (Agenda items 8-10)

The Quota Table for 2010 can be found in Annex 6 of this Report.

8. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2010

8.1 Cod in Division 3M

It was decided to re-open this fishery. The Total Allowable Catch (TAC) was set at 5 500 t. The allocation scheme was based on the scheme of the 1998 Quota Table, the year before the moratorium was declared. Article 12.1 a) and d) of the NAFO Conservation and Enforcement Measures was revised limiting the bycatch to 1 250 kg or 5%, whichever is greater (Annex 7).

It was not a unanimous decision on the TAC. The decision was reached through a voting procedure in accordance with Article XIV of the NAFO Convention. Norway and USA contended that the TAC of 5 500 t was contrary to the scientific advice given by the Scientific Council and they voted against the proposition of 5 500 t TAC. Iceland abstained and Norway gave the following statement:

“...this stock has been under moratorium for a decade. In order to allow further recovery of the stock the Scientific Council advised that the fishing mortality for 2010 should not exceed F_{2008} . With a 50% yield this corresponds to a TAC of 4 125 t.

In order to provide for a sustainable fishery on this stock based on the precautionary approach. Norway proposed that the TAC for 2010, including bycatches, should not exceed this level.

We do appreciate the other Parties' efforts to reach consensus on the TAC. However, in light of what was just explained, it was not possible for Norway to accept reopening of the cod fishery in Division 3M on the basis of a TAC which is 33% higher than the advice given by the Scientific Council. Norway therefore voted against the proposed TAC of 5 500 t.”

With regards to the allocation scheme, the USA noted that there is no consensus that a reopened fishery should be managed under the quotas that were in effect when the fishery was closed. This view was shared by Iceland, Japan, Korea, and Ukraine. Ukraine gave the following statement:

"... although we had accepted the quota allocation for 2010, it is proposed to reconsider this very allocation scheme in the future in order to comply with provisions of UNFSA, particularly the last two sentences of paragraph 3, Article 8: *States having a real interest in the fisheries concerned may become members of such organization or participants in such arrangement. The terms of participation in such organization or arrangement shall not preclude such States from membership or participation; nor shall they be applied in a manner which discriminates against any State or group of States having a real interest in the fisheries concerned.*"

8.2 Redfish in Division 3M (TAC and mesh size)

It was decided to set the TAC at a level of 10 000 t. The allocation scheme (quotas) would be the same as in 2009. No new mesh size regulation was decided.

Denmark (in respect of the Faroe Islands and Greenland) indicated that the lack of agreed allocation and continued system of “first-come first-fish” applied to this stock is unacceptable and should be revisited in detail at subsequent meetings.

Footnote 8 of the Quota Table was revised to make it consistent with the new requirement of weekly catch reporting for all fisheries in all areas.

8.3 Shrimp in Division 3M

No decision on management and technical measures was made at this meeting. An intersessional meeting would be held on 6 November* at the NEAFC Headquarters in London, UK to decide on the measures. (*It was subsequently agreed through correspondence that the meeting would be held on 16 November).

9. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits, 2010

9.1 American plaice in Divisions 3LNO

There would be no directed fishery applicable in years 2010 and 2011. A 15% bycatch requirement involving this stock and the yellowtail fishery in Divisions 3LNO applies (See Footnote 21 of the 2010 Quota Table).

9.2 Yellowtail flounder in Divisions 3LNO (PA Framework)

It was decided that the TAC is 17 000 t, same as in 2009. Management measures on the stock for subsequent years will be reviewed at the next Annual Meeting. A 15% bycatch requirement involving this stock and the American plaice in Divisions 3LNO applies (See Footnote 21 of the 2010 Quota Table).

9.3 Redfish in Divisions 3LN

It was decided to re-open this fishery at the TAC of 3 500 t. The allocation scheme is based on the scheme of the 1997 Quota Table, the year before the moratorium was declared. This scheme is reflected in the new footnote 24 of the Quota Table. Ukraine accepted the quota allocation scheme for 2010, but reminded the necessity to reconsider basic principles of quota allocation. This view was shared by Iceland.

Article 12.1 a) and d) of the NAFO Conservation and Enforcement Measures was revised limiting the bycatch of this stock to 1 250 kg or 5%, whichever is greater (Annex 7).

9.4 Redfish in Division 3O

The TAC of 20 000 t and the allocation scheme of 2009 will be continued in 2010.

9.5 Capelin in Divisions 3NO

It was re-iterated that there would be no directed fishery applicable in years 2010 and 2011. Bycatch provisions as stipulated in Articles 12, paragraph 1.b) of the NAFO Conservation and Enforcement Measures shall apply.

9.6 Greenland halibut in Subarea 2 and Divisions 3KLMNO

The TAC of 16 000 t (11 856 t in Divisions 3LMNO) and the allocation scheme of 2009 will be continued in 2010.

In making the decision, the Fisheries Commission acknowledged the information and advice received from the Scientific Council. It was also mindful of the quality of the data and the robustness of models used by the Scientific Council in its formulation of advice. There were concerns that the objectives of the Rebuilding Plan are not being attained. The underlying reasons for this are complex. USA indicated that the issue of data quality could be one of the root causes of controversy. Given the discrepancy in recent years with the Greenland halibut catch estimates, Canada and the EU agreed to engage in a review of the catch estimates provided by the Scientific Council and the reported catch by Contracting Parties, and provide for transmission to the Scientific Council the outcome.

The Scientific Council Chair presented the concept of Management Strategy Evaluation (MSE) as an alternative approach to decision-making which could be applied on this stock (see item 6a – Other Issues). In consideration of the MSE, the Fisheries Commission established a Working Group to refine the current MSE framework to help inform management of this stock. The terms of reference of this Working Group is presented in Annex 8. The Fisheries Commission will consider the report from this Working Group including any recommendations and options contained therein as the basis for a risk management based decision on the TAC level for 2011 and beyond.

9.7 White hake in Divisions 3NO

It was decided that the TAC is set at 6 000 t.

9.8 Shrimp in Divisions 3LNO

It was decided that the TAC of 30 000 t and the allocation scheme of 2009 be continued in 2010.

Norway indicated that it would have preferred to follow the scientific advice and that it accepted the TAC of 30 000 t for the sake of consensus. A reservation by Denmark (in respect of the Faroe Islands and Greenland) on the allocation scheme, as in previous years, was noted.

9.9 Pelagic *Sebastes mentella* (oceanic redfish) in the NAFO Convention Area

It was decided that the TAC of 12 516 t and the allocation scheme of 2009 will be continued in 2010. The TAC is subject to revision in accordance with Footnote 10 of the Quota Table.

Footnote 2 of the Quota Table was revised to make it consistent with the new requirement of weekly catch reporting for all fisheries in all areas.

9. 10 Cod in Divisions 3NO

It was decided to continue the moratorium. Bycatch provisions in Article 12, paragraph 1.b) of the NAFO Conservation and Enforcement Measures shall apply.

Canada stressed that bycatch protocol should be respected and more effort should be made to keep the bycatch on this stock at the minimum.

9. 11 Thorny skate in Divisions 3LNO

It was decided that the TAC is set at 12 000 t.

10. Cod Management Policy

Discussion on this item centered on the re-opening of fish stocks under moratorium, e.g. cod in Division 3M and redfish in Divisions 3LN. An information paper was circulated concerning the consideration of criteria for reopening a fishery in light of the precautionary approach. The criteria include: protection of spawners, protection of pre-recruits, concerns with bycatch, and concern of bycatch of other species. Further discussion on these criteria was held when item 8.1 was deliberated.

V. Ecosystem Considerations (*Agenda items 11 -13*)

11. Reports of the Ad Hoc Working Group of Fishery Managers and Scientists on VMEs (March and September Meetings)

Bill Brodie (Canada), Chair of the Ad Hoc Working Group, presented the recommendations from the March and September 2009 meetings for adoption, review, or endorsement concerning:

- a) Closure of specific areas of high concentration of corals in the NAFO Regulatory Area (Annex 9);
- b) Closure of specific areas of high concentration of sponges in the NAFO Regulatory Area (Annex 10);
- c) Encounter threshold levels (Annex 11);
- d) Exploratory Fishery Data Collection Form (Annex 12);
- e) Impact Assessment of Bottom Fishing in relation to Article 4bis – Assessment of bottom fishing, particularly subarticle;
- f) NAFO Coral Identification Guide.

The Fisheries Commission **adopted** Recommendations a) – d), **conducted** a review regarding Recommendation e) and gave instructions for the WG to review this matter (see below), and **endorsed** Recommendation f).

Regarding Recommendations a) and b), the delineation of the areas of high concentration of corals and sponges made by the Scientific Council (see item 6a) served as the basis of the delineation of the proposed closed areas.

Regarding Recommendation c), the proposed threshold levels in the Interim Encounter Provision would be 60 kg of live coral and/or 800 kg of live sponge.

Regarding Recommendation d), the form would be intended for use during exploratory fishery in accordance with Article 5bis 2(b) of the NAFO Conservation and Enforcement Measures (NCEM). The form captures all the information required as stipulated in the template Data Collection Plan described in Annex XXV of the NCEM.

Regarding Recommendation e), it was recognized that the problem of implementation of Article 4bis might lie on the lack of guidelines for the Contracting Parties in the preparation and submission of fishing plans, and on the impracticability of the required deadlines of submissions. The Fisheries Commission also gave further instructions to the ad Hoc WG to conduct further review of the provisions concerning VMEs and bottom fishing stipulated in the Chapter 1bis of the NAFO Conservation and Enforcement Measures, and report back to the Fisheries Commission. The specifics of the follow-up instructions are presented in Annex 13.

Regarding Recommendation f), the NAFO Coral Identification Guide would be used in accomplishing the Exploratory Fishery Data Collection Form.

With the adoption of the new measures concerning Vulnerable Marine Ecosystems, the Secretariat was instructed to submit as soon as possible (in advance of the UNGA conference in November 2009) a progress report to the United Nations General Assembly on NAFO's decisions in response to the UNGA Resolution 61/105 which calls for Regional Fisheries Management Organizations (RFMOs) to take action on the protection of Marine Vulnerable Ecosystems.

The Secretariat was also instructed to note the progress NAFO has made in protecting VMEs in the NAFO Press Release for this Annual Meeting.

12. Identification of existing bottom fishing areas (Footprint)

The NAFO Secretariat presented FCWP 09/1 Rev. which specifies the delineation of the existing bottom fishing areas through a polygon defined by a series of coordinates (footprint as defined in Article 2bis of the NAFO Conservation and Enforcement Measures) (Annex 14). The Fisheries Commission supported the draft footprint. Noting that it may be modified, as stipulated in Article 2bis.4, to incorporate any new information the Fisheries Commission instructed the ad hoc Working Group of Fishery Managers and Scientists to further review the draft footprint. After the review, the ad hoc working group would report back to the Fisheries Commission in 2010 (see Annex 13).

13. Other considerations (e.g. seals)

Denmark (in respect of the Faroe Islands and Greenland) acknowledged the comprehensive review of the Scientific Council (see item 6a) of the current scientific knowledge on the interactions of marine mammals and fish wherein the important role of seals was highlighted, particularly on the role of seals as top predators of cod. In response to a question from Denmark (in respect of the Faroe Islands and Greenland) regarding the conservation and management implications of the recently adopted EU import ban on seal products, Canada referred to the need to consider the ecosystem implications of growing seal populations, where hunts do not occur such as grey seals in the Southern Gulf of the St. Lawrence. In this particular area, the cod fishery has been closed for several years and stocks are not recovering due to seal predation. Canada reiterated that the Canadian harp seal hunt is a legitimate, sustainable and science-based activity that is important not only for small fishing communities, but also for its role in maintaining a healthy population of seals and a balance in the ecosystem. Canada thanked the Scientific Council for its evaluation of the present knowledge related to the role of seals in the marine ecosystem and of the Northwest Atlantic and their impact on fish stocks in the NAFO Regulatory Area.

Denmark (in respect of the Faroe Islands and Greenland) underlined the responsibility of fisheries managers to consider the issue of marine mammal-fisheries interactions. The Fisheries Commission should therefore keep these issues under consideration at future meetings. These views were supported by most other delegations.

VI. Conservation and Enforcement Measures (Agenda items 14 -16)

14. Review of Chartering Arrangements

A report on the chartering arrangement was presented by the NAFO Secretariat (FC WP 09/9). There were five charter arrangements made in 2008 and three arrangements in January-September 2009. The Secretariat noted that all chartering requirements, stipulated in Article 19 of the NAFO Conservation and Enforcement Measures, were complied with. The Secretariat requested the Contracting Parties concerned that notification on the actual commencement, suspension, resumption and termination dates of charter arrangements be transmitted to the Secretariat in a timely manner for a more effective monitoring of the catches.

15. Report of STACTIC (from May 2009 intersessional meeting and current Annual Meeting)

The May 2009 intersessional meeting report was presented under item 4.

The STACTIC Chair presented the results of the STACTIC Report (see Part II of this Report) which include the following sub-items:

15.1 Bycatch issues

Bycatch issues were identified at the May 2009 intersessional meeting and brought forward to the Fisheries

Commission (see item 4) for clarification. The Fisheries Commission instructed STACTIC to deliberate on this issue at this meeting. Pending further developments related to the reopening of fisheries of some stocks under moratorium, STACTIC referred this matter back to the Fisheries Commission for further clarification.

As a result of the reopening of the 3M cod fishery and 3LN redfish fishery, these issues were further addressed and additional conditions were adopted for these fisheries (see item 8.1 and 9.3 above and Annex 7).

15.2 Transfer of fishing possibilities from quota allocations shared by other Contracting Parties

The issue of transfer was identified at the May 2009 intersessional meeting and brought forward to the Fisheries Commission (see item 4) for clarification. The Fisheries Commission instructed STACTIC to deliberate on this issue at this meeting. It was acknowledged by STACTIC that there is a need to determine whether it is the intention of the Fisheries Commission to allow the transfer of a shared quota, e.g. Redfish in Subarea 2 and Divisions 1F+3K. STACTIC referred this matter back to the Fisheries Commission for further clarification.

15.3 NAFO Conservation and Enforcement Measures Editorial Review

This topic was discussed at the May 2009 intersessional meeting and brought forward to the Fisheries Commission (see item 4) for clarification. The Fisheries Commission instructed STACTIC to address this matter at this meeting. STACTIC agreed to establish an Editorial Drafting Group to make editorial changes in the NAFO Conservation and Enforcement Measures. The group would provide a status report at the next STACTIC Intersessional meeting.

15.4 Recommendations

The following recommendations were forwarded to the Fisheries Commission for adoption and acceptance:

- a) Use of VMS Information for Search and Rescue (Annex 15);
- b) Proposal for improved VMS Reporting (Annex 16);
- c) Proposal for Improved Catch Reporting (Annex 17);
- d) Port State Measures – Administrative Changes (Annex 18)
- e) Annual Compliance Review 2009 (Annex 19)

The Fisheries Commission **adopted** all recommendations.

During the deliberation of this item, Denmark (in respect of the Faroe Islands and Greenland) commented on the trend of increased inspection rate on the fishing vessels. She cited an example of a fishing vessel which was inspected five times in July 2009 in a span of three weeks. The unusually high frequency of being inspected has become disruptive in the fishing operations and it may contradict the intent of Article 29.6 which ensures equal treatment through an equitable distribution of inspections. She indicated that this issue should be examined and discussed in the subsequent meetings in STACTIC.

The USA reported on its collaborative work with the Canadian inspectors since June 2008. During four separate patrols, a total of 24 joint inspections were conducted. During 27 flights, there were 164 vessel sightings. The USA thanked Canada for their cooperation in arranging these joint efforts.

The USA referred to Section 10 iii on shared quotas of the STACTIC report and proposed that, as shared quotas do not constitute exclusive individual entitlements, they cannot be transferred. The Fisheries Commission adopted this view.

16. Vessel Monitoring System (VMS) Reporting Requirements

This item was covered with the adoption of Recommendation b) in item 15.4.

VII. Closing Procedure (*Agenda items 17 - 20*)**17. Election of Chair**

Kate Sanderson (Denmark in respect of the Faroe Islands and Greenland) was elected the Chair of the Fisheries Commission. With her election, the Vice-Chair position was vacated. The election of the new Vice-Chair will be held at the next Annual Meeting.

18. Time and Place of the Next Meeting

The decision was deferred to the General Council.

19. Other Business

Under this item, Japan touched briefly upon the recent development with respect to the conservation of Atlantic bluefin stating:

"...there have been moves to list Atlantic bluefin tuna on Appendix I of CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora), which means the restriction of international trade of this species tuna species. Japan fully shares the concern over the difficulties the ICCAT (International Commission for the Conservation of Atlantic Tunas) faces in the management of bluefin tuna resource in the Atlantic, but it still believes that ICCAT should have the first and foremost responsibility for the management of tuna resources in the Atlantic. Depriving ICCAT of management authority would discourage Contracting Parties which have been making effort for the conservation and rational utilization of tuna resources. Japan is concerned that the recent trend suggests that this is not limited to ICCAT but other RFMOs, including NAFO, may face the similar situation in the future."

20. Adjournment

In his valedictory address as out-going Chair of the Fisheries Commission, Dr. Vladimir Shibanov expressed his thanks to all delegations for their cooperation during the last four Annual Meetings. He also thanked the Secretariat for all the hard work and support to the Fisheries Commission. He expressed his special warmest appreciation to the hosting Contracting Party, Norway, for the excellent facilities arranged during the Annual Meeting. Contracting Parties expressed their appreciation to Dr. Shibanov for his excellent services as Chair of the Fisheries Commission, as well as to Norway for hosting this Annual Meeting.

The meeting was adjourned at 1300 on Friday, 25 September 2009.

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**Annex 2. Record of Decisions by the Fisheries Commission
(Annual Meeting 2009)**

Substantive Issues (Agenda item):	Decision/Action:
6. Scientific Advice	Noted Scientific Council Chair's presentation.
7. Formulation of Request to the Scientific Council for Scientific Advice on the Management of Fish Stocks in 2011	Adopted FC WP 09/24 Revised.
8. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2010	(see 2010 Quota Table)
8.1 Cod in Division 3M	Re-opened the fishery after 11 years of moratorium. TAC was set at 5 500 t. Inserted footnote 23 in the Quota Table concerning allocation scheme. The statement of Ukraine is noted. Adopted FC WP 09/25 Revised concerning bycatch provisions.
8.2 Redfish in Division 3M	TAC was set at 10 000 t. Revised footnote 8 of the Quota Table concerning catch reporting.
8.3 Shrimp in Division 3M	Management decision will be made at an intersessional meeting on 6 November 2009*. (*It was subsequently agreed through correspondence that the meeting would be held on 16 November 2009.)
9. Management of Technical Measures for Fish Stocks Straddling National Fishing Limits, 2010	(see 2010 Quota Table)
9.1 American plaice in Divisions 3LNO	No directed fishery. Applicable in years 2010 and 2011. 15% bycatch requirement involving this stock and the yellowtail fishery in Divisions 3LNO applies.
9.2 Yellowtail flounder in Divisions 3LNO (PA framework)	TAC set at 17 000 t. 15% bycatch requirement involving this fishery and the American plaice in Divisions 3LNO applies.
9.3 Redfish in Divisions 3LN	Re-opened the fishery after 12 years of moratorium. TAC was set at 3 500 t Inserted footnote 24 in the Quota Table concerning allocation scheme. The statement of Ukraine is noted. Adopted FC WP 09/25 Revised concerning bycatch provisions.
9.4 Redfish in Divisions 3O	TAC was set at 20 000 t.
9.5 Capelin in Divisions 3NO	No directed fishery. Applicable in years 2010 and 2011.
9.6 Greenland halibut in Subarea 2 and Divisions 3KLMNO	TAC was set at 16 000 t (11 856 t in 3LMNO). Adopted FC WP 09/23 concerning the formation of the Working Group on Management Strategy Evaluation.

9.7 White hake in Divisions 3NO	TAC was set at 6 000 t.
9.8 Shrimp in Divisions 3LNO	TAC at Division 3L was set at 30 000 t. Allocation scheme is maintained. The reservation of Denmark (in respect of the Faroe Islands and Greenland) on the allocation scheme was noted.
9.9 Pelagic <i>Sebastes mentella</i> (oceanic redfish) in the NAFO Convention Area	TAC was set at 12 516 t.
9.10 Cod in Divisions 3NO	No directed fishery.
9.11 Thorny Skate in Divisions 3LNO	TAC was set at 12 000 t.
11. Reports of the Ad Hoc Working Group of Fishery Managers and Scientists on VMEs	<p>Adopted FC WP 09/11 Annex 1 concerning interim measures to protect significant coral concentrations.</p> <p>Adopted FC WP 09/11 Annex 2 concerning interim measures to protect significant sponge concentrations.</p> <p>Adopted FC WP 09/11 Annex 3 concerning encounter provisions for Vulnerable Marine Ecosystems (threshold levels).</p> <p>Adopted FC WP 09/11 Annex 4 concerning Exploratory Fishery Data Collection Form.</p> <p>Endorsed the NAFO Coral Identification Guide.</p> <p>Adopted FC WP 09/26 concerning follow-up instructions to the ad hoc Working Group to review the provisions of Chapter Ibis of the NAFO Conservation and Enforcement Measures.</p>
12. Identification of existing bottom fishing areas (Footprint)	Supported FC WP 09/1 Revised concerning the delineation of the existing bottom fishing areas in the NAFO Regulatory Area.
15. Reports of STACTIC (from May 2009 intersessional meeting and current Annual Meeting)	<p>Adopted STACTIC WP 09/7 Revised concerning VMS information for Search and Rescue.</p> <p>Adopted STACTIC WP 09/13 concerning improved VMS reporting.</p> <p>Adopted STACTIC WP 09/19 Revision 3 concerning improved catch reporting system.</p> <p>Adopted STACTIC WP 09/22 Revised concerning administrative changes in the Port State Measures.</p> <p>Accepted STACTIC WP 09/18 Revision 2 concerning Annual Compliance Review for 2008.</p>
17. Election of Chair	Elected Kate Sanderson (Denmark in respect of the Faroe Islands and Greenland) as Chair of the Fisheries Commission.
18. Time and Place of the Next Meeting	Intersessional Meeting on 6 November 2009* in London, UK to discuss management measures for shrimp in Division 3M. (*It was subsequently agreed through correspondence that the meeting would be held on 16 November 2009.)

Annex 3. Agenda

I. Opening Procedure

1. Opening by the Chair, Vladimir Shibanov (Russian Federation)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Guidance to STACTIC necessary for them to complete their work (Monday)

II. Administrative

5. Review of Commission Membership

III. Scientific Advice

6. Consideration of the scientific assessments
 - a) Presentation of scientific advice by the SC Chair
 - Scientific advice on fish stocks
 - VMEs and other ecosystem considerations
 - Other issues (as determined by SC Chair)
 - b) Feedback to the Scientific Council regarding its work during this Meeting
7. Formulation of Request to the Scientific Council for Scientific Advice on the Management of Fish Stocks in 2011 and on other matters

IV. Conservation of Fish Stocks in the Regulatory Area

8. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2010
 - 8.1 Cod in Division 3M
 - 8.2 Redfish in Division 3M (TAC and mesh size)
 - 8.3 Shrimp in Division 3M
9. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits, 2010
 - 9.1 American plaice in Divisions 3LNO
 - 9.2 Yellowtail flounder in Divisions 3LNO (PA framework)
 - 9.3 Redfish in Divisions 3LN
 - 9.4 Redfish in Division 3O
 - 9.5 Capelin in Divisions 3NO
 - 9.6 Greenland halibut in Subarea 2 and Divisions 3KLMNO
 - 9.7 White hake in Divisions 3NO
 - 9.8 Shrimp in Divisions 3LNO
 - 9.9 Pelagic *Sebastes mentella* (oceanic redfish) in the NAFO Convention Area
 - 9.10 Cod in Divisions 3NO
 - 9.10 Thorny Skate in Divisions 3LNO
10. Cod Management Policy

V. Ecosystem Considerations

11. Report of the Ad Hoc Working Group of Fishery Managers and Scientists on VMEs (March and September Meetings)
12. Identification of existing bottom fishing areas (Footprint)
13. Other considerations (e.g. seals)

VI. Conservation and Enforcement Measures

14. Review of Chartering Arrangements
15. Reports of STACTIC (from May 2009 intersessional meeting and current Annual Meeting)
 - 15.1 Bycatch issues
 - 15.2 Transfer of fishing possibilities from quota allocations shared by other Contracting Parties
 - 15.3 NAFO Conservation and Enforcement measures Editorial Review
 - 15.4 Recommendations
16. Vessel Monitoring System (VMS) Reporting Requirements

VII. Closing Procedure

17. Election of Chair
18. Time and Place of the Next Meeting
19. Other Business
20. Adjournment

Annex 4. Scientific Council Responses to Questions from the Fisheries Commission
(FC Working Papers 09/16, 09/20 and 09/22)

(FC Working Paper 09/16)

The following four questions were received by Scientific Council from the Fisheries Commission. Responses are provided after each question.

QUESTION 1 on Div. 3NO White hake

Right from the beginning of the regulation of white hake, the TAC for this stock has been annually set at a level of 8,500 tons. A TAC of 850 tons is recommended for 2010-2011.

Russian Federation proposes to entrust the SC to explain what has happened to the white hake population during one year that resulted in a reduction of the TAC for this stock by 10 times?

RESPONSE:

Scientific Council noted its advice has not changed substantially since 2007.

In 2007, Scientific Council noted under **State of the Stock**: Following the dominance of 1999 fish in 2000, a progression of this year-class is observed through subsequent years leading to increased catches in the white hake fishery in 2002-2003, when fish reached harvestable sizes, followed by a reduction in catches thereafter. Both catches and survey biomass indices were much reduced in 2004-2005 relative to 2000-2001. In 2007, Scientific Council **Recommended**: Given the recent declines in stock biomass indices and the current low recruitment, Scientific Council advises that catch of white hake in Div. 3NO, at the current TAC of 8 500 tons, is unrealistic and should not exceed their current level. Current catch levels were 900-1300 t for 2004-2006 in Div 3NO.

In 2009, Scientific Council **recommended** an annual catch of 850 t for 2010, and this is consistent with the advice given 2 years ago but is slightly lower due lower average annual catch level from 2006-2008 caused by the further disappearance of the strong year-class of 1999.

QUESTION 2 on Div. 3M Cod

Biological and fishery information available on Div. 3M cod made it possible to perform different stock projections and calculate various TACs for 2010-2012. Based on the results obtained, the Scientific Council advised to resume a small amount of directed fishery on this stock under condition that a fishing mortality for 2010 will not exceed F_{2008} .

Russian Federation proposes to entrust the Scientific Council to provide an estimation of the TAC for the stock to be further considered by the Fisheries Commission.

RESPONSE:

The best advice from Scientific Council for the catch of Div. 3M cod in 2010 with a fishing mortality that would not exceed F_{2008} is a catch that should not exceed 4125 t.

QUESTION 3 on Div. 3M Redfish

In Fisheries Commission WP 09/2 Scientific Council refers to three species of redfish being fished on Flemish Cap (NAFO Div. 3M):

Deep-water redfish (*S. mentella*), Golden redfish (*S. marinus*) and Acadian redfish (*S. fasciatus*).

1. At what depth range is the fishery on these three redfish species taking place?
2. What is the total catch by species?
3. What is the estimated by-catch of cod in each of the fisheries targeting these redfish species?

RESPONSE:

1. There are three stocks of redfish in NAFO Division 3M: golden redfish (*Sebastes marinus*), Acadian redfish (*Sebastes fasciatus*) and deep-sea redfish (*Sebastes mentella*) Due to their resemblance *S. mentella* and *S. fasciatus* are commonly designated as beaked redfish and treated as a single stock unit.

The golden redfish fishery is mainly pursued in the shallower depths of the Flemish Cap bank down to 300m whereas most of the beaked redfish catches came from depths of 300-750 m.

2. Currently, official reporting by Contracting Parties is for all three species combined. In order to estimate a proxy of the beaked redfish catch, a 2005-2008 revision of the logbooks from the monitored vessels has been carried out. This exercise allowed for the most recent years the split of the STACFIS redfish catches (t) on Div. 3M into golden redfish and beaked redfish:

	2005	2006	2007	2008
Golden redfish (<i>Sebastes marinus</i>)	1779	860	1192	5297
Beaked redfish (<i>Sebastes mentella</i> and <i>Sebastes fasciatus</i>)	4771	6296	5470	3168

3. The bycatch of cod for the combined redfish fishery has increased over the past few years to around 889~900 t in 2008. The percentage bycatch is likely to increase with the expected future increase of the cod population. The cod bycatch has not been estimated for the two separate redfish fisheries from the commercial fleets. However, and taking into account the available EU survey data, most of the cod has been distributed (until last year at least, and despite a gradual expansion of the stock to deeper waters) at depths down to 300 m. So, most likely the majority of the 2005-2008 cod bycatch has been taken by the golden redfish fishery.

QUESTION 4 on Div. 3L Shrimp

1. What is the effect on Spawning Stock Biomass (SSB) with 2010 fishing at:
 - a. 30,000t?
 - b. 27,000t?
 - c. 24,000t?
2. Is there a stock-recruit relationship?
3. Is there any information on the exploitation rate of shrimp stocks from other jurisdictions that would be pertinent to the current exploitation rate of 14%? We were of an understanding that the exploitation rates in the 3L shrimp fishery were conservative. Please comment.

RESPONSE:

1. The exploitation rates (catch over the current average fishable biomass of 174 000 t) for the above catches are (a) 17.2%, (b) 15.5% and (c) 13.8%, respectively. Scientific Council expects that the exploitation rate on the fishable biomass and the SSB will be about the same, but will depend on the details of the size composition of the stock and the catch.
2. No clear stock-recruitment relationship exists for this stock.
3. The 2008 Scientific Council advice states "Scientific Council has imperfect information on sustainable exploitation rates but does have some evidence that they may differ widely between stocks. Other points in establishing an appropriate exploitation rate for shrimp stocks include ecosystem considerations, noting that shrimp is an important forage species, as well as management considerations (desire for stable TACs, or desire

for gradual increases in biomass and TAC, etc). There is no target exploitation rate established for this stock, and no PA reference points based on fishing mortality."

(FC Working Paper 09/20)

Answers to Questions on Greenland Halibut for the Scientific Council as posed by the EC and Canada

Scientific Council notes that these responses are only for the clarification of the advice and do not in any way alter or change the advice published in the reports of the Scientific Council.

- 1) The SC was asked to comment on robustness of the current assessment model. Can you demonstrate how the XSA model is robust? Has any other analysis confirmed the proposed the XSA formulation?

The XSA model is widely used for assessments and provides consistency across stocks and across years. Scientific Council examined the XSA model, as applied to the SA2 + Div. 3KLMNO Greenland halibut stock, thoroughly in 2004 and has been reviewed in subsequent years. And in 2009, Scientific Council noted that XSA and most of the alternate models examined could broadly reproduce the same trends when run with similar or the same data sets. Therefore, the continued use of the XSA model is not considered to be invalidated by this exercise. The present XSA formulation gives the best retrospective patterns and this provides further confirmation of the robustness of this model.

- 2) Why does the SC maintain the same views of the state of the GHM stock as last year after serious problems have been detected in input data?

Despite the problems with the input data already pointed out in the Scientific Council report, the Scientific Council used the 2008 assessment because it allowed for the making of projections comparable to those previously provided.

- 3) The SC reports that if there are trends in F the use of "shrinkage might not be advisable". Clearly there has been a trend of decreasing fishing effort which is generally associated with declining fishing mortality. Would this information lead SC to use model formulations without shrinkage?

No, not necessarily on its own. The application of shrinkage depends on many factors, namely on the magnitude of the retrospective patterns including fishing mortality and SSB. The accepted XSA model (with 'shrinkage') averages fishing mortality over the most recent years in order to stabilize the results and reduce year-to-year variations that otherwise reveal themselves not only as strong retrospective effects in assessments, but also as unstable and continually varying advice. Although there is a recent declining trend in fishing mortality, and the use of shrinkage might not usually be advisable, the strong retrospective patterns of recent assessments makes the use of shrinkage necessary.

- 4) The last statement in the report of SC on this issue suggests that "major divergences between the XSA with "shrinkage" and other models occur in the most recent years and this warrants continuing investigation". What further investigation is planned?

With the upcoming availability of new survey results and pending on the satisfactory completion of the 2009 Div. 2J3K Canadian Autumn survey, Scientific Council expects to be able in June 2010 to investigate further formulations of the XSA model.

- 5) What percent of 5+ biomass does ages 5-9 contribute a) in 2003 [*in the 2004 assessment*], b) [*in 2008*] in the most recent assessment? How does SC reconcile declining 5+ biomass since 2003 with the age 5-9 biomass index that has tripled since 2003?

Examination of the trend in the survey biomass index reveals that the recent increase is due to year-to-year detected increases in individual cohort abundances. This may reveal a catchability change. Therefore the increase detected in the survey biomass index may not be entirely real.

Biomass (t) in various age-classes calculated from the 2004 and 2008 assessments.

Age-class	2004 assessment		2008 assessment	
	Biomass In 2003		Biomass in 2003	Biomass in 2008
5	11 003		19 418	8 748
6	13 565		21 921	17 718
7	19 868		23 840	23 695
8	14 085		13 261	12 306
9	7 062		6 213	5 723
10	4 243		3 234	2 898
11	2 615		2 425	2 688
12	1 641		1 501	1 694
13	1 151		858	1 509
14+	1 578		1 174	2 073
5+	78 814		95 847	81 059
5-9	65 583		84 653	68 190
% 5-9/5+	85.4%		90.2%	86.3%

- 6) The SC estimates that about 20% of total biomass is in 3LMNO; if ages 5-9 biomass is similarly distributed, then about [14,000 t] of the XSA estimated [70,000 t] of ages 5-9 would be present in that area. Average recruitment would add about [3,000 t] to this amount annually. The SC estimated annual catch from this area is about 18,000 t, which is virtually the entire age 5-9 biomass as estimated by the XSA. Is there evidence of a net migration of age 5-9 biomass of more than 10,000 t into this area each year? Is this situation suggestive of the XSA assessment biomass estimates being too low? Is there any other explanation?

Movements within a stock are not uncommon and in the case of Greenland halibut, the net migrations into and out of the NRA / CAN EEZ, from waters beyond the maximum fishing depth, or areas not covered by the surveys, are unknown. It is hence very unwise to partition XSA results into only parts of the distribution occupied by the stock. Scientific Council does not consider that this kind of partitioned analysis constitutes a valid criticism of the assessment. In order to investigate possible explanations, Scientific Council would need additional sources of information that could come from, for example, tagging studies and extended surveys over the entire stock area.

- 7) The GHL assessment model used by the SC has a consistent pattern to underestimate biomass and overestimate fishing mortality. We can illustrate this with the year 2004, the first year of application of this plan. Biomass was estimated in 2005 as 63,000 t and in 2008 was estimated again as 87,000 t; this means that the new estimation is about 30% more than what was estimated at the first time. The contrary occurs with fishing mortality, which the estimation for the same year decreases from 0.71 (2005 assessment) to 0.49 (2008 assessment), about 30% less. How would projections be affected if the input biomass had been 30% higher and fishing mortality 30% lower? If the current fishing mortality has been overestimated by 30%, are we above F_{max} ?

There may be ways to correct estimates of stock size to account for retrospective pattern. This has to be conducted age by age. However the retrospective analysis conducted in the last assessment (SCR Doc. 08/48) showed that the revision ratio is dependent on cohort. Recent studies have been conducted in that field and should be pursued but none have been sufficiently reviewed or accepted by Scientific Council. Scientific Council therefore considers that without a valid model to compute revised estimates of stock number, projections using only revision based on application a raw correction factor are misleading and should not be undertaken. Scientific Council cannot therefore answer the request quantitatively. However on a qualitative point of view, if input biomass had been higher and fishing mortality lower, projections would be less pessimistic and it is in the scope of possibilities that current F could be in the vicinity of or below F_{max} .

- 8) Explain how the Management Strategy Approach (MSE) proposed by SC for the GHL stock would help to address the uncertainties in the advice/management for this stock?

MSE allows various management strategies to be evaluated against a suite/series of operational models which are chosen to reflect a range of possible realities (uncertainties) regarding stock size and biological parameters. The MSE process involves the inputs of managers, fishing industry and scientists who agree on various factors including objectives, management strategies, harvest control rules and statistics to measure the performance of the agreed strategies.

- 9) Could the SC calculate what TAC would result for GHL in 2010 if the “model free” method is used as the management strategy?

The “Model free” constitutes a simple TAC adjustment strategy that uses the change in perceived status of the stock (from research surveys) to adjust the TAC of the next year. As a result, TAC may increase when survey indices show an increased trend and decrease if they decline. This was one of the strategies investigated in the MSE, and it performed well within the context of a long-term management strategy evaluation that has defined and constrained harvest control rules. It is premature for Scientific Council at this moment to calculate the GHL TAC for 2010 based on this method for two reasons: first, because the Canadian Autumn survey in 2008 was not completed and that survey series provide the more representative index of GHL abundance, and second, because the method uses some parameters that should be carefully considered, such as number of years to be used to calculate the trend in survey biomass as well the factor in the involved equation (see Shelton and Miller 2009: *NAFO SCR Doc.* 09/37), and both require further analysis.

(FC Working Paper 09/22)

Answers to Questions to the Scientific Council on the shrimp stocks [3LNO and 3M] by EU

Scientific Council notes that these responses are only for the clarification of the advice and do not in any way alter or change the advice published in the reports of the Scientific Council.

1. As the preliminary overview of the shrimp stock assessment show that biomass has decreased several times should it reflect in the CPUE data?

Response: Not necessarily, it has been observed in other shrimps stocks that CPUEs can be maintained in the early phases of stock decline. Updated CPUE data were not available for the interim monitoring report.

2. What might be the reasons of such sharp stock decline on 3M shrimp taken into account the substantial decrease of fishing effort?

Response:

Cod predation: shrimp appeared in Flemish Cap in high enough density to allow commercial fishing only after the cod stock collapsed. The rebuilding of the cod stock in Div. 3M is likely to cause a reduction of the shrimp stock.

Stocks of other predators, notably redfish, are also increasing.

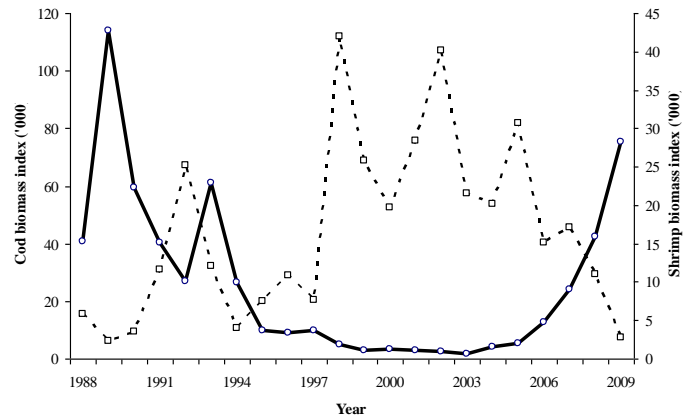
Scientific Council cannot exclude that environmental or other habitat changes are also involved.

3. Was the survey in 2009 in 3M conducted on exactly the same conditions as previous years?

Response: Yes: Survey design, vessel, gear and other procedures were the same as in previous years. 178 valid hauls were done, and nothing extraordinary happened as to doubt the survey results. Available results are final as far as biomass is concerned, and analysis of lengths and ages will also be available for the October meeting.

4. Are there any correlations between shrimp stocks (3L and 3M) and predator species, e.g. cod and redfish?

Yes, certainly for cod in Div 3M and possibly for the others. The figure below (SCR Doc 09/50) illustrates this inverse relationship and, even if the correlation of values was not calculated, it reflects what is expected from the cod-shrimp behaviour, as noted in the response to question 2.



EU survey cod biomass (solid line) and total shrimp biomass (dashed line) in the years 1988-2009 on Flemish Cap.

Scientific Council proposes that any other relationships be investigated for presentation this October.

**Annex 5. Fisheries Commission's Request for Scientific Advice on Management in 2011
and Beyond of Certain Stocks in Subareas 2, 3 and 4 and Other Matters**

(FC Working Paper 09/24, Rev. now FC Doc 09/17)

Mindful of the desire to move to a risk-based approach in the management of fish stocks, Fisheries Commission with the concurrence of the Coastal State as regards to the stocks below which occur within its jurisdiction, requests the Scientific Council, in the provision of advice, to provide a range of management options as well as a risk analysis for each option as outlined in the provisions below, rather than a single TAC recommendation.

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 2010 Annual Meeting, provide advice on the scientific basis for the management of the following fish and invertebrate stocks or groups of stocks in 2011:

Northern shrimp in Div. 3M, 3LNO
Greenland halibut in SA 2 and Div. 3KLMNO

Noting that SC will meet in October of 2009, FC requests SC to update its advice for 2010, as well as to provide advice for 2011, for both shrimp stocks referenced above.

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 2010 Annual Meeting, provide advice on the scientific basis for the management of the following fish stocks according to the following assessment frequency (unless Fisheries Commission requests additional assessments) :

Two year basis

American plaice in Div. 3LNO
Capelin in Div. 3NO
Cod in Div. 3M
Redfish in Div 3LN
Redfish in Div. 3M
Thorny skate in Div. 3LNOPs
White hake in Div. 3NOPs
Yellowtail flounder in Div. 3LNO

Three year basis

American plaice in Div. 3M
Cod in Div. 3NO
Northern shortfin squid in SA 3+4
Redfish in Div. 3O
Witch flounder in Div. 2J+3KL
Witch flounder in Div. 3NO

To continue this schedule of assessments, the Scientific Council is requested to conduct the assessment of these stocks as follows:

In 2010, advice should be provided for 2011 and 2012 for thorny skate in Div. 3LNOPs, for redfish in Div. 3LN and for cod in Div. 3M and for 2011, 2012 and 2013 for redfish in Div. 3O, for cod in Div. 3NO, and for witch flounder in Div. 2J+3KL.

- In 2008, advice was provided for 2009, 2010 and 2011 for cod in Div. 3M, American plaice in Div. 3M, witch flounder in Div. 3NO, and northern shortfin squid in SA 3+4. These stocks will be next assessed in 2011. For cod in Div. 3M, the Scientific Council conducted full assessments and provided advice in 2008 and 2009 for this stock.
- In 2009, advice was provided for 2010 and 2011 for American plaice in Div. 3LNO, yellowtail flounder in Div. 3LNO, redfish in Div. 3M, white hake in Div. 3NO and capelin in Div. 3NO. These stocks will next be assessed in 2011. [see also item 12 for an additional request for American plaice in 3LNO]

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 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. These evaluations should provide the information necessary for the Fisheries Commission to consider the balance between risks and yield levels, in determining its management of these stocks:
- 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 catch 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_{2009} in 2011 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 catch options evaluated in the way described above to the extent possible. In this case, the level of fishing effort or fishing mortality (F) required to take two-thirds MSY catch in the long term should be calculated.
 - 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, 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 catches 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 2011 and subsequent years over a range of fishing mortality rates (for as many years as the data allow)
 - (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.

4. Noting the Precautionary Approach Framework as endorsed by Fisheries Commission, the Fisheries Commission requests that the Scientific Council provide the following information for the 2010 Annual Meeting of the Fisheries Commission for all stocks under its responsibility requiring advice for 2011:
 - a) the limit and precautionary reference points as described in Annex II of the UN Fisheries Agreement indicating areas of uncertainty (for those stocks for which precautionary reference points cannot be determined directly, proxies should be provided);
 - b) the stock biomass and fishing mortality trajectory over time overlaid on a plot of the PA Framework (for those stocks where biomass and/or fishing mortality cannot be determined directly, proxies should be used);
 - c) information regarding the current Zone the stock is within as well as proposals regarding possible harvest strategies which would move the resource to (or maintain it in) the Safe Zone, 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.

5. The following elements should be taken into account by the Scientific Council when considering the Precautionary Approach Framework:
 - a) 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 associated with crossing the reference point such as recruitment overfishing, impaired recruitment, etc.
 - c) When a buffer reference point is proposed in the absence of a risk evaluation 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.
 - 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 maintaining the stock within, or moving it to, the Safe Zone. Whenever possible, this information should be cast in terms of risk assessments relating fishing mortality rates to the trends in biomass (or spawning biomass), 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} .

6. 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.

- a) information on the research and monitoring required to more fully 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;
 - b) 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; and
 - c) propose criteria and harvest strategies for new and developing fisheries so as to ensure they are maintained within the Safe Zone.
 - d) Provide, at its annual meeting in 2010, an overview of strategies to recover depleted fish stocks in the Northwest Atlantic, taking into account the proceedings of the NAFO co-sponsored "ICES PICES UNCOVER Symposium on Rebuilding Depleted Fish Stocks - Biology, Ecology, Social Science and Management Strategies" which is to take place November 3-6 2009 in Warnemünde, Germany.
7. Noting the FC Rebuilding Plan for 3NO cod adopted in September 2007, Fisheries Commission requests Scientific Council to advise, before September 2010, on possible measures the Commission may consider to ensure by-catch of cod is kept at the lowest possible level.
8. Recognizing the initiatives on vulnerable marine ecosystems (VME) through the work of the WGFMS, and with a view to completing fishery impact assessments at the earliest possible date, the Scientific Council is requested to provide the Fisheries Commission at its next annual meeting in 2010:
- a) guidance on the content of fishing plans/initial assessments for the purpose of evaluating significant adverse impacts on VMEs and identify viable risk evaluation methodologies for the standardized assessment of fishery impacts.
 - b) In light of the use of existing encounter protocols in tandem with the closed areas for corals and sponges:
 - i. assess new and developing methodologies that may inform the Fisheries Commission on any future review of the thresholds levels
 - ii. review and report on new commercial bycatch information as it becomes available, and.
 - iii. in light of i.) review the ability of the current encounter threshold values of 60 kg live coral and 800 kg sponge to detect new VME areas as opposed to cumulative catches of isolated individuals.
9. Recognizing that areas closed to all bottom fishing activities for the protection of vulnerable marine ecosystems as defined in Article 15, including inter alia:
- Fogo Seamounts 1
 - Fogo Seamounts 2
 - Orphan Knoll
 - Corner Seamounts
 - Newfoundland Seamounts
 - New England Seamounts
- and associated protocols for vessels conducting exploratory fishing in those areas, expire on December 31, 2010.

Mindful of the call for review of the above measures based on advice from the Scientific Council, Fisheries Commission requests that Scientific Council:

- a) Review any new scientific information on the Fogo Seamounts 1, Fogo Seamounts 2, Orphan Knoll, Corner Seamounts, Newfoundland Seamounts and New England Seamounts which may support or refute the designation of these areas as vulnerable marine ecosystems.
- b) Review any exploratory fishing activity on the seamounts in the context of significant adverse impact to vulnerable marine ecosystems and review current exploratory fishing data collection protocols operating in the seamount closure areas as defined in Article 15 for their usefulness in providing scientific information.
- c) Review the potential for significant adverse impact of pelagic, long-line and other fishing gear types other than mobile bottom gear on seamount vulnerable marine ecosystems.

10. With respect to Northern shrimp (*Pandalus borealis*) in Div. 3LNO, noting the NAFO Framework for Precautionary Approach and recognizing the desire to demonstrate NAFO's commitment to applying the precautionary approach, Fisheries Commission requests the Scientific Council to :
- identify F_{msy}
 - identify B_{msy}
 - provide advice on the appropriate selection of an upper reference point for biomass (e.g. B_{buf})

Fisheries Commission also requests the Scientific Council to provide information on the effect of the following catch levels in 2011 of 24,000t, 27,000t and 30,000t on the projected SSB and provide risk analyses where possible.

11. In considering the possible contribution of fishery catches to changes in stock size of 3M shrimp, it is noted that catches are summed by calendar year, but the surveys are executed in the summer. Is the temporal distribution of shrimp catches through the year well enough known to allow partial contribution of year's catches to stock-size changes to be calculated? On average, what fraction of the year's catches is taken before the execution of the survey?
12. Noting the scientific advice provided in 2009 on American Plaice in Div. 3LNO, that the stock is estimated to increase and will likely surpass Blim by 2010 under all fishing mortality scenarios considered (except for Flim), Fisheries Commission requests the Scientific Council to conduct a full assessment in 2010, provide catch, biomass, and fishing mortality projections where possible, for as many years as the data will allow, at the following levels of fishing mortality: $F=0$; $F_{0.1}$; and F_{2009} , in addition to any projections that SC would find useful and provide a risk analysis as outlined in paragraph 5.

Annex 6. Quota Table 2010 (NCEM Annex I.A)

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 2010 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.

Species Division/Contracting Party	Cod			Redfish				American plaice		Yellowtail 3LNO		
	3L	3M	% of 3M Cod TAC	3NO	3LN	% of 3LN Redfish TAC	3M	3O	Sub-Area 2 and Div. 1F+3K		3LNO	3M
Canada		44	0.80	0	1491	42.60	500	6000	385 ^{2,4}	0	0	16575 ⁵
Cuba		204	3.70	-	343	9.80	1750		385 ^{2,4}	-	-	-
Denmark (Faroe Islands and Greenland)		1229	22.35	-	-		69 ¹⁹		9627 ^{2,3}	-	-	-
European Union		3136 ²⁵	57.03	0 ¹¹	638 ²⁶	18.23	7813 ¹²	7000	9627 ^{2,3} 2503 ^{2,15}	0	0 ¹¹	-
France (St. Pierre et Miquelon)		-		-	-		69 ¹⁹		385 ^{2,4}	-	-	340 ³
Iceland		-		-	-		-		9627 ^{2,3}	-	-	-
Japan		-		-	-		400	150	385 ^{2,4}	-	-	-
Korea		-		-	-		69 ¹⁹	100	385 ^{2,4}	-	-	-
Norway		509	9.25	-	-		-		9627 ^{2,3}	-	-	-
Russia		356	6.47	0	1007	28.77	9137	6500	9627 ^{2,3}	-	0	-
Ukraine								150	385 ^{2,4}			
United States of America		-		-	-		69 ¹⁹		385 ^{2,4}	-	-	-
Others		22	0.40	0	21	0.60	124	100	-	0	0	85 ⁵
TOTAL ALLOWABLE CATCH	*9	5500 ²³	100.0	*9	3500 ²⁴	100.0	10000 ⁸	20000	12516 ^{10,17}	*21,16	*9,16	17000 ^{21,22}

Species	Witch		White hake	Capelin	Skates	Greenland halibut	Squid (Illex) ¹		Shrimp	
	3L	3NO					Sub-areas 3+4	3L	3NO	
Canada		0	1765	0	2000	1778	N.S. ⁶	24990		
Cuba		-		0		-	510	334		
Denmark (Faroe Islands and Greenland)		-		-		206	-	334		
European Union		0 ¹¹	3529	0 ¹¹	7556	6951 ¹⁸	$\frac{N.S.^6}{611^{13}}$	1670 ¹⁴		
France (St. Pierre et Miquelon)		-		-		194	453	334		
Iceland		-		-		-	-	334		
Japan		-		0		1215	510	334		
Korea		-		-		-	453	334		
Norway		-		0		-	-	334		
Russia		0	353	0	2000	1512	749	334		
Ukraine						-		334		
United States of America		-		-		-	453	334		
Others		0	353	-	444	0 ⁷	794	0		
TOTAL ALLOWABLE CATCH	^{*9}	^{*16,9}	6000	^{*20,9}	12000	11856	34000 ¹⁶	30000		^{*9}

* Ban on fishing in force.

- 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.
- 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.
- Quota to be shared by vessels from Denmark (Greenland and Faroe Islands), European Union, Iceland, Norway and Russia. Catches in the NAFO Convention Area shall be deducted from the quotas allocated in the NEAFC Convention Area.
- Quota to be shared by vessels from Canada, Cuba, France (St. Pierre et Miquelon), Japan, Korea, Ukraine and USA.
- Contracting Parties shall inform the Executive Secretary before 01 December 2009 of the measures to be taken to ensure that total catches do not exceed the levels indicated.
- 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 (= 29,458 tons).

7. In 2005, the previous 935 t "Others" quota was assigned to three Contracting Parties. When the TAC exceeds 30,000 t the next 1,300 t beyond 30,000 will be allocated to an Others quota which can be accessed by those who do not hold Greenland halibut allocation. In deciding the relevant contributions of Contracting Parties to the 1,300 t Others quota, the Fisheries Commission will take into account the fact that some Contracting Parties received a benefit from the 935 t quota which was reassigned in 2005.
8. Not more than 5000 tons may be fished before 01 July 2010. 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% of the TAC.
9. The provisions of Article 12, paragraph 1.b) of the Conservation and Enforcement Measures shall apply.
10. In the case of the NEAFC decision which modifies the level of TAC in 2010 as compared to 2009, these figures shall be accordingly adjusted by NAFO and formalized through a mail vote.
11. Including fishing entitlements of Estonia, Latvia, and Lithuania following their accession to the European Union and in accordance with sharing arrangements of the former USSR quota adopted by the Fisheries Commission at its Annual Meeting in 2003 (FC Working Paper 03/7).
12. Including allocations of 1571 tonnes each for Estonia, Latvia and Lithuania out of a sharing of 20,000 tonnes, following their accession to the European Union.
13. Allocations of 128 tonnes each for Estonia, Latvia and Lithuania as well as 227 tonnes for Poland out of a TAC of 34,000 tonnes, following their accession to the European Union.
14. Including allocations of 334 tonnes each for Estonia, Latvia, Lithuania and Poland out of a TAC of 30,000 tonnes, following their accession to the European Union
15. Allocation of 2,234 tonnes for Lithuania and 269 tonnes to Latvia following their accession to the European Union.
16. Applicable to 2010 and 2011.
17. The quota shares in footnotes 4 and 15 can only be fished in the NAFO Regulatory Area. If an increase in the overall TAC as defined in footnote 10 leads to an increase in these shares, the first 500 tonnes of that increase shall be added to the quota share referred to in footnote 4.
18. Including an allocation of 389 tonnes for Estonia, Latvia, and Lithuania following their accession to the European Union.
19. Notwithstanding the provisions of footnote 8 and without prejudice to future agreements on allocations, these quotas may be fished in their entirety by these Contracting Parties.
20. Applicable until at least 2012.
21. In lieu of Article 12.1 (a) and (b) of the CEM, the following by-catch provisions for American plaice only in the 3LNO yellowtail fishery shall apply: Contracting Parties fishing for yellowtail flounder allocated under the NAFO allocation table will be restricted to an overall Am. plaice by-catch harvest limit equal to 13% of their total yellowtail fishery as calculated in accordance with Article 12.1 (c). For 2010, the by-catch percentage will increase to 15% unless a Scientific Council projection indicates that this rate is likely to undermine stock recovery or cause an unreasonable delay in reaching B_{lim} , in which case the increase may be subject to a reassessment by the Fisheries Commission.
22. Following the NAFO annual meeting and prior to January 1 of the succeeding year, at the request of the USA, Canada will transfer 1000 tonnes of its 3LNO yellowtail quota to the USA.
23. The allocation key of this stock is based on the 1998 Quota Table. In 1999, a moratorium on cod in Division 3M was declared.
24. The allocation key of this stock is based on the 1997 Quota Table. In 1998, a moratorium on redfish in Division 3LN was declared.
25. Including fishing entitlements of 61 tons each for Estonia, Latvia, and Lithuania in accordance with sharing arrangements of the former USSR quota adopted by the Fisheries Commission at its Annual Meeting in 2003 (FC Working Paper 03/7) and allocation of 209 tons for Poland following their accession to the European Union.
26. Including fishing entitlements of 173 tonnes each for Estonia, Latvia, and Lithuania in accordance with sharing arrangements of the former USSR quota adopted by the Fisheries Commission at its Annual Meeting in 2003 (FC Working Paper 03/7) following their accession to the European Union.

Annex 7. Reopening of Cod in Division 3M and Redfish in 3LN
(FC W.P. 09/25, Rev. now FC Doc. 09/15)

Explanatory Memorandum

Following a precautionary approach, it would be sensible to restrict by-catch to 5%, similar to provisions in Article 12(b) of the NCEMs, to ensure further rebuilding of 3M cod and 3LN Redfish stocks. If in 2011 Scientific Advice confirms that further rebuilding of these stocks has occurred, the Fisheries Commission could revisit the by-catch issue.

It is understood that, in accordance with Article 3of the NCEMs, Contracting Parties shall not conduct fisheries which take catch, including by-catch, beyond the quota allocated to the Contracting Parties. To ensure overall quotas are not exceeded it will be necessary to close directed fisheries before the allocated quota is fully taken and ensure sufficient quota remains for by-catch in other fisheries.

Accordingly, it proposed that the following specific measures shall be applicable with regard to the cod fishery in Division 3M and the redfish fishery in Divisions 3LN.

Proposal

Article 12 By-catch Requirements

1. By-catch retained on board

a) Vessels of a Contracting Party shall limit their by-catch to a maximum of 2500 kg or 10%, whichever is the greater, for each species listed in Annex I for which no quota has been allocated in that Division to that Contracting Party. However, for cod in Division 3M and Redfish in Divisions 3LN vessels of a Contracting Party shall limit their by-catch to a maximum of 1250 kg or 5% whichever is greater.

b) ...

c) ...

d) In accordance with the provisions of Article 3, a Contracting Party shall close its directed fisheries for cod in Division 3M and redfish in Divisions 3LN when the catches plus the by-catch estimated to be taken in the remainder of the year equals 100% of the quota allocated for that stock to that Contracting Party. After the date of closure of the directed fishery, vessels of a Contracting Party shall limit their by-catches to a maximum of 1250kg or 5% whichever is greater, within their allocated quota.

Annex 8. Risk Management / Management Strategy Evaluation Approach to Greenland Halibut (FC W.P. 09/23 now FC Doc. 09/18)

Introduction

In 2003, NAFO agreed to a fifteen-year Rebuilding Plan for the Greenland halibut stock in Subarea 2 and Divisions 3KLMNO. The objective of the plan is to attain a level of exploitable biomass 5+ of 140,000t on average, allowing for a stable yield over the long term in the Greenland halibut fishery. The Plan provided for gradual reductions in the TAC from 2004 to 2007 with a TAC of 16,000t in 2007. From 2008 and onward the plan allowed for a +/- 15% change in the TAC adjusted based on Scientific Council (SC) advice.

In 2008 and 2009, the TAC of 16,000t was maintained in light of scientific uncertainty. For 2010, SC has advised that the stock is not rebuilding according to plan and recommended that the TAC be reduced to 8,807t based on 2009 catches being constant with the 2008 Scientific Council (SC) estimated catch (21,178t). SC notes that an updated assessment was not conducted due to survey coverage deficiencies with the 2008 Canadian fall survey; the absence of this information has increased uncertainty associated with this advice.

Further, in its June 2009 Report, the Scientific Council noted that the uncertainties with the present assessment may stem primarily from the structure of the input data and the underlying dynamics of the stock. Uncertainties with the data structure relate primarily to commercial catch data, difficulties in measuring abundance of pre-recruits, and difficulties in measuring abundance of age 10+.

In light of the continued uncertainty and the need to move forward with an appropriate management plan for this stock, there is a need to engage a process that allows for development of a risk management approach. This approach would be used by Fisheries Commission in establishing annual TAC's and for considering possible modifications to the longer term approach to the Greenland Halibut rebuilding plan. It is proposed that this work will draw from the 2007-09 Management Strategy Evaluation (MSE) study initiated by the Scientific Council.

Explanatory Notes

1. Management Strategy Evaluation is comprised of:
 - a reference set of operating models that specifies alternative possible realities regarding the true state of the stock,
 - the input data,
 - the "assessment model" that specifies what data to use,
 - the harvest control rules that explain mathematically how the rules will be triggered by the assessment information (e.g. when to increase or lower TAC),
 - performance statistics (stock growth, catch variability, etc.) and risk tolerances to be used in harvest control rule selection

2. In February 2008, a SC Study Group undertook efforts to evaluate alternative management approaches for Greenland halibut. Following from this, a study that includes results for seven alternative management strategies applied to eight different operating models was endorsed by Scientific Council in 2009. Management strategies incorporating feedback harvest control rules either based on survey data directly (model free approach) or the annual XSA assessment of the stock size and the TAC in the previous year, appear to show the most promise. SC presented a report on these findings and possible management application of MSE for Greenland halibut to FC at the 2010 NAFO annual meeting.

Proposal

1. Establish a Working Group of Fisheries Commission, co-chaired by someone from Scientific Council (SC), with representation from fisheries managers, SC and industry to consider and refine the current MSE framework to help inform management of Greenland Halibut. Specific focus of the group should include, reviewing models and revising if necessary, defining acceptable levels of risk, selecting appropriate performance indicators,

considering alternative management strategies and related harvest control rules, and projecting/evaluating outputs of the risk management framework utilizing one or more assessment models.

2. The Fisheries Commission will consider the Report from this Working Group, including any recommendations and options contained therein as the basis for a risk management based decision on the TAC level for 2011 and beyond.
3. It is anticipated that the Working Group would need to meet / communicate regularly between September 2009 and June 2010. Further, the working Group would remain in place at least until 2011 to allow for further refinement of the framework following initial implementation.

Annex 9. Interim Measures to Protect Significant Coral Concentrations

(FC W.P. 09/11, Annex 1 **now** FC Doc 09/11)

Background

In 2006, the United National General Assembly (UNGA) in its Sustainable Fisheries Resolution 61/105 called for States and Regional Fisheries Management Organizations (RFMOs) to adopt conservation and management measures in order to prevent significant adverse impacts on vulnerable marine ecosystems. UNGA will review the actions of States and RFMO in this respect in the fall of 2009.

Mindful of the work of the FAO in facilitating the development of international guidelines for the management of deep-sea fisheries operating in the high seas that serve to guide the identification of VMEs

Noting the commitment of NAFO Contracting Parties to implement an ecosystem approach and implement measures following the precautionary approach to address the impacts of fishing on VMEs

Recognizing the significant steps already taken by NAFO to protect Vulnerable Marine Ecosystems (VMEs) in the NAFO Regulatory Area (NRA) including inter alia:

- the closure of four seamounts to commercial fishing (2006)
- the establishment of a 3O Coral Protection Zone (2007)
- the closure of the Fogo Seamounts (2008)
- the adoption of a comprehensive framework for the implementation of UNGA Resolution 61/105 including provisions for the identification of existing bottom fishing areas (footprint), assessment of bottom fishing, Exploratory Fishery Protocol for new fishing areas and the interim Encounter provisions for VMEs in both fished and unfished areas of the NRA (2008)

Further recognizing the numerous international scientific research efforts that are designed to enhance knowledge in the area of VMEs, in particular with respect to addressing knowledge gaps on benthic habitat, communities and species in the NAFO Regulatory Area, especially the upcoming Spanish survey in 2009 and the Canadian survey in 2010

Conscious of the 2008 Intersessional Fisheries Commission Meeting which established a process to determine the boundary for existing fisheries and non-fished areas, and the 2008 NAFO Annual Meeting Fisheries Commission request to Scientific Council to more precisely identify significant concentrations of corals at its October 2008 meeting and significant concentrations of sponge at its June 2009 meeting

Recognizing the SC response which identified remaining concentrations of corals in its October 2008 report

It is proposed that, as part of a continuing commitment to implement the UNGA Resolution, the Working Group of Fisheries Managers and Scientists recommends to the Fisheries Commission for adoption in September 2009:

1. Establishment of additional coral protection zones in Divisions 3L and 3M:

Insert new Article 16 (2) of NCEM:

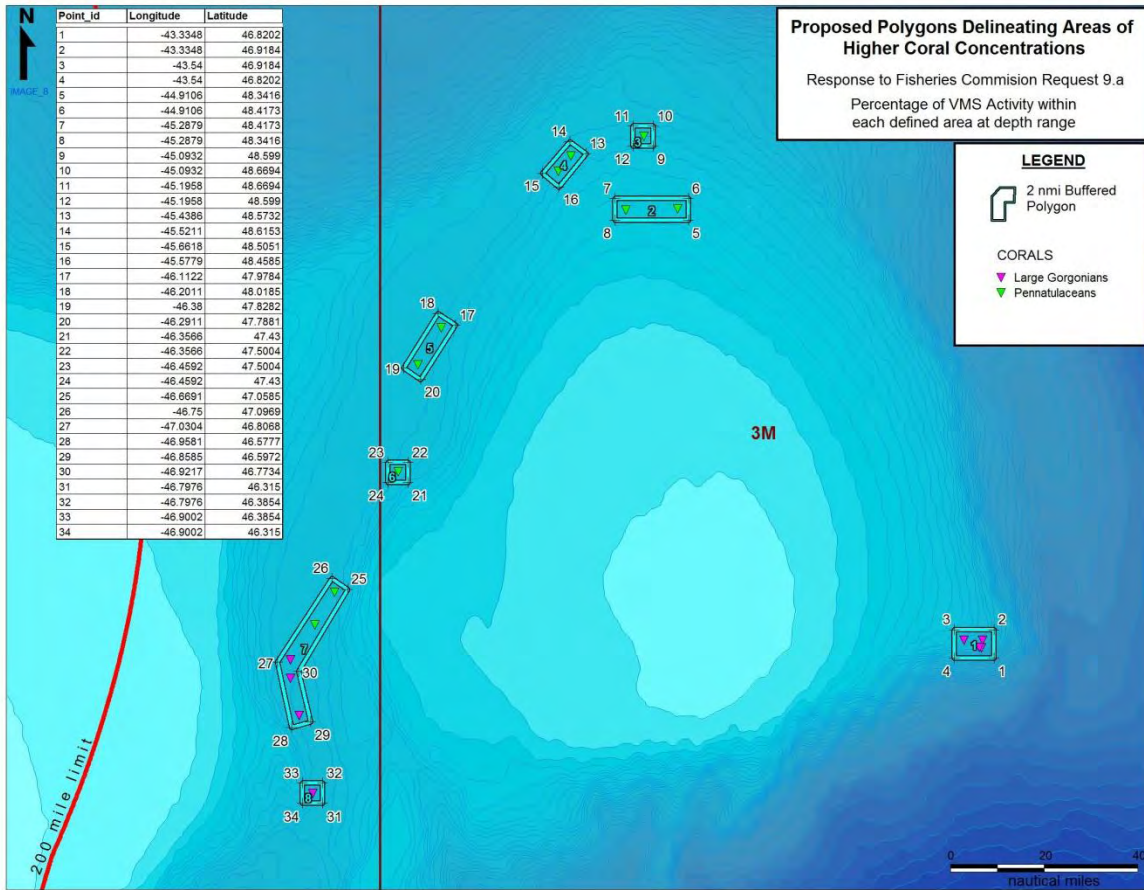
2. As of January 1, 2010 the following areas shall be closed on an interim basis to all bottom fishing activities until December 31, 2011. The closed areas are defined by connecting the following coordinates (in numerical order and back to coordinate 1).

Revoke current Article 16 (2) as this work has been completed.

Amendment to Article 16 (3)

3. The measures referred to in Article 16(1) shall be reviewed in 2012 by the Fisheries Commission taking account the advice from the Scientific Council and the Working Group of Fisheries Managers and Scientists, and a decision shall be taken on future management measures.

Area	Sub-Area	Coordinate 1	Coordinate 2	Coordinate 3	Coordinate 4
Eastern Flemish Cap	1	46°49'13"N 43°20'05"W	46°55'06"N 43°20'05"W	46°55'06"N 43°32'24"W	46°49'13"N 43°32'24"W
Northern Flemish Cap	1	48°20'30"N 44°54'38"W	48°25'02"N 44°54'38"W	48°25'02"N 45°17'16"W	48°20'30"N 45°17'16"W
Northern Flemish Cap	2	48°35'56"N 45°05'36"W	48°40'10"N 45°05'36"W	48°40'10"N 45°11'45"W	48°35'56"N 45°11'45"W
Northern Flemish Cap	3	48°34'24"N 45°26'19"W	48°36'55"N 45°31'16"W	48°30'18"N 45°39'42"W	48°27'31"N 45°34'40"W
Northwest Flemish Cap	1	47°58'42"N 46°06'44"W	48°01'07"N 46°12'04"W	47°49'42"N 46°22'48"W	47°47'17"N 46°17'28"W
Northwest Flemish Cap	2	47°25'48"N 46°21'24"W	47°30'01"N 46°21'24"W	47°30'01"N 46°27'33"W	47°25'48"N 46°27'33"W
Southwest Flemish Pass	1	47°03'31"N 46°40'09"W	47°05'49"N 46°45'00"W	46°48'24"N 47°01'49"W	46°34'40"N 46°57'29"W
		Coordinate 5	46°35'50"N 46°51'31"W	Coordinate 6	46°46'24"N 46°55'18"W
Southwest Flemish Pass	2	46°18'54"N 46°47'51"W	46°23'07"N 46°47'51"W	46°23'07"N 46°54'01"W	46°18'54"N 46°54'01"W



Annex 10. Interim Measures to Protect Significant Sponge Concentrations

(FC W.P. 09/11, Annex 2 **now** FC Doc. 09/12)

Background

In 2006, the United National General Assembly (UNGA) in its Sustainable Fisheries Resolution 61/105 called for States and Regional Fisheries Management Organizations (RFMOs) to adopt conservation and management measures in order to prevent significant adverse impacts on vulnerable marine ecosystems. UNGA will review the actions of States and RFMO in this respect in the fall of 2009.

Mindful of the work of the FAO in facilitating the development of the International Guidelines for the Management of Deep-sea Fisheries operating in the high seas that serve inter alia to guide the identification of VMEs;

Noting the commitment of NAFO Contracting Parties to implement an ecosystem approach and implement measures following the precautionary approach to address the impacts of fishing on VMEs;

Recognizing the significant steps already taken by NAFO to protect Vulnerable Marine Ecosystems (VMEs) in the NAFO Regulatory Area (NRA) including inter alia:

- the closure of four seamount areas to commercial fishing (2006)
- the establishment of a 3O Coral Protection Zone (2007)
- the closure of the Fogo Seamounts (2008)
- the adoption of a comprehensive framework for the implementation of UNGA Resolution 61/105 including provisions for the identification of existing bottom fishing areas (footprint), assessment of bottom fishing, Exploratory Fishery Protocol for new fishing areas and the interim Encounter provisions for VMEs in both fished and unfished areas of the NRA (2008);

Further recognizing the numerous international scientific research efforts that are designed to enhance knowledge in the area of VMEs, in particular with respect to addressing knowledge gaps on benthic habitat, communities and species in the NAFO Regulatory Area, especially the Spanish lead international survey in 2009-2010;

Conscious of the 2008 Annual Meeting in Vigo, where the Fisheries Commission requested advice from the Scientific Council regarding significant concentrations of sponges (FC Doc. 08/19).

Recognizing the SC response which identified significant sponge concentrations in the NAFO Regulatory Area in its June 2009 report.

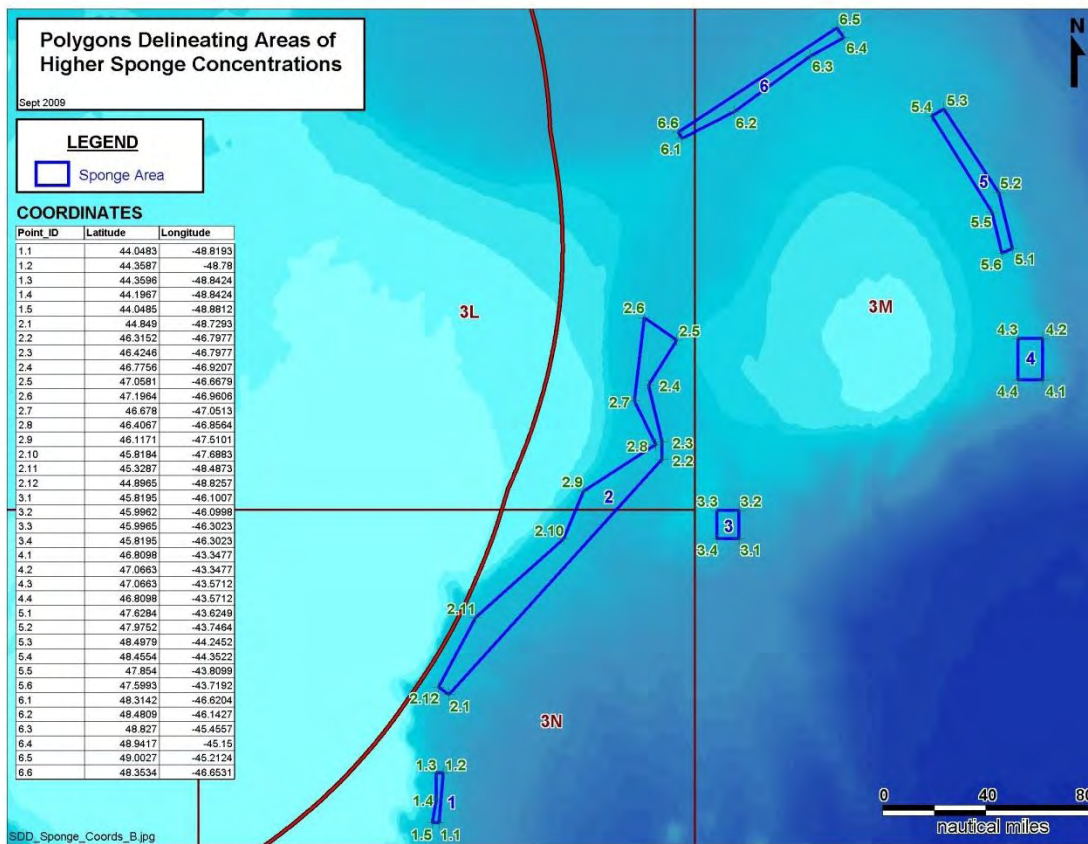
It is proposed that, as part of a continuing commitment to implement the UNGA Resolution, the Working Group of Fisheries Managers and Scientists recommends to the Fisheries Commission for adoption in September 2009:

1. Establishment of sponge protection zones in Divisions 3L, 3M and 3N:

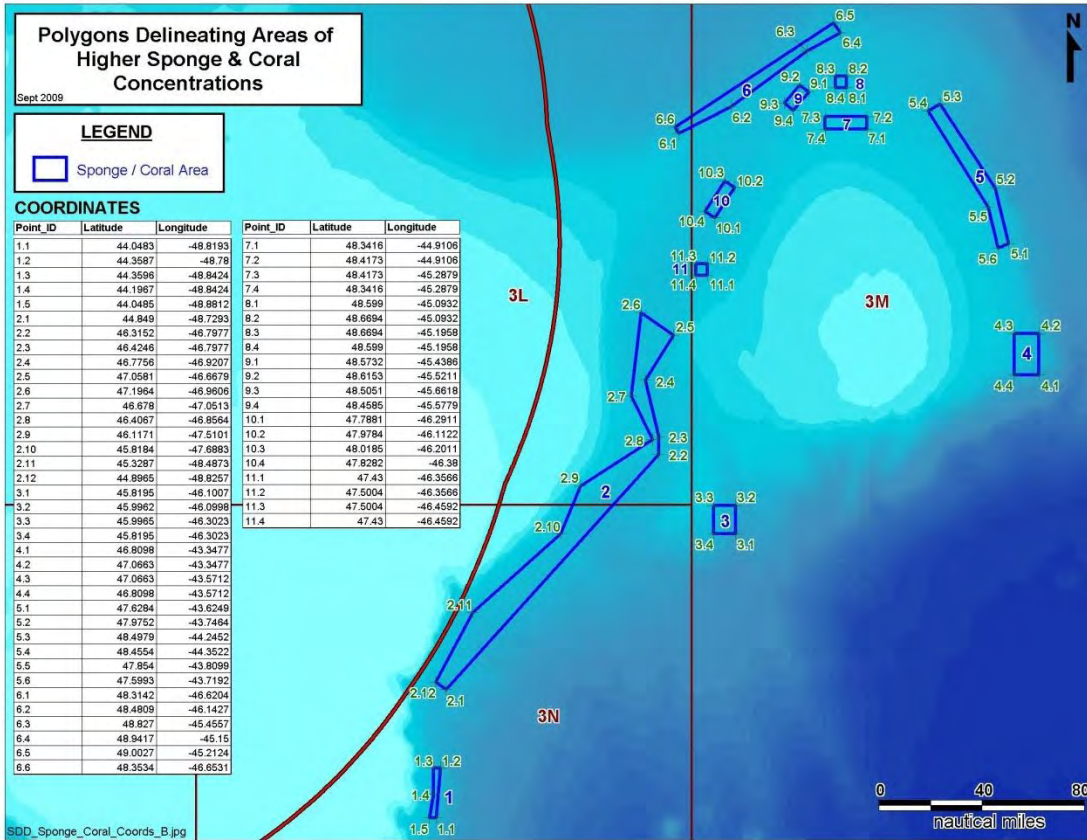
Establish Article 16 bis of NCEM “Sponge Protection Zones”

1. As of January 1, 2010 the following areas shall be closed on an interim basis to all bottom fishing activities until **December 31, 2011**. The closed areas are defined by connecting the following coordinates (in numerical order and back to coordinate 1).

2. The measures referred to in **Article 16 bis (1)** shall be reviewed before 2012 by the Fisheries Commission taking account the advice from the Scientific Council and the Working Group of Fisheries Managers and Scientists, and a decision shall be taken on future management measures.



2. The WGFMS further recommends that the Fisheries Commission considers combining the recommendations of the Report of the WGFMS of March 2009 on corals [Annex 6 of NAFO/FC Doc. 09/2] and sponges as defined in paragraph 1 above, “Establishment of sponge protection zones in Divisions 3L, 3M and 3N”.



Annex 11. Encounter Provisions for Vulnerable Marine Ecosystems

(FC W.P. 09/11, Annex 3 **now** FC Doc. 09/13)

In 2006, the United National General Assembly (UNGA) in its Sustainable Fisheries Resolution 61/105 called for States and Regional Fisheries Management Organizations (RFMOs) to adopt conservation and management measures in order to prevent significant adverse impacts on vulnerable marine ecosystems.

Mindful of the work of the FAO in facilitating the development of International Guidelines for the Management of Deep-sea Fisheries operating in the high seas that serve *inter alia* to guide the identification of VMEs;

Noting the commitment of NAFO Contracting Parties to implement an ecosystem approach and implement measures following the precautionary approach to address the impacts of fishing on VMEs;

Recognizing the significant steps already taken by NAFO to protect Vulnerable Marine Ecosystems (VMEs) in the NAFO Regulatory Area (NRA) including *inter alia*:

- the closure of four seamount areas to commercial fishing (2006)
- the establishment of a 30 Coral Protection Zone (2007)
- the closure of the Fogo Seamounts (2008)
- the adoption of a comprehensive framework for the implementation of UNGA Resolution 61/105 including provisions for the identification of existing bottom fishing areas (footprint), assessment of bottom fishing, Exploratory Fishery Protocol for new fishing areas and the interim Encounter provisions for VMEs in both existing and new fishing area of the NRA (2008);

Further recognizing the numerous international scientific research efforts that are designed to enhance knowledge in the area of VMEs, in particular with respect to addressing knowledge gaps on benthic habitat, communities and species in the NAFO Regulatory Area, especially the Spanish lead international survey in 2009-2010; and

Further recognizing the proposal for closed areas for corals and sponges put forward by the September 2009 meeting of the Working Group of Fisheries Managers and Scientists to Fisheries Commission.

The Working Group of Fisheries Managers and Scientists strongly believed that the recommended coral and sponge closed areas and the interim encounter provision thresholds are integral and therefore urged that the Fisheries Commission consider these recommendations as a package.

Therefore, it is proposed that, as part of a continuing commitment to implement the UNGA Resolution, the Working Group of Fisheries Managers and Scientists recommends to the Fisheries Commission for adoption in September 2009:

1. The Fisheries Commission amend the text of Article 5bis 3) as follows:

For both existing and new fishing areas, an encounter with primary VME indicator species is defined as a catch per set (e.g. trawl tow, longline set, or gillnet set) of more than **60** kg of live coral and/or **800** kg of live sponge. These thresholds are set on a provisional basis and may be adjusted as experience is gained in the application of this measure.

Annex 13. Follow-up by the Working Group of Fishery Managers and Scientists
(FC W.P. 09/26 now FC Doc 09/19)

In 2006, the United National General Assembly (UNGA) in its Sustainable Fisheries Resolution 61/105 called for States and Regional Fisheries Management Organizations (RFMOs) to adopt conservation and management measures in order to prevent significant adverse impacts on vulnerable marine ecosystems.

Mindful of the work of the FAO in facilitating the development of international guidelines for the management of deep-sea fisheries operating in the high seas that call for mapping of existing bottom fisheries;

Noting the NCEM of 2008 that called for Contracting Parties to submit comprehensive maps of existing fishing areas to the Executive Secretary for the purpose of producing a map illustrating the combined bottom fishing areas within the NRA (Chapter 1bis, Article 2bis); and

Recognizing the very significant work of the NAFO Secretariat in processing the submissions of the Contracting Parties and preparing a footprint map for review by the Scientific Council pursuant to the above.

Proposal

It is proposed that, prior to the 2010 NAFO Annual Meeting, the Working Group of Fisheries Managers and Scientists (WGFMS) undertake and report back to Fisheries Commission on the following:

1. Further review of data collection in exploratory and existing fishing areas;
2. Further examination of the delineation of the Fishing Footprint based on the work undertaken by the NAFO Executive Secretariat and tabled in FC Working Paper 09/01 (Revised);
3. Review and update Chapter Ibis to reflect the work that has now been completed; and
4. Further review of fishery assessment guidelines.

Annex 14. Delineation of Existing Bottom Fishing Areas in the NAFO Regulatory Area
(FC Working Paper 09/1, Rev. now FC Doc. 09/20)

Introduction

In 2007, the United Nations General Assembly (UNGA Res. 61/105, paragraph 83) requested Regional Fisheries Management Organizations to regulate bottom fisheries that cause a significant adverse impact on vulnerable marine ecosystems. Guidelines on implementation drafted by FAO during 2007–2009 call for the mapping of existing bottom fisheries (FAO, 2009, section 5). Fisheries Commission (FC) drafted a new chapter for the NAFO Conservation and Enforcement Measures (NCEM) in 2008 that calls for the submission of maps identifying bottom fishing areas in the NRA for 1987-2007 with trawl activity given priority (NCEM, 2009, Chapter 1bis, Article 2bis). The Secretariat received the relevant information from Flag states and presented the compiled maps to FC and Scientific Council (SC) during the September 2008 Annual Meeting in Vigo, Spain (FC WP 08/25, 08/25 Addendum, 08/25 Addendum 2). Owing to the presence of anomalous fishing positions, FC requested flag States to “submit or re-submit their respective footprint data” (FC Doc. 08/22, section V, paragraph 13). The Working Group of Fishery Managers and Scientists (FCWG FMS), during its meeting held in Vigo, Spain during March 2009 (FC Doc. 09/02), reviewed a draft presentation by the NAFO Secretariat on data submitted by flag States for the delineation of the existing fishing footprint (FCWG WP 09/2 Revised and FC Doc. 09/02 Annex 5). It was decided that the Secretariat would proceed with preparing a draft footprint map that includes boundary coordinates for review by SC in June 2009 and then FC in September 2009. Russia and Spain submitted their point data, respectively, during and soon after the FCWG FMS March 2009 meeting. The working paper (FCWG WP 09/2 Revised and addendum) provided a framework for the development of NAFO’s bottom fishing footprint.

Submissions

Ten flag States provided bottom fishing activity coordinates, three of which (Portugal, Japan, and Norway) further provided speed information. Germany’s submitted an image of their fishing activity that did not contain bottom fishing in the NRA during the 1987–2007 period, and was thus omitted in the analysis. A summary of flag State submissions is given in Table 1.

The Vessel Monitoring System (VMS) dataset covering years 2003-2007, held by the NAFO Secretariat, was not used in the delineation of the footprint since this information had already been included in the flag State submissions. A visual examination of area of fishing activity derived from the Secretariat’s VMS data showed that this was well within the footprint defined by the flag State submissions.

Table 1. Summary of flag State submissions on bottom fishing activities in the NRA for the period 1987-2007.

Flag State	Submission Information		Data Supplied				Filter
	Date	Data format	Years	Lat/Lon ¹	Date/time	Speed (knots)	Speed (knots)
Canada	18-Sep-08	point data	1987-2007	dec	year	-	-
Estonia	12-Sep-08	haul data	1996-2007	dec	year	-	-
Faroe Is.	16-Sep-08	haul data	2003-2007	dec	year	-	-
Germany	03-Mar-09	-	2001-2007	-	-	-	-
Greenland	10-Sep-08	haul data	1993-2008	deg	year	-	-
Iceland ²	19 (23) Sep 08	point data	1993-2006	dec	-	-	-
Japan	24-Nov-08	point data	2001-2007	dec	date/time	0-6.9	1.0-4.0
Norway	30-Dec-08	point data	2000-2007	dec	year/month	1.0-5.0	1.0-4.0
Portugal	12-Sep-08	point data	1997-2007	deg	date/time	0-14.0 ⁴	1.0-4.0
Russia ³	16-Apr-09	point data	1987-2007	dec	year/month/day	-	-
Spain ³	24-Apr-09	point data	1987-2007	dec	year	-	-

¹ dec: decimal degrees as DD.dddd; deg: DDMmdd

² Iceland re-submitted their information after the September 2008 Annual meeting.

³ Russia and Spain submitted their point data, respectively, during and soon after the FCWGFMS March 2009 meeting.

⁴ Submission indicated maximum speed of 28.0 knots which is assumed to be an outlier.

- not submitted or no information.

Depth distribution of trawl fishery

An analysis of the Secretariat's VMS data (2003-2007) for fishing vessels travelling at 2.0-4.0 knots, that were assumed to be actively trawling at these speeds, showed a bimodal peak with very little evidence of fishing beyond 1600m. The shallow water component (0-700m) represents a variety of groundfish and shrimp, whereas the deepwater component of this fishery is mainly Greenland halibut (Figure 1).

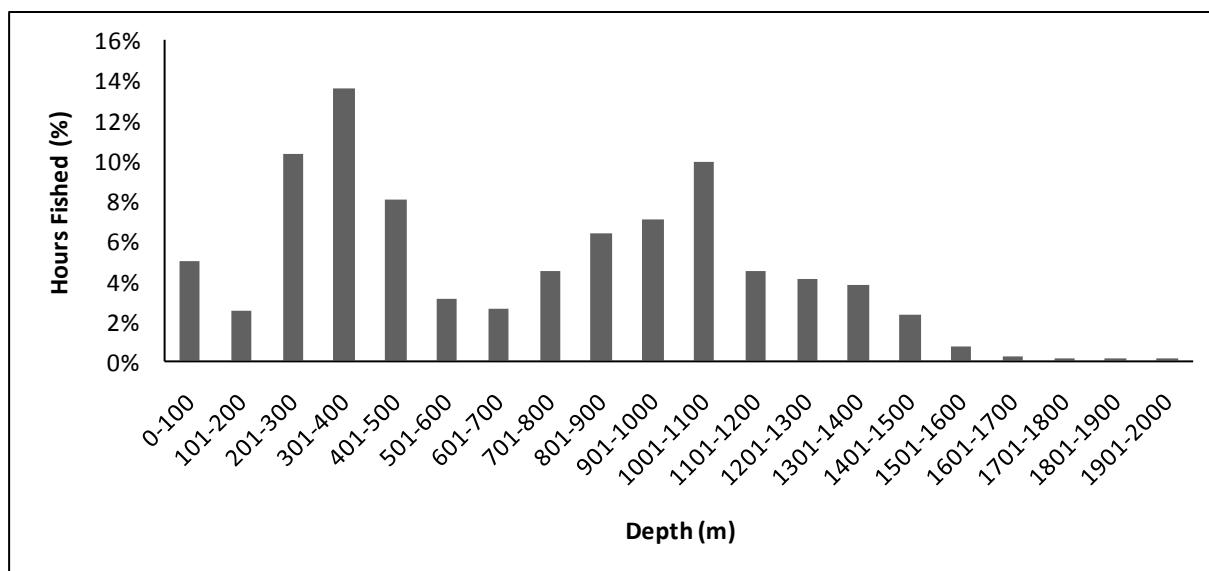


Figure 1. Percentage of fishing activity, assumed to be trawling, by depth within the NRA. The source data was the Secretariat's VMS data for 2003-2007.

Seamounts

There has been some bottom fishing on seamounts within the NRA (SCR Doc 07/06). Also, examination of the VMS dataset reveals that there had been bottom fishing activities in the Corner Rise seamounts as reflected in Figure 4a of FCWG WP 09/2 Revised. Only one of the Corner Rise seamounts would have had enough fishing activity to qualify as an existing fishing area, with fishing activity in the Newfoundland and New England seamounts likely falling below the threshold level for inclusion. However, these seamounts are now closed to all bottom fishing activities until a review is carried out in 2010.

Footprint Map

An existing bottom fishing area is defined as "areas where VMS data and/or other available geo-reference data indicating bottom fishing activities have been conducted at least in two years within a reference period of 1987 to 2007 (NCEM, 2009, Chapter 1bis paragraph 3). The data received by the Secretariat from Flag states were therefore combined based on year and filtered to include only coordinates that appeared in at least two different years. Data received from flag States with speed included (Japan, Norway and Portugal) were filtered to include actual fishing activity. A coordinate with a corresponding speed of between 1.0 and 4.0 knots was deemed to be fishing. Conversely, coordinates with associated speeds outside of this 1.0-4.0 knots range were excluded from the footprint map as they were deemed to be from vessels dodging bad weather or steaming (WGDEC, 2008). A plot comparison of the originally submitted (unfiltered) and filtered data-points is shown in Figure 2a and 2b.

The data received by the Secretariat from Flag states includes both point and haul data from varying sources i.e. VMS, logbook, and observers. In order to standardize the information and create a composite map, all haul-by-haul data start and end coordinates were combined and plotted as distinct points. Latitude and longitude coordinates were plotted based on the WGS 84 datum. Contours were derived from an interpolation (kriging) of GEBCO (1x1 minute) bathymetric data, and correspond closely to those on the Gulf of Maine Canadian Hydrographic Service chart No. 4001.

For the purpose of plotting, a grid is defined as the unit for a “fishing spot”. Plots of various grid sizes were prepared, shown in Figures 3a-c. A 5nm×5nm square was chosen as the basis for delineating the footprint because this is the largest grid size that would not double count 2-hourly reported VMS data (noting that a trawler would travel 6-7nm during a 2 hour tow). The delineation of the footprint boundary was achieved by simply drawing a boundary around the observed fishing activity. The footprint map is shown in Figure 4a and Figure 4b.

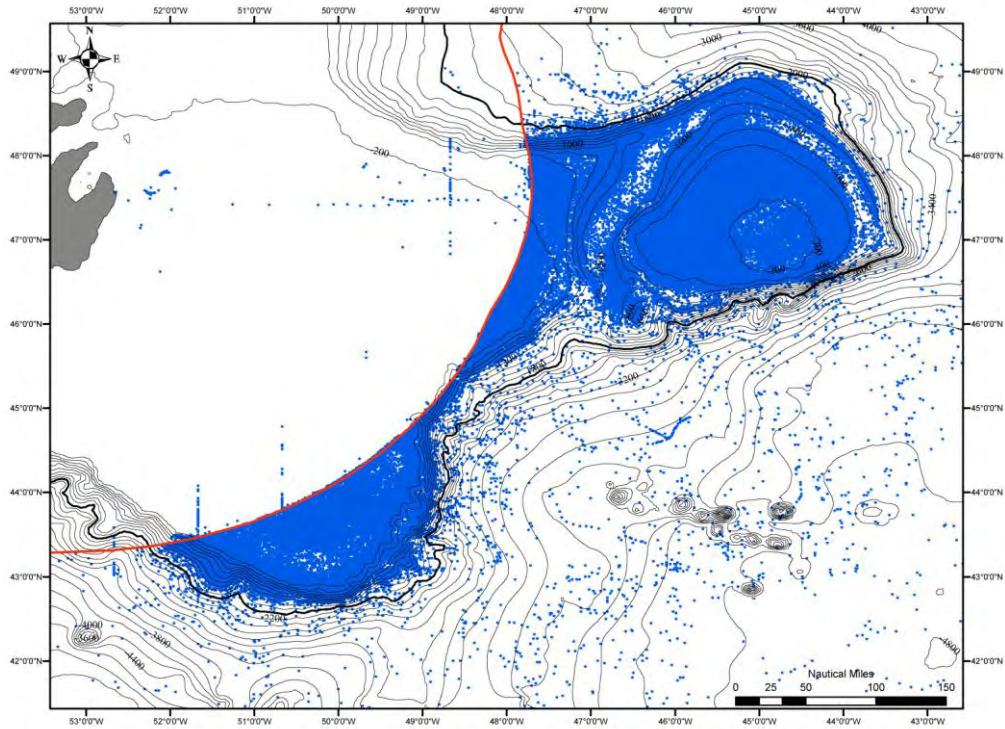


Figure 2a. Composite plot of coordinates of bottom fishing activity data submitted by all flag States for 1987-2007 (unfiltered).

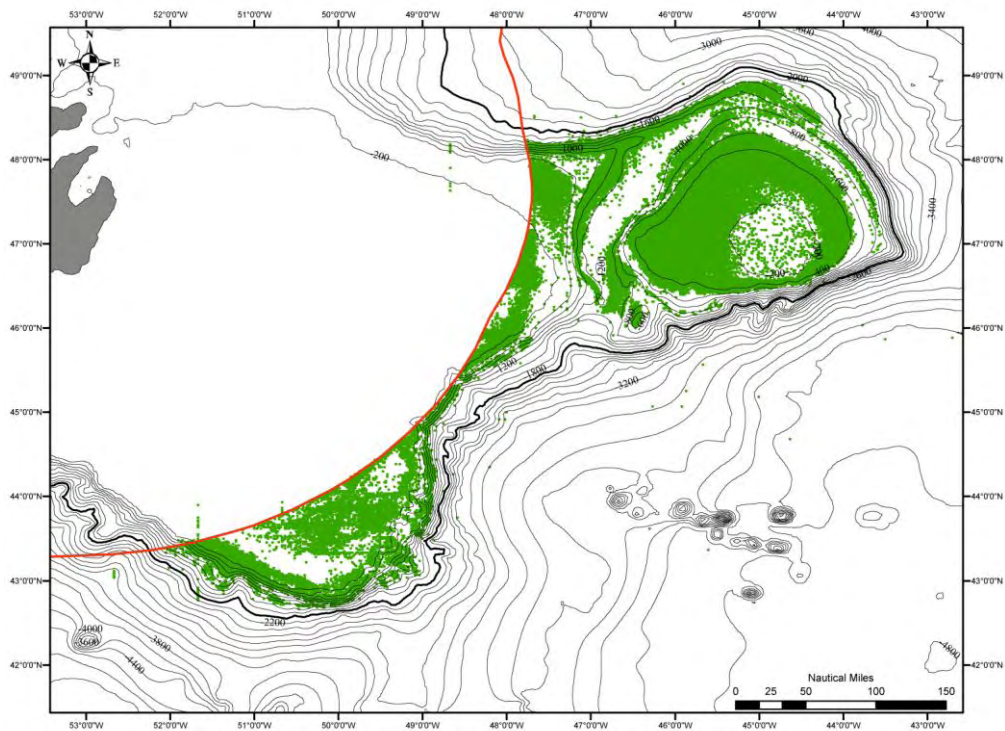


Figure 2b. Composite plot of coordinates of bottom fishing activity data submitted by all flag States for 1987-2007 filtered by criteria of occurrence (at least in two different years) and speed (1.0-4.0 knots).

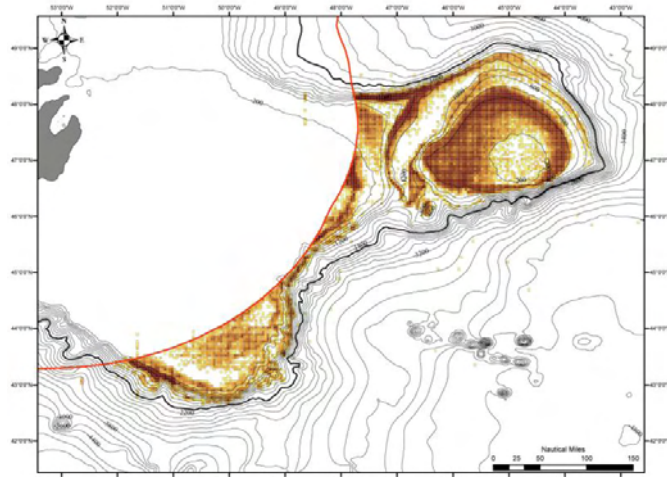


Figure 3a. Footprint map using the 2.5 x 2.5 nm grid.

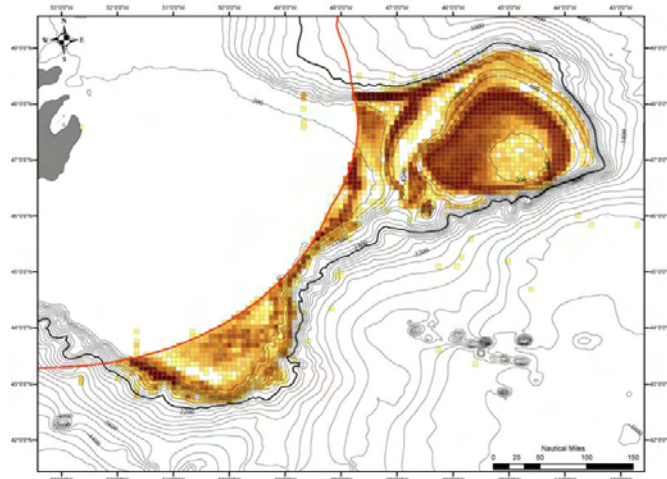


Figure 3b. Footprint map using the 5 x 5 nm grid.

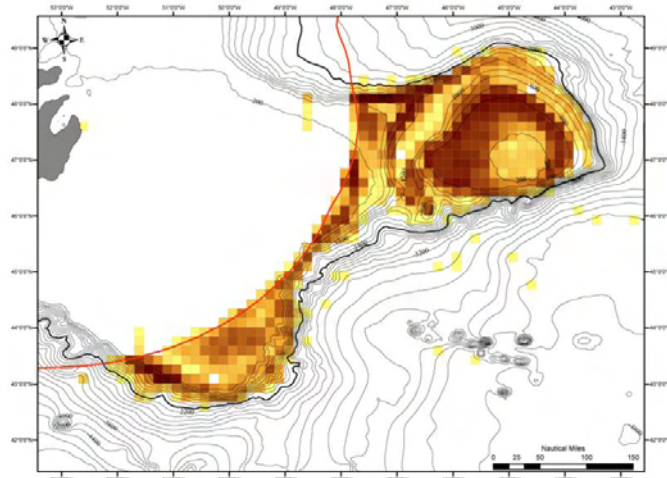


Figure 3c. Footprint map using the 10 x 10 nm grid

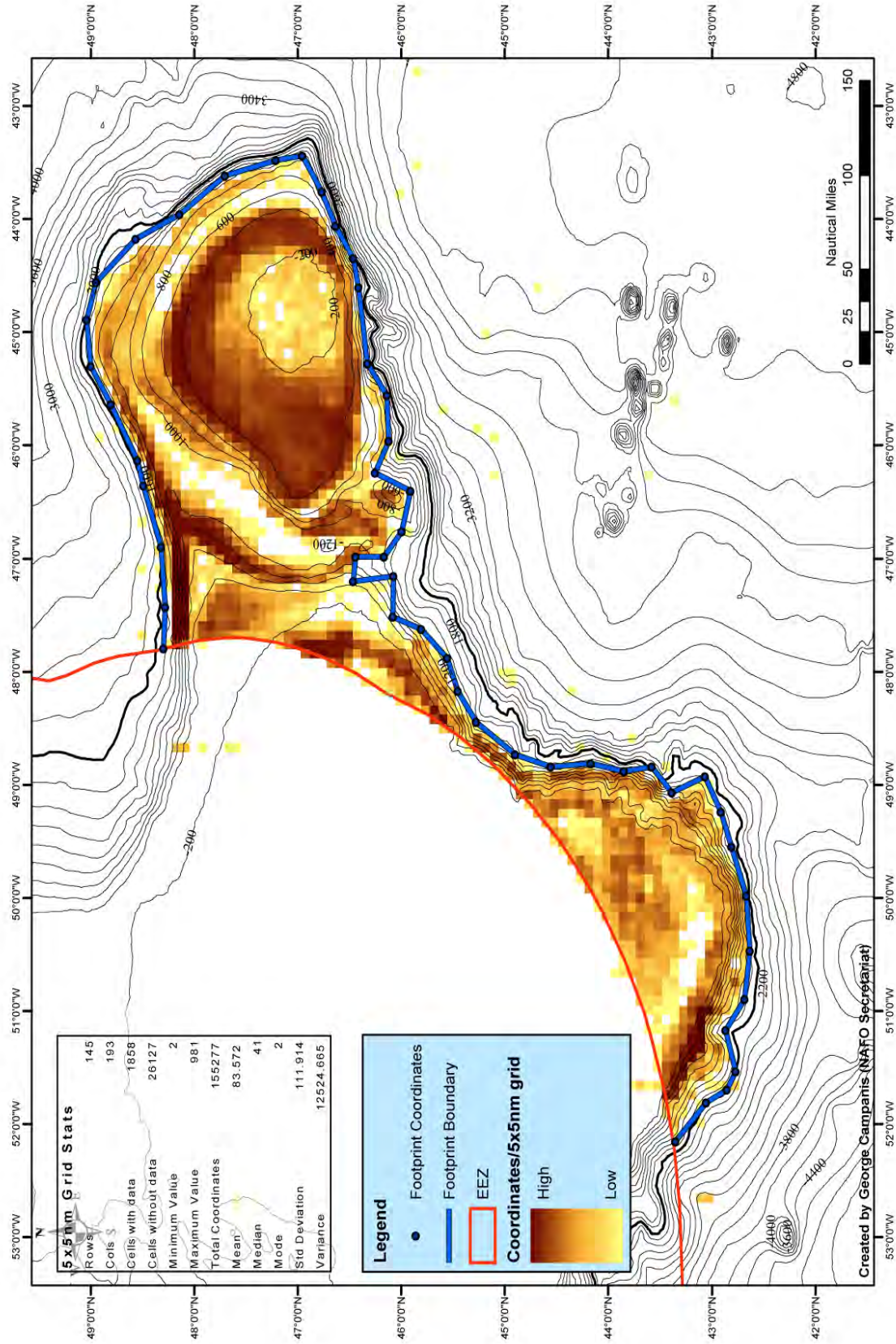


Figure 4a. Footprint map based on 5 x 5 nm grid, showing relative intensity of bottom fishing activities.

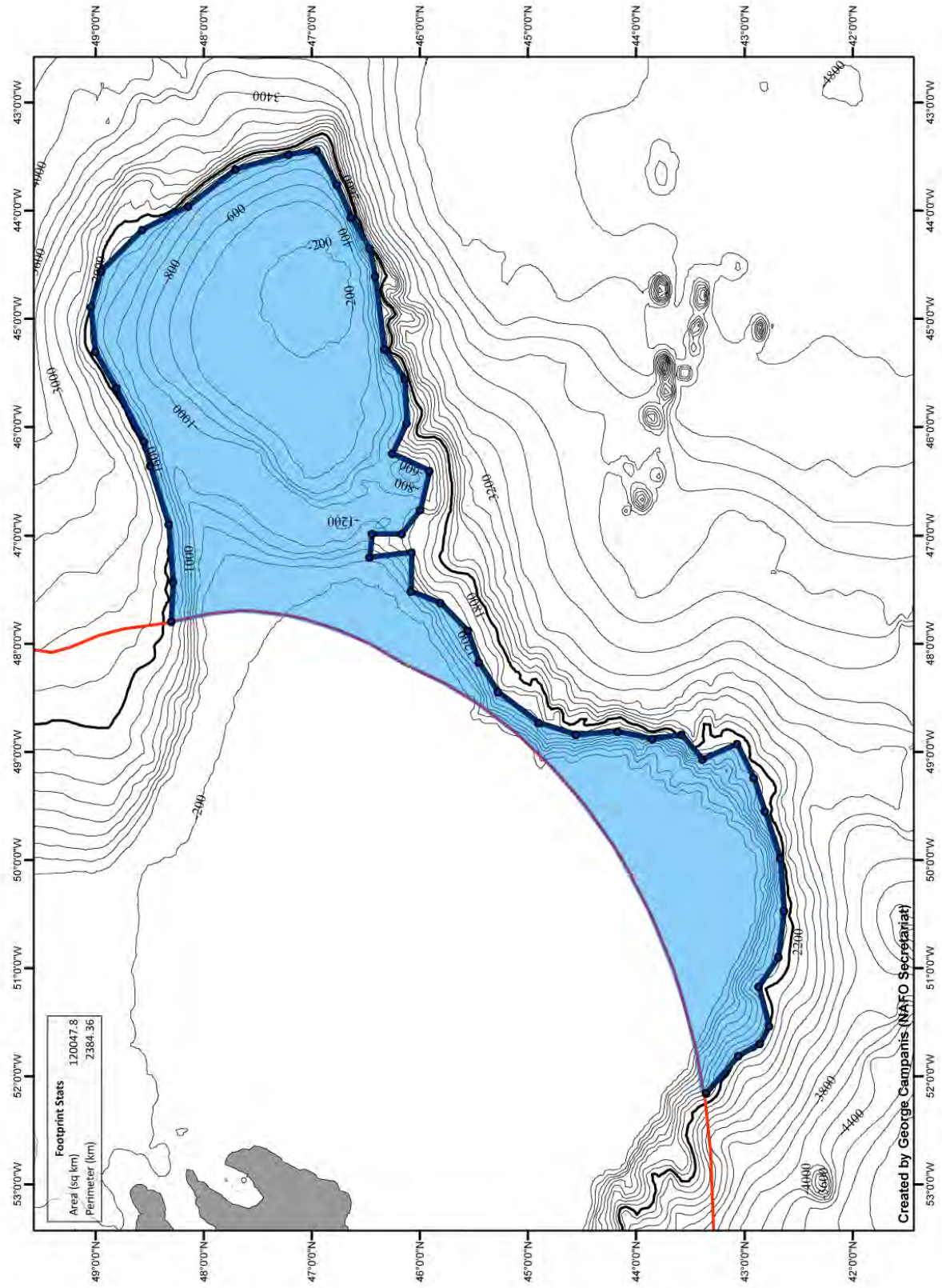


Figure 4b. Footprint map based on 5 x 5 nm grid with calculated total area and perimeter (UTM NAD 83 Zone 23 projection).

Proposed Footprint Boundary Coordinates

Coordinate points defining the boundary of the footprint (Figures 4a and b) are presented in Table 2. The boundary intersects the Canadian EEZ and therefore only coordinates east of the EEZ are presented. Coordinates 1 and 50 represent the northern and southern intersect with the Canadian EEZ, respectively.

Table 2. Boundary points delineating the footprint in the NRA.

The Canadian EEZ boundary of the western side to the following coordinates within the NRA on the eastern side:

Point No.	Latitude	Longitude	Point No.	Latitude	Longitude
1	48°17'39"N	EEZ boundary ¹	26	46°26'32"N	46°58'53"W
2	48°16'51"N	47°25'37"W	27	46°27'40"N	47°12'01"W
3	48°19'15"N	46°53'48"W	28	46°04'15"N	47°09'10"W
4	48°29'21"N	46°21'17"W	29	46°04'53"N	47°31'01"W
5	48°32'43"N	46°08'04"W	30	45°48'17"N	47°37'16"W
6	48°48'10"N	45°37'59"W	31	45°33'14"N	47°52'41"W
7	48°59'54"N	45°17'46"W	32	45°27'14"N	48°10'15"W
8	49°02'20"N	44°53'17"W	33	45°16'17"N	48°26'50"W
9	48°56'46"N	44°33'18"W	34	44°54'01"N	48°43'58"W
10	48°33'53"N	44°10'25"W	35	44°33'10"N	48°50'25"W
11	48°08'29"N	43°57'28"W	36	44°09'57"N	48°48'49"W
12	47°42'00"N	43°36'44"W	37	43°50'44"N	48°52'49"W
13	47°12'44"N	43°28'36"W	38	43°34'34"N	48°50'12"W
14	46°57'14"N	43°26'15"W	39	43°23'13"N	49°03'57"W
15	46°46'02"N	43°45'27"W	40	43°03'48"N	48°55'23"W
16	46°38'10"N	44°03'37"W	41	42°54'42"N	49°14'26"W
17	46°27'43"N	44°20'38"W	42	42°48'18"N	49°32'51"W
18	46°24'41"N	44°36'01"W	43	42°39'49"N	49°58'46"W
19	46°19'28"N	45°16'34"W	44	42°37'54"N	50°28'04"W
20	46°08'16"N	45°33'27"W	45	42°40'57"N	50°53'36"W
21	46°07'13"N	45°57'44"W	46	42°51'48"N	51°10'09"W
22	46°15'06"N	46°14'21"W	47	42°45'59"N	51°31'58"W
23	45°54'33"N	46°24'03"W	48	42°51'06"N	51°41'50"W
24	45°59'36"N	46°45'33"W	49	43°03'56"N	51°48'21"W
25	46°09'58"N	46°58'53"W	50	43°22'12"N	EEZ boundary ²

¹ approximately 47°47'45"W

² approximately 52°09'46"W

Discussion

The submitted data did not distinguish between mobile and static fishing gears, and therefore only a generalized fishing footprint can be given. The ICES-NAFO WGDEC developed vessel speed criteria in discerning the activity of the fishing vessel. If the vessel was travelling between 1-2 knots, it could be either dodging in poor weather, laying gillnets or laying longlines; between 2-4 knots, it could be bottom trawling. Thus the speed range of 1.0–4.0 knots was used as the filtering criteria. The inclusion of speeds between 1-2 knots may account for the static gears like gillnets and longlines.

The delineated fishing footprint in Figure 4a-b is based on the submitted bottom fishing activity by Flag states over a 20 year period and satisfying the criteria of twice within a 5nm×5nm square and does not closely follow a particular depth contour. Both the depth histogram (Figure 1) and the footprint map (Figure 4a-b) show that fishing is much reduced below 1600m. This would approximate to the maximum depth at which a trawl normally operates.

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Annex 15. Use of VMS Information for Search and Rescue
(STACTIC W.P. 09/7, Rev. **now** FC Doc. 09/7)

Background:

During the summer of 2008 the Iceland and US Coast Guard participated in a Search and Rescue (SAR) exercise. It was noted that there were not any provisions in the NAFO Conservation and Enforcement Measures that permitted the use of VMS information for Search and Rescue or safety purposes. Article 26 (VMS) and Annex XIX did not specifically authorize the use of VMS information for these purposes.

At the September 2008 meeting at Vigo it was generally agreed that the use of VMS for SAR and maritime safety purposes should be authorized. Several countries indicated that domestic legislation or policy permitted the use of domestic VMS for purposes other than Fisheries compliance. Iceland, United States and Canada were tasked to cooperate on developing a proposal for review.

Proposal:

Amend Article 26 to add a new paragraph 13 as follows:

13. Contracting Parties and the Secretariat may provide and/or use the NAFO VMS data for Search and Rescue and maritime safety purposes.

Annex 16. Proposal for Improved VMS Reporting

(STACTIC W.P. 09/13 now FC Doc. 09/8)

Introduction

VMS reporting as it is practised today is insufficient to monitor compliance of vessels e.g. regarding fisheries entries into closed boxes. The data are also insufficient to answer questions of the spatial and temporal extent of fisheries and to differentiate between fisheries types.

As was demonstrated in the footprint exercise in NAFO the VMS information is not accurate enough to clearly designate areas as fishing areas and non-fishing areas. According to Article 26, 8 “*The Executive secretary shall make VMS data available in a summary form to the Scientific Council following specific requests from the Fisheries Commission to the Scientific Council to determine fishing effort on and around vulnerable habitats and for any other purpose*” It has been stated in these reports that it is difficult to make accurate reports based on the present reporting system. It has been pointed out in NAFO SCR Doc. 07/48 Serial No. N5400 in the analysis in NAFO SCR Doc. 08/30 Serial No. N5530 and more subtly in NAFO SCR Doc. 07/06 Serial No. N5347 and NAFO SCR Doc.07/90 Serial No. N5481¹.

Similarly NEAFC asked for ICES advice in 2009 regarding the usefulness of their VMS data (requirements very similar to the ones in NAFO). The answer from ICES included the following (9.3.2.3)²:

- a) including in catch reports the fishing gear used if available;
- b) increasing frequency of transmission (ideally once a day and reported on haul by haul basis) and completeness of catch reports (catching all species in the catch);
- c) increasing the polling frequency of VMS data
- d) requiring transmission of vessel speed and heading.

By adding course and speed to the data elements and increasing the VMS communication to once every hour the traceability of vessels will be improved considerably and it will be in line with the advice from NAFO scientific council and ICES.

This proposal should also be seen in connection with improved catch reporting.

¹NAFO reports can be found here

NAFO SCR Doc. 07/06 Serial No. N5347 <http://archive.nafo.int/open/sc/2007/scr07-006.pdf> Information on Fishing On and Around the Four Closed Seamount Areas in the NRA

NAFO SCR Doc. 07/48 Serial No. N5400 <http://www.nafo.int/publications/frames/science.html> Information on Fishing Effort in the NRA for 2006

NAFO SCR Doc. 08/30 Serial No. N5530 <http://archive.nafo.int/open/sc/2008/scr08-030.pdf> NAFO SCR Doc.07/90 Serial No. N5481 Requirements to estimate fishing effort from VMS transmissions

<http://archive.nafo.int/open/sc/2007/scr07-090.pdf> Analysis of Shrimp Fishing Effort Using VMS data

²ICES advice to NEAFC can be found here

9.3.2.1

<http://www.ices.dk/committe/acom/comwork/report/2009/Special%20Requests/NEAFC%20information%20on%20distribution%20of%20vulnerable%20habitats.pdf>

9.3.2.2

<http://www.ices.dk/committe/acom/comwork/report/2009/Special%20Requests/NEAFC%20use%20and%20quality%20of%20VMS%20data.pdf>

9.3.2.3

<http://www.ices.dk/committe/acom/comwork/report/2009/Special%20Requests/NEAFC%20suitable%20criteria%20for%20differentiating%20fisheries%20into%20possible%20management%20types.pdf>

Proposal

To be added to Article 26, 1.

d) vessel speed

e) vessel course/heading

Must be added to Annex IX VMS Data Format

Data Element	Code	Mandatory/Optional	Remarks
Speed	SP	M	Activity detail; speed at time of transmission
Course	CO	M	Activity detail; course at time of transmission

Must be added to Annex XXII C. Format for electronic exchange of fisheries monitoring information (The North Atlantic Format).

Category	Data Element	Field code	Type	Contents	Definitions
Activity Details	Speed	SP	Num*3	Knots *10	e.g. //SP/105 = 10,5 knots
	Course	CO	Num*3	360° degree scale	e.g. //CO/270 = 270

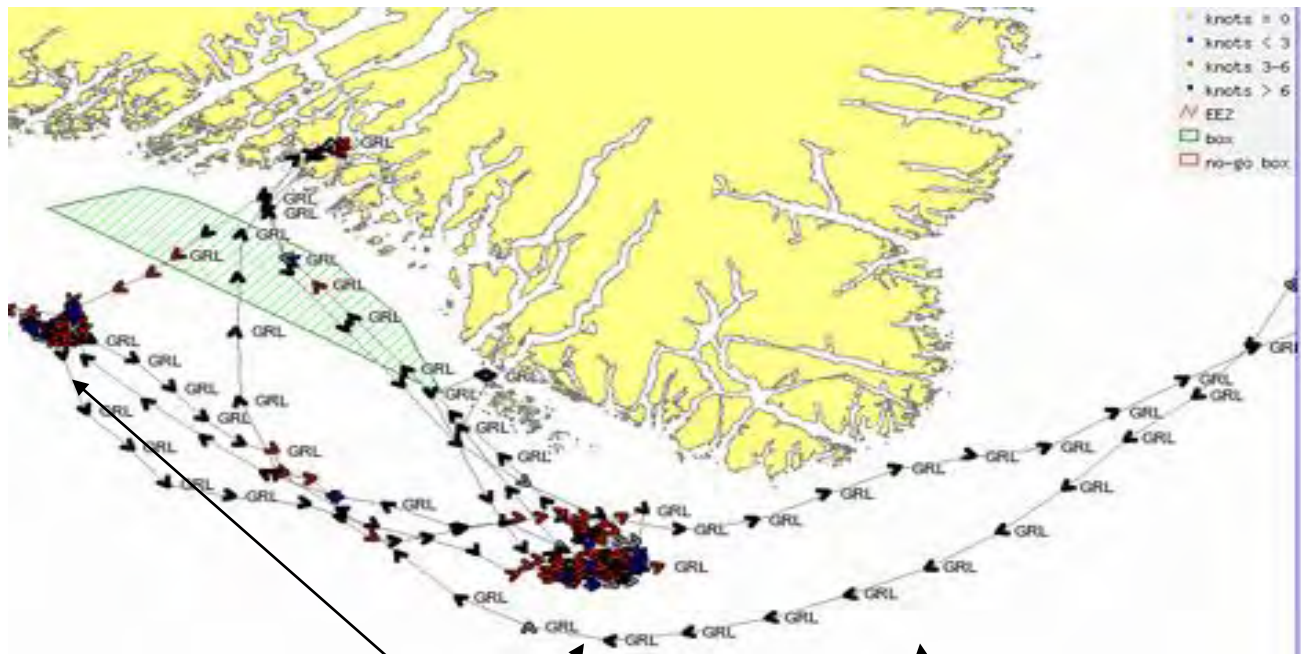
Change in Article 26, 1.

...The satellite monitoring device shall ensure the automatic communication at least once every hour

Amendment to table in Article 27

Report:	Code:	Remarks:
Positon	POS	Position report every hour

EXAMPLE



Closed area

Typical fishing pattern
at slow speed

Steaming (>6knot = black)

Example of 1 hour VMS plot with course and speed. This vessel is not fishing illegally in the closed area. It is obvious that it is fishing in two areas outside the box and steaming the rest of the time.

Annex 17. Proposal for Improved Catch Reporting

(STACTIC W.P. 09/19, Rev. 3 now FC Doc. 09/9)

Introduction

At the STACTIC meeting in St. Pierre et Miquelon in 2009 DFG agreed to make a proposal for an improved catch reporting in the shrimp fishery in Division 3M and 3L, two management areas where the stocks are managed by fishing days and tonnes respectively. A uniform reporting system must be in place in order to make the control more transparent and effective. A reporting system based on weekly catches as well as daily catches should include quantities as well as number of fishing days.

As the CEM contains miscellaneous catch reporting rules it would simplify reporting obligations if the same rules were applicable in all fisheries in the regulatory area. Shrimp in Div. 3L, for example, are to be reported every day, Greenland halibut is to be reported on a five day basis in Subarea 2 and Divisions 3KLMNO while Redfish in some areas are to be reported every second week until catches reaches 50%, after which time weekly notification shall apply. These varying rules make it difficult to make a standardized reporting regime (especially the five days requirement).

When changing the reporting system in the shrimp fisheries it is obvious to introduce the weekly catch reporting in general for all fisheries in the Regulatory Area.

Proposal

To simplify, streamline and make the reporting regime more effective it is suggested to introduce a weekly catch report (CAT) in all areas for all fisheries. The weekly catch report is already implemented in NEAFC.

A daily catch report (CAT) is suggested in the:

- Div. 3L shrimp fishery
- “Others” quota in accordance with Article 3 paragraph 3.
- Greenland halibut in Subarea 2 and divisions 3KLMNO after 75% of the quota has been taken.

Catch prior to entry and exit from 3L have to be reported (Article 27.1c) as a CAT. It is suggested to keep this requirement as no alternative report exists.

Modification of Article 7.6.d)

Reference to five days becomes weekly basis

Reference to three days becomes daily basis

Delete the last sentence in Art. 7.6.d) second paragraph. *“The report shall for the first time be transmitted at the latest ten days after the entry into the Regulatory Area or after the beginning of the fishing trip”.*

Modification of Article 25.3

Reference to 48 hours becomes daily

Modification of Article 25.4

The daily notification shall be a daily CAT as specified in Annex X.2)

Modification to Annex X. 2)

The Data Element “Daily Catch” to become “Catch”

The remarks for that Data Element to become;

“Activity detail; Cumulative catch retained on board by species, either since commencement of fishing in the R.A. of last “Catch” report (CAT) or (CAX) if such report is sent according to Chapter VII, in pairs as needed.

FAO species code

Live weight in kilograms, rounded to the nearest 100 kilograms.”

The Date Element “Days fished” to be made mandatory

New bullet point c) Article 27

c) Catch report. This report shall be made by the master of the vessel for all species (3 alpha code) and stock area, in kg (rounded to the nearest 100 kilograms), including nil catch returns. The report shall contain the catches of the specified period:

i) On a weekly basis: catch cumulated in a week period from Monday to Sunday midnight preceding the report. The first report shall be made on the first Monday after the entrance in the NAFO Regulatory Area. The report shall be sent each Monday before 12.00 hours UTC.

This message is identified as CAT

ii) On a daily basis, if so specified in the CEM: The report shall be sent each day before 12.00 hours UTC of the day after fishing. This message is identified as CAT

Current bullet point “c” to become “d”, “d” to become “e” and “e” to become “f”.

Table in Article 27 to be amended

Report:	Code:	Remarks:
Catch	CAT	<i>Reporting of catches; daily, weekly and prior to crossing the boundary to 3L as appropriate</i>

Text that can be omitted from the CEM**Annex I.A. - Annual Quota Table (notes)**

2. The Contracting Parties shall notify the Executive Secretary every second week of catches taken by its vessels from this allocation until accumulated reported catch reaches 50%, after which time weekly notification shall apply. (...)

8. Each Contracting Party shall notify the Executive Secretary every second week of catches taken by its vessels from this stock until accumulated reported catch reaches 50%, after which time weekly notification shall apply. (...)

Annex 18. Port State Measures Administrative Changes
(STACTIC W.P. 09/22, Rev. now FC Doc. 09/10)

Explanatory Memorandum

At the 2008 NAFO annual meeting, Fisheries Commission amended the NAFO Conservation and Enforcement Measures to include Port State Measures. The Port State Measures currently include duties for the Port State Contracting Parties, Flag State Contracting Party, the Secretariat and the master of the vessel. Chapter V Port State Control Article 46.3 – Duties of the Port State Contracting Party are required to designate the competent authority which shall act as the contact point for the purposes of receiving notifications under Article 48 (1, 2 and/or 3)..... etc. There currently is not a requirement for the Flag State Contracting Party to provide a point of contact for Port State Contracting Parties as required under Article 46 5.

Proposal

Amend Chapter V – Port State Control, Article 47, Duties of the Flag State Contracting Party as follows:

Add:

3. **The Flag State Contracting Party shall designate the competent authority, which shall act as the contact point for the purposes of receiving notifications in accordance with Article 46 (5) and providing confirmation in accordance with Article 46 (6), and communicate this information to the NAFO Secretariat for dissemination to Contracting Parties.**

Amend Chapter V – Port State Control, Article 49, Duties of the Executive Secretary as follows:

Add:

- 1 d) **The information about the designated competent authorities in each Flag State Contracting Party.**

Annex 19. Annual Compliance Review 2009
(Compliance Report for Calendar Year 2008)
(STACTIC W.P. 09/18, Rev. 2 now FC Doc. 09/16)

1. Introduction

In 2004, NAFO introduced its first compliance review (FC Doc. 04/13). This review uses information from diverse NAFO monitoring, control and surveillance activities to determine how well the international fisheries complied with the annually updated NAFO Conservation and Enforcement Measures (NCEM). The review also assesses the performance of NAFO Contracting Parties with regard to their reporting obligations.

The format of the compliance review is being continuously developed by the Standing Committee on International Control (STACTIC). The current 2009 NAFO compliance review compares information for the years 2004 to 2008 from the following sources: a) Vessel Monitoring System (VMS), b) Observer Reports, c) Port Inspection Reports, d) At-sea Inspection Reports and e) Reports on Dispositions of Apparent Infringements. More detailed data compilation tables were compiled by the NAFO Secretariat and circulated to the Contracting Parties in June 2009.

2. Fishing Activities (effort) in the NAFO Regulatory Area

In the years covered by this review, the fishery in the NAFO Regulatory Area (NRA) has continually diminished. In 2004, there were 134 active vessels operating in the NRA. However, by 2008 the number of active vessels had decreased to 60, representing a 55-percent decrease (Figure 1). This decrease is particularly pronounced in the pelagic redfish fishery where the number of vessels has dropped by almost 79 percent; from 48 in 2004 to only 10 in 2008.



Figure 1. Number of vessels and vessel days in the NAFO Regulatory Area by fishery type

The fishing effort is measured in vessel-days per year in the NRA. Vessel-days are determined by the position reports transmitted by the vessels through their respective Fisheries Monitoring Centers via the vessel's VMS. Although the number of vessels decreased by 55 percent, from 2004 to 2008, total fishing effort diminished by 69 percent; from 16,480 days to 5,054 days (Figure 1, Table 5). The fact that fishing effort has declined more than the number of vessels per year suggests that the average duration of the fishing trips has become shorter over time. NAFO identifies three main different fishery types; the groundfish, shrimp and pelagic redfish fisheries. Currently, almost two thirds of the fishing effort can be attributed to the groundfish fishery (65 percent) whereas the pelagic redfish fishery accounts for only 4 percent of current fishing effort. It should be noted that the number of vessel days in the NRA for the pelagic redfish fishery declined by 86 percent, from 1,414 days in 2004 to 201 days in 2008, as compared to a 70 percent decline in the shrimp fishery and a 67 percent decline in the groundfish fishery.

3. Compliance by Fishing Vessels

To ensure that vessels fishing in the NRA adhere to the NCEMs, NAFO monitors, surveys and controls the fishery. In this context NAFO conducts joint at-sea inspections by NAFO-certified inspectors as well as inspections in NAFO member ports. Through the random at-sea and obligatory port inspections, NAFO is able to uncover infringements of the NAFO regulations and collect evidence for the following prosecution within the legal system of each NAFO flag state. Prior to 2009, port state Contracting Parties were required to conduct port inspections on all

vessels landing or transshipping fish species from the NRA. Under the recently implemented Port State Control measures, port state Contracting Parties are only required to carry out inspections on vessels from other Contracting Parties at a rate of 15 percent a year. However, the compulsory inspection of all vessels is still in force for landings of NAFO species under a recovery plan.

Although the total number of at-sea inspections decreased from 401 inspections in 2004 to 245 inspections in 2008, the frequency rate of at-sea inspections in relation to the effort (number of inspections per vessel-days per year) actually increased from 2.4 percent in 2004 to 4.8 percent in 2008 (Figure 2, Table 5). Inspection rates increased in all three fishery types since 2004. Since 2006, inspection rates have continued to increase for the redfish and groundfish fisheries, but have declined slightly for the shrimp fishery.

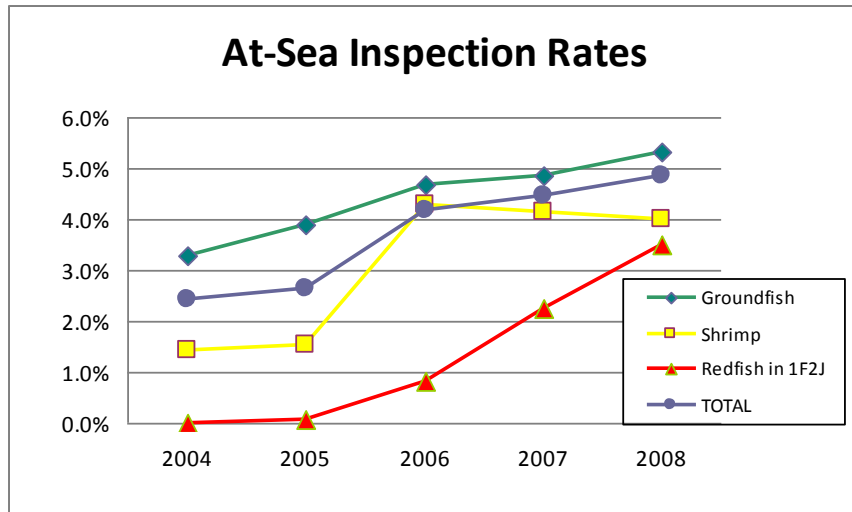
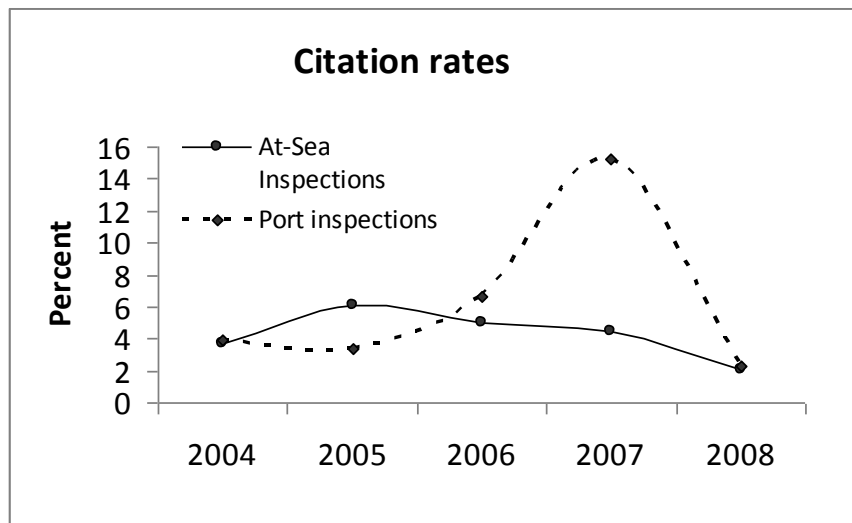


Figure 2. Inspection rates (number of at-sea inspection/vessel-days) in the NAFO Regulatory Area by fishery type.

NAFO inspectors cite a vessel if they have reason to suspect that the vessel breached one or more NAFO regulations. During the review period, at-sea inspectors issued a minimum of 5 citations in 2008, and a maximum of 20 citations in 2005¹ (Table 5). The annual citation rate (the number of citations issued in relation to the number of inspections conducted) for at-sea inspections has steadily declined since 2005 (Figure 3). In contrast, the citation rate for port inspections nearly doubled between 2006 and 2007, but declined dramatically in 2008 to the lowest in the time series. Specifically, only 3 citations were issued from port inspections in 2008 (Table 5).



¹Inspections for the sole purpose of confirming a previous citation were not counted.

Figure 3. *Percentage of inspections that resulted in a citation at sea and in port*

Each citation issued by NAFO inspectors can list one or more infringement. NAFO recognizes 10 serious infringements (NCEM Article 37.1). NAFO inspectors also detect other infringements that are not classified as serious, such as missing stowage plans or product labels. The frequency of infringements found by NAFO inspectors during the review period is presented in Figure 4. More detail on these infringements for the years 2004 through 2008 is provided in Table 5. The most frequent infringement is inaccurate recording of catches, a serious offence that was particularly pronounced in 2007 and 2008 by port inspectors (59 percent and 67 percent of total inspections, respectively). However, the actual number of infringements of this type declined dramatically between 2007 and 2008; from 16 to 2 infringements (Table 5).

The percentage of infringements by fisheries type is displayed in Figure 5. More than half of all infringements come from groundfish vessels, and up until 2008, groundfish vessels accounted for at least half of all serious infringements. This can be attributed to the fact that groundfish fishery effort constitutes more than half of the total fishing effort in the NRA in terms of vessel-days (Table 5). It should be noted that the number of serious infringements from groundfish vessels decreased dramatically in 2008. It should be further noted that all infringements detected by port inspectors involved groundfish vessels (Table 5).

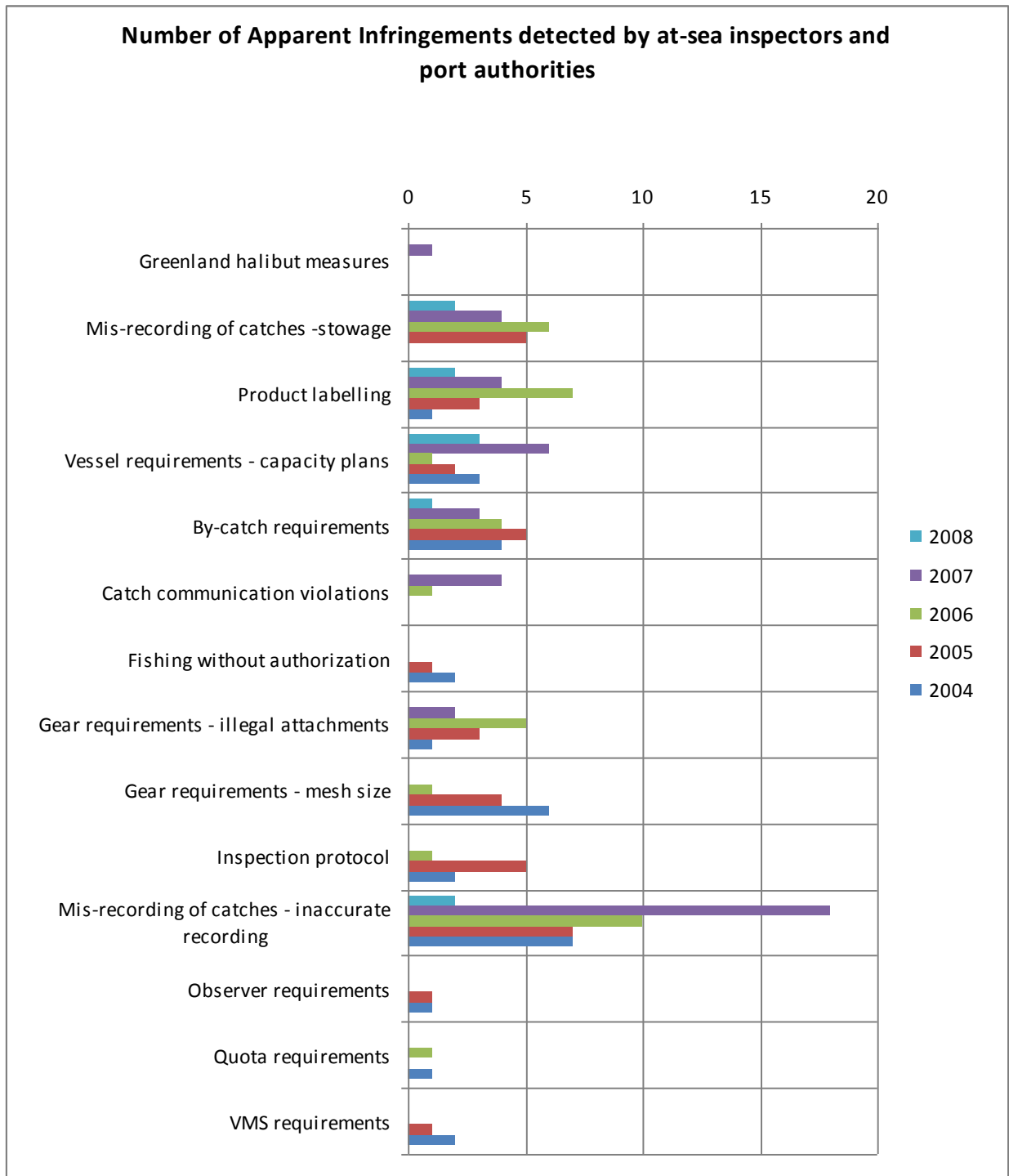


Figure 4. Apparent Infringements detected by NAFO at-sea and port inspectors. *Please note that the first 4 are non-serious infringements and the remaining 10 are serious infringements.

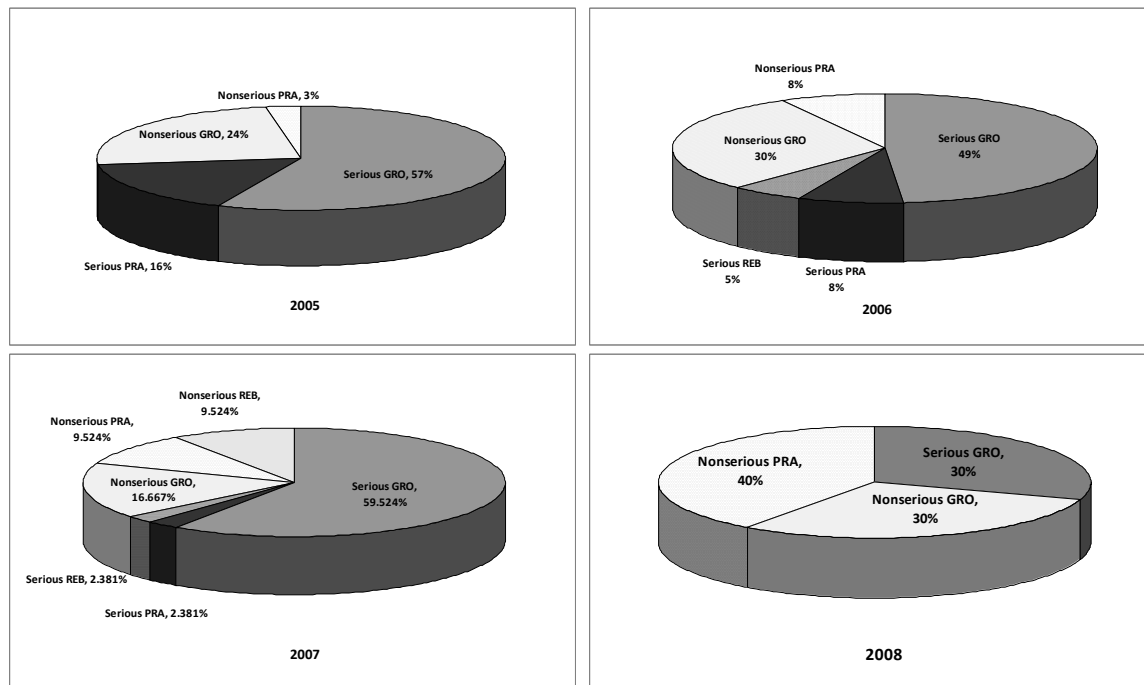


Figure 5. Percentages of serious (dark areas) and non-serious (light areas) infringements (by fishery type) detected by at-sea and port inspectors.

4. Reporting obligations by fishing vessels and NAFO Contracting Parties

Monitoring the NAFO fisheries includes submission of reports on catch and effort by vessels from different sources: VMS reports such as Catch-on-Entry (COE) and Catch-on-Exit (COX) are submitted by the fishing vessels through their respective Fisheries Monitoring Centers; port inspection reports by the port authorities; and observer reports² by the flag state members. These reports from different sources allow a comparative analysis of catches, should ideally cover 100 percent of the fishing trips, and should account for all the days the fishing vessels are present in the NRA. Figure 6 shows the relative coverage of fishing trips from the reports received; deviations from 100 percent are caused by missing reports.³ Since 2005, catch reports received by NAFO VMS have become the most complete source on catch-by-vessel information, although the submission of port inspection and observer reports improved in 2008.

Submission of observer reports decreased in 2006 and 2007, but increased again in 2008. The drop in observer reporting rate in 2006 and 2007 is not due to a decline in the actual number of observer reports received by NAFO resulting from implementation of the electronic reporting scheme, which allows vessels to reduce their observer coverage by 25 percent in if they submit daily electronic catch reports. Rather, the reporting compliance of vessels participating in that scheme has been accounted for in Figure 6 and Table 1 (i.e., if daily catch reports are 4 times the number of observer reports, the vessel is considered compliant). However, factors relating to implementation of this electronic reporting scheme may have impacted observer compliance rates during these two years. The electronic reporting scheme was originally a pilot project in 2006, and was fully implemented in 2007. In 2008, only two Contracting Parties participated in this scheme (Norway and the Faroe Islands).

² Vessels fishing in the NRA are required to have 100% observer coverage, i.e. presence of an independent observer on board at all times. Since 2007, Contracting Parties can alternatively opt for a daily electronic catch reporting scheme (see CEM, Chapter VII) which allows them to reduce the observer coverage on their vessels by up to 25%.

³ The percentage coverage for VMS catch reports (COE-COX) shown in Figure 6 was calculated from the number of days as indicated in each report and the total effort (vessel-days) as validated from the VMS position reports. Port reports included transshipments at sea (particularly important for the pelagic redfish fishery).

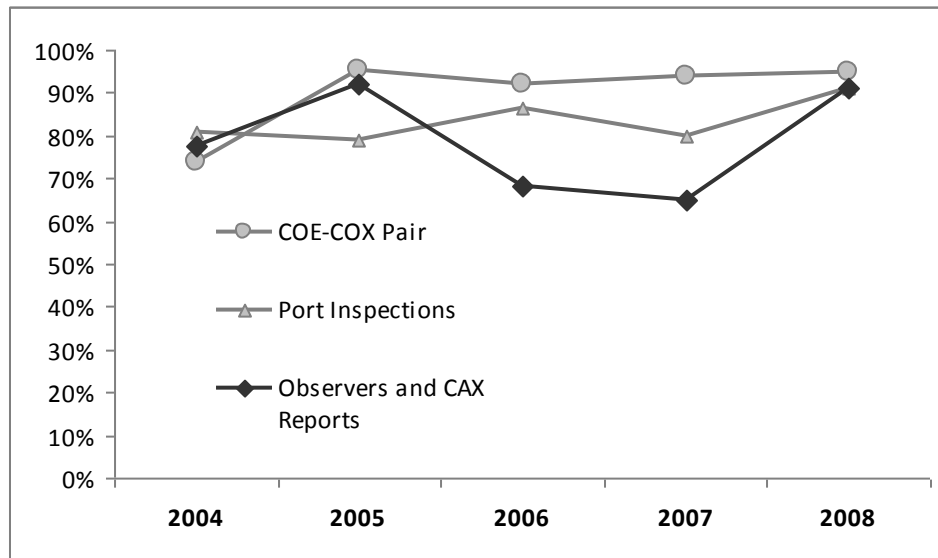


Figure 6. *Percentage coverage of fishing effort by VMS, Port Inspection and Observer Reports.*

Another issue is the timeliness of reports submitted by Contracting Parties to the NAFO Secretariat. Articles 28 and 35 of the NCEMs require that at-sea and observer reports be submitted within 30 days (of completion of assignment for observer reports). Under the Port State Control measures implemented in 2009, port State Contracting Parties are required to transmit the Port State Control inspection form (form PSC 3) to the Executive Secretary “without delay.” However, this provision was not in effect for 2008. Thus, the 30-day requirement in force for port inspection reports in 2008 is considered in this analysis. In comparison to port inspection and observer reports, at-sea inspection reports are submitted in a more timely fashion. However, the timeliness of the at-sea inspection reports has declined since 2005, from an on time rate of 91 percent in 2005, to 63 percent in 2008. It should be noted that timeliness of submission does not necessarily equate to a failure to submit the required reports.

During the course of the 2009 Annual NAFO Meeting, concerns were raised by Contracting Parties regarding the quality of the reports received. As such, the Secretariat was asked to provide a summary of their experience with these reports. This is as follows:

The lack of uniformity in format of the submitted observer reports may compromise the quality of the reports in general. However total catch information by species contained in the observer reports were compared to other sources (e.g., VMS hail reports and Port Inspection reports), where possible, and the comparison shows that there is a general agreement of the catch information among various sources.

Upon further discussion with the Secretariat it was noted that lack of uniformity with these reports is also an issue, making it time consuming to compile the annual compilation tables provided to Contracting Parties. It was also noted that corrections to individual reports must be handled on an individual basis, further complicating the compilation of annual information to assess compliance. Finally, one of the Contracting Parties noted that malformed reports, such as COE and COX reports. These malformed reports cannot be processed, and, therefore, cannot be forwarded to the systems that provide information to patrol platforms on a real-time basis impacting monitoring and surveillance activities.

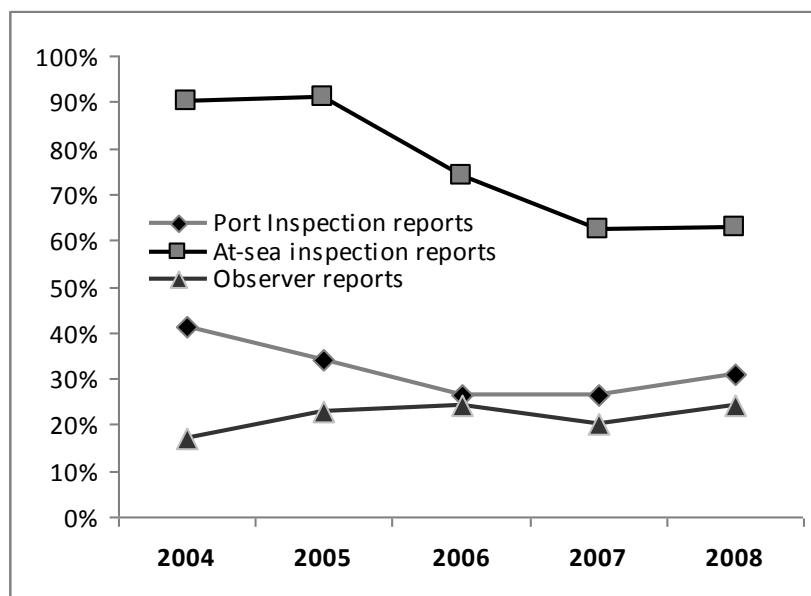


Figure 7. *Timeliness of submission of reports.*

5. Follow-up to infringements

Flags states are obligated to follow-up with further investigations and legal prosecution when NAFO inspectors issue a citation against a Contracting Party vessel. The Secretariat receives information on the status of each case. The legal procedure can take longer than one year and it is, therefore, not expected that by 2008 all cases originating during the previous years could be resolved. This information is reflected in Figure 8 and also in Table 6.

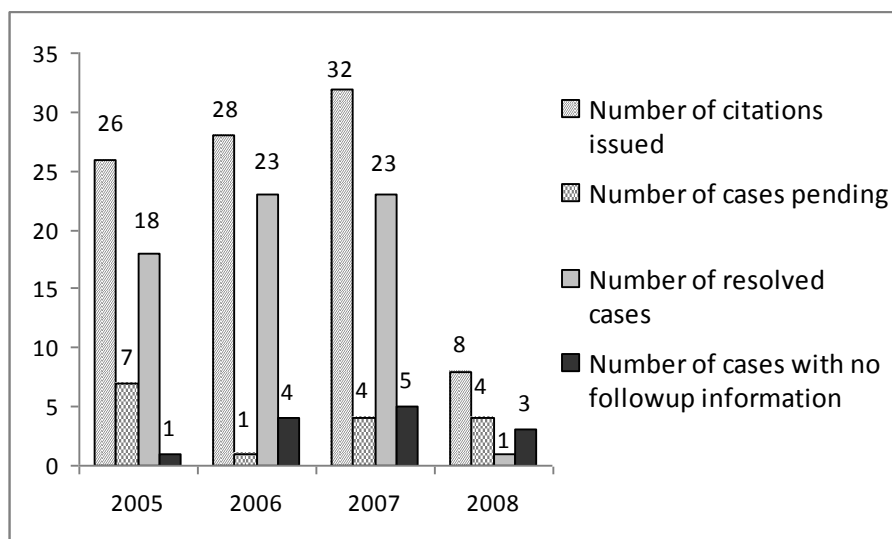


Figure 8. *Legal resolution of citations against vessels fishing in the NAFO Regulatory Area by year in which the citations were issued (as of March 2009). A citation is an inspection report (from at-sea or port inspectors) that lists one or more infringements. Inspections carried out for confirming a previous citation are not counted.*

6. Observed trends (period 2004 to 2008)

- The total fishing effort in the NAFO area continues to decline both in terms of number of vessels and fishing days in the NRA since 2004. Between 2007 and 2008, the number of vessels declined by 21 percent and effort declined by 23 percent. In the groundfish fisheries, the number of active vessels has steadily declined since 2004, remained stable between 2006 and 2007, and declined again in 2008. Conversely, there has been a marked decline in the number of active vessels in the pelagic redfish and shrimp fisheries, particularly in the redfish fishery where the number of vessels has declined by 76 percent since 2006. In terms of vessel days, a decline in total fishing effort was observed across all 3 fishing types (groundfish, shrimp, and pelagic redfish) in 2008, with pelagic redfish showing the largest decline of 59 percent (in comparison to 2007).
- The number of at-sea inspections has declined overall since 2004, despite a slight increase in 2006. This is likely due to the reduced number of active vessels fishing in the NRA. Conversely, the rate of at-sea inspections per vessel fishing day has increased since 2004 across all three fishery types, from 2.4 percent in 2004 to 4.8 percent in 2008.
- The number of citations resulting from at-sea inspections varied from 5 to 20 during the 5-year period. The citation rate decreased slightly since 2005, but has remained generally stable over the time period.
- There was a 45 percent decline in port inspections from 2004 to 2007, but a slight increase between 2007 and 2008 (6 percent). The number of vessels cited by port authorities per year varied from a high of 16 in 2007 to a low of 2 in 2008. The number of apparent infringements issued ranged from 27 (2007) to 3 (2008), demonstrating a 89 percent decline in 2008 in comparison to 2007.
- During the 5 year period, a total of 97 apparent infringements resulted from at-sea inspections and 59 from port inspections. The apparent infringement category “Mis-recording of Catches” (Both Stowage and Inaccurate recording related) accounted for 30 of the apparent infringements issued at sea (31 percent) and 29 in port (52 percent). These infringements were issued more frequently in relation to groundfish fisheries.
- The follow-up on apparent infringements is of concern, with an increasing percentage of cases having no follow-up information from the Contracting Party. For example, although the total number of citations declined in 2008 by 75 percent, the number of cases with no follow-up information only declined by 40 percent. The Contracting Party may be following up on the apparent infringement, but may not have reported the status back to the NAFO Secretariat.
- Delayed submission of inspection (at sea and in port) and observer reports by Contracting Parties remains an issue. The general trend in timeliness of reporting is static for both observer and port inspection reports. However, there is a notable decrease in the timeliness of at-sea inspection reports.

7. Annexes (the “Report tables)

Table 1. Submission of Fishing Reports*

Year	Days at the Regulatory Area (Effort)	Number of Days accounted by COE-COX pairs	Percentage of Effort accounted by COE-COX pairs	Number of Days accounted by Port Inspection and TRA reports	Percentage of Effort accounted by Port Inspection and TRA reports	Number of Days accounted by Observer and CAX reports	Percentage of Effort accounted by Observer and CAX reports
2004	16480	12156	74%	13327	81%	12779	78%
2005	12290	11706	95%	9679	79%	11326	92%
2006	8663	7991	92%	7488	86%	5921	68%
2007	6598	6210	94%	5269	80%	4276	65%
2008	5054	4785	95%	4613	91%	4596	91%

*COE = Catch on entry, COX = Catch on exit, TRA = transshipment, CAX = Daily catch report

Table 2. Timely submission of Port Inspection Reports

Year	2004	2005	2006	2007	2008
Total Number of Port Inspection Reports received	228	177	151	125	133
Total Number of Port Inspection Reports received late	134	117	111	92	92
Percentage % of late Port Inspection Reports	59%	66%	74%	74%	69%

NB: Article 45 (2008 NECMs) stipulates the transmission of port inspection reports to the Secretariat within 30 days on which the landing was completed.

Port Inspection Reports are submitted by the CP of the Port Inspection Authority.

Table 3. Timely submission of At-Sea Inspection Reports

Year	2004	2005	2006	2007	2008
Total Number of at-sea Inspections	401	326	361	296	263
Number of at-sea Inspections received late	40	30	95	112	96
Percentage % of late at-sea Inspection Reports	10%	9%	26%	38%	37%

NB: Timely submission means transmission of the report with 30 days.

At-sea Inspection Reports are submitted by the CP with inspection presence at NAFO Regulatory Area.

Table 4. Timely submission of Observer Reports

Year	2004	2005	2006	2007	2008
Total Number of Observers Reports	211	170	114	84	126
Number of Observers Reports received late	176	131	87	67	96
Percentage % of late Observers Reports	83%	77%	76%	80%	76%

NB: Article 24 stipulates the transmission of the observer reports to the Secretariat within 30 days after the completion of the observer's assignment.

Observer Reports are submitted by the Flag State of the vessels.

Table 5-2004, part 1. Effort, at-sea inspections and AIs by fisheries type

Fisheries*	GRO	PRA	REB	Total
Number of vessels	63	33	48	134**
Days Present in NRA	9966	5100	1414	16480
Number of at-sea inspections	328	73	0	401
Number of at-sea inspection report containing citation of one or more AIs	13	2	0	15
Number of vessels cited with AIs at sea	10	2	0	12
AIs issued by category - from at-sea inspections***				
Greenland halibut measures	0	0	0	0
Mis-recording of catches -stowage	0	0	0	0
Product labeling	0	1	0	1
Vessel requirements - capacity plans	3	0	0	3
By-catch requirements	3	0	0	3
Catch communication violations	0	0	0	0
Fishing without authorization	0	1	0	1
Gear requirements - illegal attachments	1	0	0	1
Gear requirements - mesh size	5	0	0	5
Inspection protocol	2	0	0	2
Mis-recording of catches - inaccurate recording	1	0	0	1
Observer requirements	0	1	0	1
Quota requirements	1	0	0	1
VMS requirements	0	2	0	2
TOTAL	16	5	0	21
* GRO = groundfish primarily in Divs. 3KLMNO; PRA = shrimp fisheries in Divs. 3LM; REB = redfish in Divs. 1F2J				
** Some vessels switched directed species within the year.				
*** AIs from citation reports serving to confirm an incident are not counted. AI categories in bold are considered serious.				

Table 5-2004, part 2. Effort, port inspections and AIs by fisheries type

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	63	33	48	134**
Days Present in NRA	9966	5100	1414	16480
Number of port inspections	85	138	5	228
Number of port inspection report containing citation of one or more AIs	9	0	0	9
Number of vessels cited with AIs by port authorities	9	0	0	9
AIs issued by category - from port inspections***				
Greenland halibut measures	0	0	0	0
Mis-recording of catches -stowage	0	0	0	0
Product labelling	0	0	0	0
Vessel requirements - capacity plans	0	0	0	0
By-catch requirements	1	0	0	1
Catch communication violations	0	0	0	0
Fishing without authorization	1	0	0	1
Gear requirements - illegal attachments	0	0	0	0
Gear requirements - mesh size	1	0	0	1
Inspection protocol	0	0	0	0
Mis-recording of catches - inaccurate recording	6	0	0	6
Observer requirements	0	0	0	0
Quota requirements	0	0	0	0
VMS requirements	0	0	0	0
TOTAL	9	0	0	9

Table 5-2005, part 1. Effort, at-sea inspections and AIs by fisheries type

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	50	27	53	116**
Days Present in NRA	6948	3558	1784	12290
Number of at-sea inspections	270	55	1	326
Number of at-sea inspection report containing citation of one or more AIs	16	4	0	20
Number of vessels cited with AIs at sea	14	3	0	17
AIs issued by category - from at-sea inspections***				
Greenland halibut measures	0	0	0	0
Mis-recording of catches -stowage	5	0	0	5
Product labelling	2	1	0	3
Vessel requirements - capacity plans	2	0	0	2
By-catch requirements	2	0	0	2
Catch communication violations	0	0	0	0
Fishing without authorization	0	1	0	1
Gear requirements - illegal attachments	2	1	0	3
Gear requirements - mesh size	3	0	0	3
Inspection protocol	3	1	0	4
Mis-recording of catches - inaccurate recording	5	1	0	6
Observer requirements	0	1	0	1
Quota requirements	0	0	0	0
VMS requirements	0	1	0	1
TOTAL	24	7	0	31
* GRO = groundfish primarily in Divs. 3KLMNO; PRA = shrimp fisheries in Divs. 3LM; REB = redfish in Divs. 1F2J				
** Some vessels switched directed species within the year.				
*** AIs from citation reports serving to confirm an incident are not counted. AI categories in bold are considered serious.				

Table 5-2005, part 2. Effort, port inspections and AIs by fisheries type

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	50	27	53	116**
Days Present in NRA	6948	3558	1784	12290
Number of port inspections	80	87	10	177
Number of port inspection report containing citation of one or more AIs	6	0	0	6
Number of vessels cited with AIs by port authorities	6	0	0	6
AIs issued by category - from port inspections***				
Greenland halibut measures	0	0	0	0
Mis-recording of catches -stowage	0	0	0	0
Product labeling	0	0	0	0
Vessel requirements - capacity plans	0	0	0	0
By-catch requirements	3	0	0	3
Catch communication violations	0	0	0	0
Fishing without authorization	0	0	0	0
Gear requirements - illegal attachments	0	0	0	0
Gear requirements - mesh size	1	0	0	1
Inspection protocol	1	0	0	1
Mis-recording of catches - inaccurate recording	1	0	0	1
Observer requirements	0	0	0	0
Quota requirements	0	0	0	0
VMS requirements	0	0	0	0
TOTAL	6	0	0	6

Table 5-2006, part 1. Effort, at-sea inspections and AIs by fisheries type

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	45	21	42	92**
Days Present in NRA	5908	1776	979	8663
Number of at-sea inspections	277	76	8	361
Number of at-sea inspection report containing citation of one or more AIs	11	5	2	18
Number of vessels cited with AIs at sea	10	4	2	16
AIs issued by category - from at-sea inspections***				
Greenland halibut measures	0	0	0	0
Mis-recording of catches -stowage	5	1	0	6
Product labelling	1	2	0	3
Vessel requirements - capacity plans	1	0	0	1
By-catch requirements	2	0	0	2
Catch communication violations	0	0	0	0
Fishing without authorization	0	0	0	0
Gear requirements - illegal attachments	2	2	1	5
Gear requirements - mesh size	0	0	1	1
Inspection protocol	0	1	0	1
Mis-recording of catches - inaccurate recording	4	0	0	4
Observer requirements	0	0	0	0
Quota requirements	0	0	0	0
VMS requirements	0	0	0	0
TOTAL	15	6	2	23

* GRO = groundfish primarily in Divs. 3KLMNO; PRA = shrimp fisheries in Divs. 3LM; REB = redfish in Divs. 1F2J

** Some vessels switched directed species within the year.

*** AIs from citation reports serving to confirm an incident are not counted. AI categories in bold are considered serious.

Table 5-2006, part 2. Effort, port inspections and AIs by fisheries type

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	45	21	42	92**
Days Present in NRA	5908	1776	979	8663
Number of port inspections	76	56	19	151
Number of port inspection report containing citation of one or more AIs	10	0	0	10
Number of vessels cited with AIs by port authorities	10	0	0	10
AIs issued by category - from port inspections***				
Greenland halibut measures	0	0	0	0
Mis-recording of catches -stowage	0	0	0	0
Product labelling	4	0	0	4
Vessel requirements - capacity plans	0	0	0	0
By-catch requirements	2	0	0	2
Catch communication violations	1	0	0	1
Fishing without authorization	0	0	0	0
Gear requirements - illegal attachments	0	0	0	0
Gear requirements - mesh size	0	0	0	0
Inspection protocol	0	0	0	0
Mis-recording of catches - inaccurate recording	6	0	0	6
Observer requirements	0	0	0	0
Quota requirements	1	0	0	1
VMS requirements	0	0	0	0
TOTAL	14	0	0	14

Table 5-2007, part 1. Effort, at-sea inspections and AIs by fisheries type

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	45	14	20	76**
Days Present in NRA	4158	1948	488	6594
Number of at-sea inspections	202	81	11	294
Number of at-sea inspection report containing citation of one or more AIs	4	5	4	13
Number of vessels cited with AIs at sea	4	5	4	13
AIs issued by category - from at-sea inspections***				
Greenland halibut measures	0	0	0	0
Mis-recording of catches -stowage	3	1	0	4
Product labeling	0	1	0	1
Vessel requirements - capacity plans	0	2	4	6
By-catch requirements	0	0	0	0
Catch communication violations	0	0	0	0
Fishing without authorization	0	0	0	0
Gear requirements - illegal attachments	0	1	1	2
Gear requirements - mesh size	0	0	0	0
Inspection protocol	0	0	0	0
Mis-recording of catches - inaccurate recording	2	0	0	2
Observer requirements	0	0	0	0
Quota requirements	0	0	0	0
VMS requirements	0	0	0	0
TOTAL	5	5	5	15

* GRO = groundfish primarily in Divs. 3KLMNO; PRA = shrimp fisheries in Divs. 3LM; REB = redfish in Divs. 1F2J

** Some vessels switched directed species within the year.

*** AIs from citation reports serving to confirm an incident are not counted. AI categories in bold are considered serious.

Table 5-2007, part 2. Effort, port inspections and AIs by fisheries type

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	45	14	20	76**
Days Present in NRA	4158	1948	488	6594
Number of port inspections	67	51	7	125
Number of port inspection report containing citation of one or more AIs	19	0	0	19
Number of vessels cited with AIs by port authorities	16	0	0	16
AIs issued by category - from port inspections***				
Greenland halibut measures	1	0	0	1
Mis-recording of catches -stowage	0	0	0	0
Product labeling	3	0	0	3
Vessel requirements - capacity plans	0	0	0	0
By-catch requirements	3	0	0	3
Catch communication violations	4	0	0	4
Fishing without authorization	0	0	0	0
Gear requirements - illegal attachments	0	0	0	0
Gear requirements - mesh size	0	0	0	0
Inspection protocol	0	0	0	0
Mis-recording of catches - inaccurate recording	16	0	0	16
Observer requirements	0	0	0	0
Quota requirements	0	0	0	0
VMS requirements	0	0	0	0
TOTAL	27	0	0	27

Table 5-2008, part 1. Effort, at-sea inspections and AIs by fisheries type

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	38	13	10	60**
Days Present in NRA	3302	1551	201	5054
Number of at-sea inspections	176	62	7	245
Number of at-sea inspection report containing citation of one or more AIs	2	3	0	5
Number of vessels cited with AIs at sea	2	3	0	5
AIs issued by category - from at-sea inspections***				
Greenland halibut measures	0	0	0	0
Mis-recording of catches -stowage	1	1	0	2
Product labeling	1	0	0	1
Vessel requirements - capacity plans	0	3	0	3
By-catch requirements	1	0	0	1
Catch communication violations	0	0	0	0
Fishing without authorization	0	0	0	0
Gear requirements - illegal attachments	0	0	0	0
Gear requirements - mesh size	0	0	0	0
Inspection protocol	0	0	0	0
Mis-recording of catches - inaccurate recording	0	0	0	0
Observer requirements	0	0	0	0
Quota requirements	0	0	0	0
VMS requirements	0	0	0	0
TOTAL	3	4	0	7

* GRO = groundfish primarily in Divs. 3KLMNO; PRA = shrimp fisheries in Divs. 3LM; REB = redfish in Divs. 1F2J

** Some vessels switched directed species within the year.

*** AIs from citation reports serving to confirm an incident are not counted. AI categories in bold are considered serious.

Table 5-2008, part 2. Effort, port inspections and AIs by fisheries type

FISHERIES*	GRO	PRA	REB	Total
Number of vessels	38	13	10	60**
Days Present in NRA	3302	1551	201	5054
Number of port inspections	70	60	2	132
Number of port inspection report containing citation of one or more AIs	3	0	0	3
Number of vessels cited with AIs by port authorities	2	0	0	2
AIs issued by category - from port inspections***				
Greenland halibut measures	0	0	0	0
Mis-recording of catches -stowage	0	0	0	0
Product labeling	1	0	0	1
Vessel requirements - capacity plans	0	0	0	0
By-catch requirements	0	0	0	0
Catch communication violations	0	0	0	0
Fishing without authorization	0	0	0	0
Gear requirements - illegal attachments	0	0	0	0
Gear requirements - mesh size	0	0	0	0
Inspection protocol	0	0	0	0
Mis-recording of catches - inaccurate recording	2	0	0	2
Observer requirements	0	0	0	0
Quota requirements	0	0	0	0
VMS requirements	0	0	0	0
TOTAL	3	0	0	3

Table 6. Resolution of Apparent Infringement (AI) Cases (as of March 2009)

	2005	2006	2007	2008
Number of citations issued*	26	28	32	8
Number of cases pending	7	1	4	4
Number of resolved cases	18	23	23	1
Number of cases with no followup information	1	4	5	3

* Number of at-sea and port inspection reports issuing serious and non-serious AIs.

A report may contain one or more AI.

Reports serving to confirm identical cases are not counted.

PART II

Report of the Standing Committee on International Control (STACTIC)

**31st Annual Meeting, 21-25 September 2009
Bergen, Norway**

1. Opening of the Meeting (Chair: Mads Nedergaard, Denmark (in respect of the Faroe Island and Greenland))

The Chair opened the meeting at 1400 hours on Monday, 21 September at the Radisson SAS Royal Hotel in Bergen, Norway and welcomed representatives of Canada, Denmark (in respect of the Faroe Islands and Greenland), EU, France (in respect of St. Pierre-et-Miquelon), Iceland, Japan, Norway, the Russian Federation, the United States and the NAFO Secretariat to the STACTIC meeting.

No opening statements were made.

2. Appointment of Rapporteur

Mr. Peter DeCola (United States) was appointed rapporteur.

3. Adoption of Agenda

The Chair introduced the agenda and opened the floor to comments. The following comments were made:

- The representative from Canada suggested adding the following discussion items under agenda item 5, but then later agreed to bring these issues up during course of meeting as appropriate:
 - Product labeling
 - Duration of an inspection
 - Documentation of permits
 - Inspection Party composition
 - Shrimp strengthening bags
- The Chair noted that Fisheries Commission (FC) had approved STACTIC's recommendation to establish an editorial board to review and better organize the NAFO Conservation and Enforcement Measures (NCEMs).
- Representatives from Canada and the EU both stated that the points on bycatch and shared quotas referred back to STACTIC by the FC are not appropriate issues to be addressed by STACTIC, but are policy issues that should be handled by the FC. The Chair agreed with their comments and decided to place these two items under agenda item 10.
- The representative of Denmark (in respect of the Faroe Islands and Greenland) requested to add a proposal to its working paper on catch reporting under agenda item 8iii.

The agenda was adopted with these modifications (Annex 1).

4. Compliance Review 2008 including review of reports of apparent infringements

The Chair introduced the agenda item and requested that the Chair of the Compliance Report Drafting Group (DG) made a presentation on the compilation of fisheries reports and the 2008 annual compliance review process (STACTIC Working Paper 09/18).

Consensus of the representatives was that the report:

- Needed to summarize the enforcement data presented (with full data set in the background on the NAFO secure website or made available at the Contracting Party's (CP) request);
- Needs to focus on assessing the effectiveness of specific conservation and enforcement issues to determine success; and
- Should be able to show trends (i.e. fishing vessel effort) as well as historical statistics.

It was agreed that a wider mandate for the DG was necessary to expand upon what is currently included in compliance report to make it more useful. It was also noted that information in several STACTIC working papers could be combined into the report (specifically, STACTIC Working Papers 09/10, 09/12, 09/14, and FC Doc. 09/05), and DG explored how to best consolidate this information. The representative of Canada suggested to STACTIC that the working paper on objectivity be consolidated in some fashion into the compliance report, but that specific formula used to assess objectivity be eliminated since several representatives noted that this measure was not particularly useful. Chair agreed with this approach, and noted that more detailed CP level information should not be included in the compliance report, but that this report should only contain summary information. The DG also suggested that the working papers containing detailed information on inspections and apparent infringements be eliminated since this information is available in summary form in FC DOC 09/05 and in the compliance report. This information could be made available on secure portion of NAFO website instead, or upon request of CPs.

It was agreed that the DG will continue to brainstorm potential metrics for measures of effectiveness to include in future compliance reports and will also liaison with Secretariat concerning additional information needed to make such changes to the compliance report. Recommendations regarding changes to the compliance report will be presented at the intercessional meeting.

To begin addressing concerns raised by several representatives concerning quality of COE/COX/observer reports, STACTIC agreed to include a summary of Secretariat's experience with various reports received from CPs such as catch, observer, and inspection reports in the this year's compliance report. After further thought and discussion, the Chair requested that the Secretariat look further into this matter and work with Canada to share their experiences and identify where the breakdown is and recommend appropriate solutions.

The Chair thanked the Compliance Report Drafting Group for its work to date and directed it to continue working closely with the Secretariat to prepare another draft for the 2010 NAFO intercessional meeting.

It was agreed to adopt and submit STACTIC Working Paper 09/18 Rev2 to the Fisheries Commission.

5. Review and evaluation of NAFO Compliance objectives

The Chair opened the agenda item and asked the representative of Canada to summarize its previously introduced discussion paper presented at the last STACTIC intercessional meeting entitled NAFO Compliance Tools/Measures Possible Discussion Topics (STACTIC Working Paper 09/08). Discussion centered on the following items:

a) Electronic/Satellite/Remote Monitoring

- Two hour intervals for VMS data is insufficient to monitor compliance with respect to closed areas. One hour reporting is necessary to effectively enforce VMEs (small sponge/coral areas).
- Data on course and speed is very helpful from a compliance perspective to determine whether a vessel is fishing or transiting through an area.
- The representative of Iceland noted that the additional polling and data would not be expensive to add.

It was agreed to forward STACTIC Working Paper 09/13 to the Fisheries Commission for adoption.

b) In-Port/Land based Monitoring

- The representative of the EU submitted a checklist for landing procedures STACTIC Working Paper 09/17.

The representatives will reflect on this proposal and provide input at the STACTIC intercessional meeting.

c) At-Sea Monitoring

- The representative of Canada submitted a discussion paper on joint enforcement (STACTIC Working Paper 09/15) to formalize a protocol based on joint inspections with the United States over the past few years to enhance the efficiency and effectiveness of the Joint Inspections and Surveillance Scheme and improve the proficiency of inspectors in the NAFO Regulatory Area (NRA).

The representatives will reflect on this proposal and provide input at the STACTIC intercessional meeting.

d) Aerial Surveillance

The representatives will reflect on this matter and provide any comments at the STACTIC intercessional meeting.

6. Review of current IUU list pursuant to NAFO CEM Article 57.3

The Chair opened the agenda item and the following discussion points were made:

- The fishing vessel Aquamarine II was delisted from the NEAFC IUU list and several other vessels rendered permanently inoperable are candidates for delisting.
- Discussion ensued as to whether NAFO should have its own procedures for delisting permanently inoperable vessels.

It was agreed to wait until NEAFC addresses this issue at their annual meeting in November (London) and see if their procedures meet NAFO's needs. This item will be addressed at the next STACTIC intercessional meeting.

It was also agreed to adopt STACTIC Working Paper 09/11 (NAFO IUU List Update). The agenda item was closed.

7. Implementation of Port State Measures

The Chair opened the agenda item and the following discussion points were made:

- The FAO is done with their port state measures agreement, but this has not yet gone through the process of being adopted.
- The reporting requirements under NEAFC and NAFO are different and can present challenges to CPs.
- It is desirable to look at the FAO framework and the representative from the EU has the intention to make proposals, if appropriate, that would harmonize Port State measures with other schemes dealing with IUU issues.
- The representative of Canada drafted a discussion paper dealing with the flag state competent authority (STACTIC Working Paper 09/22) as part of a seven working paper submission under agenda item 10.

It was agreed to adopt and submit STACTIC Working Paper 09/22 Rev to the Fisheries Commission. The agenda item was closed.

8. Possible Amendments of Conservation and Enforcement Measures

i. Automated COE/COX comparison between NAFO and NEAFC reports

The Chair opened the agenda item and noted that this has been a long-standing issue. The representative of Iceland noted that they looked into this issue previously, but the COE/COX messages forwarded to NAFO and NEAFC must be improved before these reports can be compared automatically.

As noted in Agenda item 4, the Chair requested that the Secretariat look further into this matter and work with Canada to share their experiences with problematic reporting and identify where the breakdown is and recommend appropriate solutions.

The agenda item will be reviewed when appropriate.

ii. Editorial Changes to the CEM

The Chair opened the agenda item and noted that the Fisheries Commission approved an Editorial Drafting Group (EDG) to make editorial changes to the CEMs.

- It was agreed that three contracting parties (Canada, European Union, and United States) would comprise the EDG.
- The anticipated timeline for this work would be one year.
- It was agreed that most work can be done via e-mail and the EDG can meet a day or 2 before the STACTIC intercessional meeting.
- Representatives not participating in the EDG are encouraged to provide comments to the EDG through the Secretariat.
- The main tasks for the EDG are:
 - Clean up/reorganize text.
 - Remove antiquated comments.
 - Make suggestions for new measures.

It was agreed that the EDG would provide a status report at the next STACTIC intercessional meeting.

iii. Improved catch reporting in the shrimp fisheries

The Chair opened the agenda item and discussed what eventually became a joint proposal by representatives from Denmark (in respect of the Faroe Islands and Greenland) and Iceland contained in STACTIC Working Paper 09/19 to eliminate varying catch reporting requirements by modifying to either a standard weekly or daily catch report requirement. As a general rule, catch reporting was introduced as a weekly requirement for all fisheries and daily reporting in certain fisheries.

The Chair noted that hopefully, the e-logbook, which will be introduced as an experiment in the near future, will solve many of the reporting requirements.

It was agreed to adopt and submit STACTIC Working Paper 09/19, Rev. 3 to the Fisheries Commission. The agenda item was closed.

9. Omega Mesh Gauge

The Chair opened the agenda item and asked the representative of the EU to provide a demonstration of the electronic mesh gauge device. A presentation was provided on the history of the electronic gauge project and the current design specifications of the gauge. A demonstration on how to use this equipment was also given.

Several representatives noted that their inspectors were testing the electronic mesh gauge. While there are initial indications of positive performance of this device, there was hesitance to recommend its full scale implementation until more experience with the device is obtained.

This item will be revisited at an appropriate time.

10. Other Matters

The Chair opened the agenda item and the following issues were discussed:

i. Location of STACTIC Intercessional Meetings

The representative of Iceland submitted a proposal under STACTIC Working Paper 09/16 to reduce the costs and rigor of travelling for the STACTIC intercessional meetings by alternating meeting locations every other year.

It was agreed that for planning purposes, the STACTIC intercessional meeting should be held during a fixed period each year (some time in first two weeks in May) and at a more convenient location.

ii. Bycatch Retention and Landing Requirements

The representatives suspended discussion on this matter pending further developments related to the reopening of fisheries under moratorium.

It was agreed that STACTIC would refer the matter back to the Fisheries Commission for further clarification.

iii. Shared Quotas

There is concern regarding the transfer of shared quotas between CPs. There is a need to determine if the Fisheries Commission intended for CPs in a shared quota arrangement to be able to transfer the right to catch shared quota to another CP. By way of further explanation, shared quota (e.g., Sub-Area 2 & Div. 1F+3K Redfish) is allocated to certain CPs on a first-come, first-served basis so that none of these CPs has exclusive right or "ownership" of such quota. It seems inconsistent, therefore, with the concept of "shared" quota for one of these CPs to be able to transfer the right to fish for such quota, up to and including the entire quota, if such CP does not exclusively "own" that quota.

It was agreed to refer this matter to the attention of the Fisheries Commission.

iv. Canadian Discussion Papers

The representative of Canada presented the following discussion items, submitted as STACTIC working papers intended to continue discussions on common compliance matters.

- 09/20 – Duration of an Inspection
- 09/21 – Inspection Party Composition
- 09/23 – Product Labeling
- 09/24 – Verification of Authorization to Fish
- 09/25 – Shrimp Strengthening Bags
- 09/26 – Net retrieval time

It was agreed that further reflection and consultation with industry is necessary. These issues will be deferred to the next STACTIC intercessional meeting.

11. Election of Vice-Chair

Mr. Gene Martin (United States) agreed to serve another term and will serve as Vice Chair for the next two years.

12. Time and Place of Next Meeting

The next meeting of STACTIC will take place in the Faroe Islands in May, 2010.

13. Adoption of Report

The report was adopted by the representatives.

14. Adjournment

The meeting adjourned at 1622 on Wednesday, 23 September 2009.

Annex 1. Agenda

1. Opening by the Chair, Mads Nedergaard (Denmark in respect of the Faroe Islands and Greenland)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Compliance review 2008 including review of reports of apparent infringements
5. Review and evaluation of NAFO Compliance objectives
 - a) Electronic/Satellite/Remote Monitoring
 - b) In-Port/Landing based Monitoring
 - c) At-Sea Monitoring
 - d) Aerial Surveillance
6. Review of current IUU list pursuant to NAFO CEM Article 57.3
7. Implementation of Port State Control Measures
8. Possible Amendments of Conservation and Enforcement Measures
 - i. Automated COE/COX comparison between NAFO and NEAFC reports
 - ii. Editorial changes to the CEM
 - iii. Improved catch reporting in the shrimp fisheries
9. Omega Mesh Gauge
10. Other matters
 - i. Location of STACTIC Intersessional Meetings
 - ii. Bycatch Retention and Landing Requirements
 - iii. Shared Quotas
 - iv. Canadian Discussion Papers
11. Election of Vice-Chair
12. Time and Place of the next STACTIC Meeting
13. Adoption of Report
14. Adjournment

SECTION IV
(pages 175 to 187)

**Report of the Fisheries Commission
Inersessional Meeting
16 November 2009
London, UK**

Report of the Fisheries Commission Inersessional Meeting.....	177
1. Opening by the Chair.....	177
2. Appointment of Rapporteur.....	177
3. Adoption of Agenda.....	177
4. Presentation of Scientific Advice on Division 3M Shrimp from the SC Shrimp Assessment Meeting, 21-29 October 2009.....	177
5. Management and Technical Measures for Shrimp in Division 3M, 2010.....	178
6. Other Matters.....	179
7. Adoption of Report.....	179
8. Adjournment.....	179
Annex 1. List of Participants.....	180
Annex 2. Agenda.....	184
Annex 3. Proposal to Reduce by 50% the Allocated Fishing Days for 3M Shrimp.....	185
Annex 4. Effort Allocation Scheme for Shrimp Fishery in the NAFO Regulatory Area Div. 3M, 2010.....	186
Annex 5. Request to the Scientific Council for Scientific Advice on Future Management of 3M Shrimp.....	187

Report of the Fisheries Commission Intersessional Meeting

(FC Doc. 09/24)

16 November 2009

London, UK

1. Opening by the Chair, Kate Sanderson (Denmark, in respect of the Faroe Islands and Greenland)

The Chair, Kate Sanderson (Denmark, in respect of the Faroe Islands and Greenland), opened the meeting at 9:30 a.m. on Monday, 16 November 2009 and welcomed the delegates to the NEAFC Headquarters in London, UK. Representatives from all Contracting Parties, except Japan and the Republic of Korea, were present (Annex 1).

2. Appointment of Rapporteur

Ricardo Federizon (NAFO Secretariat) was appointed as Rapporteur.

3. Adoption of Agenda

The provisional agenda previously circulated was adopted (Annex 2).

4. Presentation of Scientific Advice on Division 3M Shrimp from the SC Shrimp Assessment Meeting, 21-29 October 2009

At the 2009 Fisheries Commission Annual Meeting in Bergen, Norway, the Scientific Council (SC) Chair presented the updated SC advice on shrimp in Division 3M, recommending that the fishing mortality on this stock be set as close to zero as possible for 2010. This update represented a drastic change of the SC advice formulated at the 2008 Joint NAFO/ICES *Pandalus* Assessment Group Meeting, which recommended that for 2010 the exploitation level on this stock should not exceed the exploitation levels that have occurred since 2005.

In view of the change of advice, the Fisheries Commission requested the Scientific Council to re-evaluate its advice as new information (e.g. summer survey results) would be available for the Scientific Council at its next scheduled meeting. In addition, the Fisheries Commission requested the Scientific Council to analyze the temporal distribution of shrimp catches in relation to the stock-size changes (item 11 of FC Doc 09/17).

In October 2009, the Scientific Council addressed the request in the Joint NAFO/ICES *Pandalus* Assessment Group Meeting held in Dartmouth, Nova Scotia. The Scientific Council's response on the request is documented in SCS Doc 09/28.

Ricardo Alpoim, the Scientific Council Chair, presented the summary of the response on shrimp in Division 3M:

“The stock is now below B_{lim} i.e. has now entered the collapse zone defined by the NAFO Precautionary Approach framework, and recruitment prospects remain poor. To be consistent with the precautionary approach, fishing mortality should be kept as close to zero as possible when a stock is in the collapse zone. Therefore, Scientific Council reiterates its September 2009 recommendation for 2010 that the fishing mortality be set as close to zero as possible. Scientific Council recommends that fishing mortality in 2011 be set close to zero as possible.”

On the question: *In considering the possible contribution of fishery catches to changes in stock size of 3M shrimp, it is noted that catches are summed by calendar year, but the surveys are executed in the summer. Is the temporal distribution of shrimp catches through the year well enough known to allow partial contribution of year's catches to stock-size changes to be calculated? On average, what fraction of the year's catches is taken before the execution of the survey?*

“In order to assess a possible relation between the fishery catches in the months prior to the survey (January to May) and the stock size estimated in that year survey, a linear regression was carried out with the catch data by month available from the NAFO Statlant 21B. ... Regression analysis showed that there was no relationship between the amount of catch taken prior to the survey in a year and the biomass index in the EU survey in that same year.

The fraction of the annual catch taken during January to May of each year (the period prior to the EU survey) was calculated. On average 32% of the year's catch is taken prior to the execution of the EU survey.”

A comprehensive round of questions from Contracting Parties centered on the analytical models (or the lack of them) used in the assessment, the relationship between CPUE and biomass trends, and probable causes of stock decline other than fishing. The SC Chair elaborated on these issues based on the document SCS Doc 09/28.

5. Management and Technical Measures for Shrimp in Division 3M, 2010

There were diverging views among Contracting Parties as to how existing management measures for 3M shrimp should best be adapted with respect to the latest SC advice. The representative of the European Union (EU) expressed concern about the weakness of the SC advice in light of the fact that no analytical assessment model was used in the latest SC formulation of shrimp advice. It was pointed out that the SC had also advised that factors other than the fishery had a bearing on the state of the stock, and it was noted that a fishery for cod in 3M would begin in 2010. Thus the EU would find it difficult to support the drastic recommendation of a reduction of fishing mortality to zero, i.e. a moratorium. This view was shared by Cuba, Denmark (in respect of the Faroe Islands and Greenland), and the Russian Federation.

On the other hand, some Contracting Parties, including Canada, Iceland, Norway and USA, were of the view that the Fisheries Commission should be mindful of the precautionary approach, which has been a hallmark in NAFO, in its decision making and that any management decision should be within the framework of the Scientific Council recommendation. With four years of low recruitment and increased predation of cod, the Fisheries Commission should proceed in a cautious manner. A rollover, i.e. an adoption of the 2009 management scheme for 2010, would be disastrous as it takes little time to decimate the stock and would be contrary to the precautionary approach to fisheries management.

Attempts to reach consensus through bilateral and multilateral consultations among Contracting Parties did not succeed. The decision for management measures in 2010 was reached through a voting procedure in accordance with Article XIV of the NAFO Convention. Two proposals were brought forward for consideration:

1) **No directed fishery for the years 2010 and 2011, as proposed by Canada.** Canada, Iceland, Norway and the USA voted in favour of this proposal (contained in FC Working Paper 09/31). Cuba, Denmark (in respect of the Faroe Islands and Greenland), EU, France (in respect of St. Pierre et Miquelon), the Russian Federation, and Ukraine voted against it. With a majority vote opposing this proposal, it was thus rejected.

2) **An interim measure for 2010 of a 50% reduction of the fishing effort allocation from the current allocation with a condition that additional measures would be adopted for 2011 if the Scientific Council advice indicates that the stock is still in the collapse zone, as proposed by the EU.** The proposal is contained in FC Working 09/32 (Annex 3). Cuba, Denmark (in respect of the Faroe Islands and Greenland), EU, France (in respect of St. Pierre et Miquelon), the Russian Federation, and Ukraine voted in favour of the proposal. Canada, Iceland, Norway and the USA voted against it. With a majority in favour, this proposal was **adopted**.

The table of Effort Allocation Scheme for Shrimp Fishery in the NAFO Regulatory Area Division 3M, 2010 based on the adopted proposal is presented in Annex 4.

Iceland maintained its position against the effort allocation scheme applied to this stock. Iceland indicated that in accordance with Article XII it would file a formal objection to the adopted measures and set a unilateral quota in accordance with the reduction adopted. The Fisheries Commission noted Iceland's reservation.

The Chair and the Secretariat brought to the attention of the Fisheries Commission the provisions of the NAFO Convention for the commencement date of an adopted proposal becoming a binding measure. According to these provisions, and given Iceland's stated intention to lodge an objection, the measures would not become formally binding, pursuant to Article XII, until after 1 January 2010. It was agreed that the Contracting Parties would commit to implementing the measures on 1 January 2010.

Conscious of the effort to reach agreed management measures based on the best available science, and the challenges associated with possible adjustments of the current Effort Allocation Scheme, the Fisheries Commission requested the Scientific Council to explore other possible mechanisms to assist in achieving the objective of sustainable management of the 3M shrimp stock, including specifying additional requirements for scientific data

reporting. The Fisheries Commission also requested the Scientific Council to explore the viability and usefulness of a second annual scientific survey in the spring season. Details of the request were contained in FC WP 09/33 which was **adopted** (Annex 5).

As suggested by USA, the Chair would inform Japan and the Republic of Korea, which did not send representatives to this meeting, about the decisions reached at this meeting.

6. Other Matters

The Chair informed the Fisheries Commission of the communication from the Scientific Council Chair, which drew attention to the issue of the timing of the formulation of scientific advice on shrimp stocks. With the current schedule of the SC meetings (when advice is formulated) and of the FC meetings (when management measures are decided), shrimp advice is developed fourteen months ahead of the management year in question. The Scientific Council was not, however, proposing a change in its present schedule. The Chair suggested that, if so desired by Contracting Parties, this issue might be further discussed at subsequent FC meetings.

7. Adoption of Report

This report was adopted through correspondence after the meeting.

8. Adjournment

The Chair expressed her appreciation of the delegates' efforts and hard work in attempting to reach a consensus, but was disappointed that a consensus on the management measures for shrimp in Division 3M was not achieved at this meeting. The meeting was adjourned at 11:40 P.M.

The Chair of the Standing Committee on International Control (STACTIC), Mads Trolle Nedergaard (DFG) presented the results of STACTIC May 2009 intersessional meeting (FC Doc 09/3). He outlined the issues of bycatches, transfer of fishing possibilities from shared quota allocations, and NAFO Conservation and Enforcement Measures Editorial Review being brought forward to the Fisheries Commission for clarification and the pending proposals which would be further discussed in this meeting. Regarding the issues mentioned above, STACTIC was instructed to deliberate further on these and report back to the Fisheries Commission (see item 15.1 – 15.3).

The recommendations from the intersessional meeting would be forwarded to the Fisheries Commission together with the recommendations from this Annual Meeting (see item 15).

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Annex 2. Agenda

1. Opening by the Chair, Kate Sanderson (Denmark in respect of the Faroe Islands and Greenland)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Presentation of Scientific Advice on Division 3M Shrimp from the SC Shrimp Assessment Meeting, 21-29 October 2009
5. Management and Technical Measures for Shrimp in Division 3M, 2010
6. Other Matters
7. Adoption of Report
8. Adjournment

Annex 3. Proposal to Reduce by 50% the Allocated Fishing Days for 3M Shrimp
(FC WP 09/32 **now** FC Doc. 09/22)

Proposal

As an interim measure for 2010, Fisheries Commission agrees to reduce by 50% the allocated fishing days for 3M shrimp.

Fisheries Commission has agreed to adopt additional measures for 2011, conditional on Scientific Council advice indicating that shrimp 3M stock is still in the collapse zone.

**Annex 4. Effort Allocation Scheme for Shrimp Fishery in the
NAFO Regulatory Area Div. 3M, 2010**

CONTRACTING PARTY	NUMBER OF FISHING DAYS	NUMBER OF VESSELS
Canada	228	16
Cuba	50	1
Denmark		
Faroe Islands	803	8
Greenland	258	14
European Union	1646 ¹	33 ¹
France (in respect of St Pierre et Miquelon)	50	1
Iceland	N/A	N/A
Japan	50	1
Korea	50	1
Norway	992	32
Russia	1050	N/A
Ukraine	50	1
USA	50	1

¹ Including fishing entitlements transferred from Poland (50 fishing days with one vessel), Estonia (834 fishing days with 8 vessels), Latvia (245 fishing days with 4 vessels) and Lithuania (290 fishing days with 7 vessels) following their accession to the European Union.

**Annex 5. Request to the Scientific Council for Scientific Advice on
Future Management of 3M Shrimp**
(FC WP 09/33, Rev. now FC Doc. 09/23)

Request to the Scientific Council for Scientific Advice on Future Management of 3M Shrimp, from the intersessional meeting of the NAFO Fisheries Commission in London, 16. November 2009:

The Fisheries Commission, at its intersessional meeting, noted that whereas the Scientific Council in its advice to the Fisheries Commission contained in Report of the Scientific Council Meeting, 21 – 29 October 2009 reiterated its September 2009 recommendation for 2010 and 2011 that the fishing mortality be set as close to zero as possible, the current Effort Allocation Scheme for 3M Shrimp Fishery allows for a high effort in the fishery.

Conscious of the efforts to reach agreed management measures based on the best available science, and challenges contained to reach consensus on the scope of possible adjustments of the current Effort Allocation Scheme or any specific quota allocation, the Fisheries Commission requests the Scientific Council to explore other possible mechanisms to assist in achieving the objective of sustainable management of the 3M shrimp, including but not limited to further seasonal or spatial closure of the fishery, gear modification, any additional requirements for scientific data reporting needed from the fisheries, or any other conservation or technical measure appropriate to achieving the objective.

The Fisheries Commission further requests the Scientific Council to explore the viability and usefulness of a second annual scientific survey in the spring season.

The Fisheries Commission requests the Scientific Council to consider these issues and report back to the Fisheries Commission at the Annual Meeting of NAFO in 2010.

SECTION V
(pages 189 to 199)

**Report of the FC Working Group on Greenland Halibut
Management Strategy Evaluation (WGMSE)
28-29 January 2010
Brussels, Belgium**

Report of the WGMSE	191
1. Opening of the Meeting	191
2. Election of Chairs	191
3. Appointment of Rapporteur	191
4. Adoption of Agenda.....	191
5. Overview of Management Strategies Evaluation (MSE) and Efforts to date.....	191
6. New Management Strategies Specifications for Evaluation	191
7. Developing Workplan for Next Steps	193
8. Communication with the Scientific Council	193
9. Recommendations to the Fisheries Commission of the Proposed Approach.....	193
10. Other Matters	193
11. Adoption of Report	193
12. Adjournment	193
Annex 1. List of Participants.....	194
Annex 2. Agenda.....	197
Annex 3. Chairs' Record of Decision	198
Annex 4. Request to Scientific Council	199

**Report of the FC Working Group on Greenland Halibut Management
Strategy Evaluation (WGMSE)**
(FC Doc. 10/2)

**28-29 January 2010
Brussels, Belgium**

1. Opening of the Meeting

The Fisheries Commission Coordinator of the NAFO Secretariat (Ricardo Federizon) opened the meeting, on behalf of the Executive Secretary, at 1010 hrs on Thursday, 28 January 2010. He welcomed the delegates to the Headquarters of the Directorate-General for Maritime Affairs and Fisheries of the European Commission (Annex 1).

2. Election of Chairs

Sylvie Lapointe (Canada) and Antonio Vazquez (EU) were elected co-Chairs representing the Fisheries Commission (FC) and Scientific Council (SC), respectively. The Chairs presided over the subsequent agenda items.

3. Appointment of Rapporteur

Ricardo Federizon was appointed Rapporteur.

4. Adoption of Agenda

The revised agenda from the previously circulated draft agenda was adopted (Annex 2).

5. Overview of Management Strategies Evaluation (MSE) and Efforts to date

Four PowerPoint presentations were made on the topic of MSE:

- Doug Butterworth (Japan) – *Overview of MSE*. Dr. Butterworth presented the elements and the underlying mechanism of the MSE. Through (non-fishery) illustration, he highlighted some of the benefits of the MSE approach, specifically the risk-management aspect which is a primary driver for this exercise.
- Jean-Claude Mahé (EU) – *Management Strategies in the European Fisheries*. Mr. Mahé talked about the Recovery Plans and Management Plans on various fish stocks being implemented and evaluated in Europe, and the reference points used in the evaluation.
- Peter Shelton (Canada) – *MSE as a Tool for Management of NAFO Greenland Halibut*. Dr. Shelton outlined the work of the SC on the MSE and presented initial results of the MSE test runs on the Greenland halibut stock based on operating models conditioned by Extended Survival Analysis (XSA) analytical method.
- Doug Butterworth (Japan) – *Bridging the Gap through MSE*. Dr. Butterworth illustrated how, in cases where two assessment methods (XSA and Statistical Catch-at-age, SCAA) present different views of the stock, MSE can be used as a means to manage the risk associated with this uncertainty.

Discussions and debate engendering from the presentations primarily centered on the use of SCAA method in conditioning a suite of operating models.

6. New Management Strategies Specifications for Evaluation

Canada proposed an approach in moving forward by suggesting that this Working Group (WG) draws from the 2007-2009 MSE study initiated by the Scientific Council. This entails consideration of alternative management strategies and related harvest control rules, selection of appropriate performance indicators and determination of

acceptable levels of risks (for particular performance statistics), and evaluation of outputs of the risk management framework utilizing one or more analytical assessment methods.

a) Operating models (OMs)

An operating model represents a particular “scenario” which describes the fisheries and fish stock dynamics. Some of its input parameters (model conditioning) can be estimated using an analytical assessment method like XSA. A set of plausible OMs based on realistic input parameter(s) will be tested. It was **agreed** that two sets of operating models – one conditioned by XSA and other conditioned by SCAA -- using the same input data will be tested.

b) Management Procedures

It was **agreed** to analyze a simple model-free harvest control rule (HCR). The change in the perceived status of the stock (from a multi-year trend of research surveys) would be used to adjust the TAC, from year (y) to year ($y+1$), according to Equation 2 in SCR Doc 09/37 (Shelton and Miller, 2009):

$$TAC_{y+1} = TAC_y \times (1 + \lambda \times slope)$$

This HCR could be refined at the next meeting of this WG in light of the intersessional work to be carried out (see items 7 and 8).

c) Performance Statistics (PS)

Performance statistics allow evaluating the success of the proposed HCR across the accepted set of OMs. The suite of PS to be used was not yet selected, but it was **agreed** that four properties would be evaluated in a risk management context:

- i) the risk of steep decline be kept moderately low
- ii) the risk of annual average catch variation of greater than 15% be kept moderately low
- iii) the magnitude of the average catch in the short, medium term and long term be maximized
- iv) the risk of failure to meet an interim target within a prescribed period of time should be kept moderately low

A number of mathematical expressions were proposed to capture PS (i) and (iv):

- a) P_{20}/P_0 , where P_{20} = population in year 20 and P_0 = population in year 0, where year 0 is the current year
- b) P_{lowest}/P_0 , where P_{lowest} = lowest population level during evaluation period
- c) P_{lowest}/P_{min} , where P_{min} = historical minimum
- d) P_{20}/P_{target} , where P_{target} = pre-defined recovery target
- e) P_5/P_0
- f) P_{20}/P_{MSY} , where P_{MSY} = population size equivalent to maximum sustainable yield.

In each of them, population can be measured as total numbers, total biomass, exploitable numbers (ages 5 – 9), exploitable biomass, survey index or spawning biomass.

Similarly the primary PS (ii) and (iii) above can be captured by:

- g) Average annual catch over short, medium and long term
- h) Average annual variation in catch over short, medium and long term.

The summary of the management strategies specifications for evaluation is contained in FCWGMSE Working Paper 10/3 (Rev) presented in Annex 3.

7. Developing Workplan for Next Steps

Two consultants would be hired to do a run of the MSE (with the parameters agreed in item 6) – Dr. D Butterworth to develop the SCAA-conditioned operating models, and Dr. D Miller to develop the XSA-conditioned operating models. The consultants' service fees would be shouldered by EU (for Dr. Butterworth) and by Canada (for Dr. Miller). The consultants' reports deadline is mid-April to allow the Contracting Parties time to review and evaluate the test results in time for the scheduled May 2010 Meeting to be held in Halifax.

Between this meeting and the next meeting in May, it was expected that due to urgency and in spite of timing issues, the Scientific Council could provide the advice requested below (see item 8).

It was recognized that the May 2010 meeting will require three days, instead of the originally planned two days. The practical follow-up meeting dates to be held in Halifax, Canada are May 2-4, subject to the confirmation of the Contracting Parties. The follow-up meeting would be extended by one day to allow for a meeting of scientists, which would occur on May 2 prior to the general discussion of the Working Group, to consolidate the preliminary reports of the consultants and of the Scientific Council.

8. Communication with the Scientific Council

Recognizing that the SC has done an evaluation of alternative assessment models, e.g. SCAA, in enabling the determination of the robustness of the assessment model currently used, a request to the SC was formulated to review and comment on the set of plausible operating models to be used in the evaluation of harvest control rules for Greenland halibut in Subarea 2 + Division 3KLMNO (FC WGMSE Working Paper 10/4 Revised, Annex 4). Two assessment methods are under consideration for conditioning Operating Models (OMs), SCAA and XSA. The SCAA-conditioned OMs shall be reviewed to determine their plausibility. A set of XSA-conditioned OM have already been agreed by SC as plausible representations of the real system. If there are any changes or additions to these XSA-based OMs, SC should also review these. SC is requested to conduct this review as soon as possible, so as to provide a sound footing for the substantial amount of work that has to be done prior to the next meeting in May. This review is expected to be conducted through correspondence and remote-conferencing.

The WG recognized that requests to Scientific Council should emanate from Fisheries Commission and not from a Working Group. In this regard and in consideration of the timings of the SC and FC meetings, it was agreed that when this report is adopted, the issue would be brought to the attention of the FC Chair who would formally communicate to the SC Chair the Request on behalf of the Fisheries Commission.

9. Recommendations to the Fisheries Commission of the Proposed Approach

This item was deferred to the next WG meeting scheduled in May 2010.

10. Other Matters

There was no other matter to discuss.

11. Adoption of Report

This report was adopted through correspondence after the meeting.

12. Adjournment

The Chairs thanked EU for hosting the meeting and the participants for their work over the course of the meeting.

The meeting was adjourned at 1830 hrs on Friday, 29 January 2010.

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Annex 2. Agenda

1. Opening of the Meeting
2. Election of Chairs
3. Appointment of Rapporteur
4. Adoption of Agenda
5. Overview of MSE and Efforts to date
6. New management strategies specifications for evaluation:
 - a) Operating models
 - b) Management procedures
 - c) Performance statistics
7. Developing Workplan for Next Steps
8. Communication with the Scientific Council
9. Recommendations to the Fisheries Commission of the Proposed Approach
10. Other Matters
11. Adoption of Report
12. Adjournment

Annex 3. Chairs' Record of Decision
(FCWGMSE WP 10/3, Revised)

New management strategies specifications for evaluation:

a) Operating models

2 equal sets of operating models – one conditioned on SCAA and other conditioned on XSA, using the same input data.

b) Management procedures

Agreement on a simple harvest control rule, which is model free – A TAC adjustment strategy that uses the change in perceived status of the stock (from a multi-year trend of research surveys) to adjust the TAC (from year y to year $y+1$).

As a starting point, use a model-free harvest control rule as given in equation 2 on page 4 of SCR Doc. 09/37 (Shelton and Miller, 2009). This can be refined at the May WG in light of intersessional work to be carried out.

c) Performance statistics

Agreement on 4 primary performance statistics to be evaluated in a risk management context:

- the risk of steep decline be kept moderately low
- the risk of annual average catch variation of greater than 15% be kept moderately low
- the magnitude of the average catch in the short, medium term and long term be maximized
- the risk of failure to meet an interim target within a prescribed period of time should be kept moderately low

Development of work plan for next steps

Hire 2 consultants – D. Butterworth to develop and test SCAA and D. Miller to develop and test XSA operating models in MSE context.

Technical discussion to finalize details.

Deadline for consultants' preliminary reports – mid April.

Working group meeting extended by 1 day to allow for a meeting of scientists to consolidate preliminary reports (May 2-4 to be confirmed).

Annex 4. Request to Scientific Council
(FCWGMSE WP 10/4, Revised now FC Doc. 10/3)

Scientific Council is requested to review and comment on the set of plausible operating models to be used in the evaluation of harvest control rules for Greenland halibut in Subarea 2 + Div. 3KLMNO by the FC WG. Two assessment methods are under consideration for conditioning operating models, SCAA and XSA. The operating models conditioned on SCAA should be reviewed by SC to determine their plausibility. A set of operating models conditioned on XSA have already been agreed by SC as plausible representations of the real system (NAFO SCR 09/37). If there are any changes or additions to these XSA-based operating models, SC should also review these.

All the operating models will be based on the same input data as the current base XSA model (CAV – current assessment view).

The use of SCAA in the MSE should be reviewed by the SC. The run referenced as “SCAA w. XSA data” in Figure 7 of SCR Doc 09/25 which used almost identical inputs to the current base XSA model, and the associated documents provide all specifications of the approach. For review purposes, these documents together with two further variants of the SCAA2 run will be provided. Both these variants will use exactly the same inputs to the current base XSA model, with one estimating the slope of selectivity at large age and the other setting this slope to be flat. Requests for possible further analyses regarding SCAA will be developed, if necessary, at the May meeting of the Working Group.

Recognizing the SC work schedule, SC is requested to conduct this review as soon as possible.

SECTION VI
(pages 201 to 211)

Report of the GC Performance Assessment Working Group (PAWG)
26-27 April 2010
Halifax, Nova Scotia, Canada

Report of the PAWG	203
1. Opening	203
2. Appointment of Rapporteur	203
3. Adoption of Agenda.....	203
4. Terms of Reference for the performance assessment.....	203
5. Assessment Criteria	203
6. Panel Composition (including appointment procedure, numbers and chairperson).....	203
7. Budgetary and administrative considerations	203
8. Other Matters	203
9. Adoption of Report	204
10. Adjournment	204
Annex 1. List of Participants.....	205
Annex 2. Agenda.....	207
Annex 3. Terms of Reference of the NAFO Performance Review Panel	208
Annex 4. Criteria for Reviewing the Performance of NAFO.....	209

**Report of the GC Performance Assessment
Working Group (PAWG)
(GC Doc. 10/1)**

**26-27 April 2010
Halifax, N.S., Canada**

1. Opening

The meeting was opened by the Chair, Terje Lobach, Norway, at 1000 hrs on Monday, 26 April 2010 at the Prince George Hotel, in Halifax, NS, Canada. The Chair welcomed representatives from the following Contracting Parties to the meeting: Canada, Denmark (in respect of the Faroe Islands and Greenland), the European Union (EU), Norway, Russian Federation and the United States of America (USA) (Annex 1). The Secretariat was in attendance. Opening remarks were made by the Chair, Canada, EU and Denmark (in respect of the Faroe Islands and Greenland).

2. Appointment of Rapporteur

The Executive Secretary, Dr. Vladimir Shibanov, was appointed Rapporteur.

3. Adoption of Agenda

The provisional agenda was adopted without change. (Annex 2)

4. Terms of Reference for the performance assessment

The WG developed ToRs for the performance review which included the objective, assessment period, assessment criteria, panel composition, work schedule and reporting, as well as administrative issues. (Annex 3)

5. Assessment Criteria

The WG used assessment criteria developed by other RFMOs as a basis for their discussion and made adjustments for the NAFO context. The set of criteria agreed by the WG is found in Annex 4.

**6. Panel Composition (including appointment procedure,
numbers and chairperson)**

The WG agreed that the panel shall consist of external and internal experts, and that ICES, FAO and UNDOALOS shall be asked to nominate a scientist, a fisheries manager and a lawyer, respectively. Further, the WG agreed that the Chair/Vice-Chair of STACTIC shall be a panel member. The WG did not reach a conclusion concerning the selection of internal panel members and the possible invitation to an NGO to observe the work of the Panel.

7. Budgetary and Administrative Considerations

The WG recommends that within the NAFO budget of 2011 there should be a special item in the amount of \$100 000 Cdn to cover expenses of the assessment review process (external review panel members, printing, copying, meeting expenses, etc.). Any funds not incurred will be returned to the Accumulated Surplus.

It was agreed that the assessment review process be conducted in 2011 and the report made available to the NAFO Contracting Parties 45 days in advance of the 2011 Annual Meeting and presented to them by the Chair of the Review Panel at the 2011 Annual Meeting.

8. Other Matters

There were no other matters.

9. Adoption of Report

The report was circulated to participants and adopted by correspondence.

10. Adjournment

The meeting was adjourned on 27 April, 2010, 4:15 pm. The Chair thanked the participants for a successful meeting and thanked the Secretariat for their usual assistance.

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Annex 2. Agenda

1. Opening by the NAFO President, Chair of the PAWG
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Terms of reference for the performance assessment
5. Assessment criteria
6. Panel composition (including appointment procedure, numbers and chairperson)
 - 6.1. Internal members
 - 6.2. External members
7. Budgetary and administrative considerations
8. Other matters
9. Adoption of Report
10. Adjournment

Annex 3. Terms of Reference of the NAFO Performance Review Panel

Objective

The objective of the work to be carried out by the Review Panel shall be:

To assess the performance of NAFO since 1979 against the objectives set out in the NAFO Convention and other relevant international instruments addressing the conservation and management of marine living resources, with special emphasis on the period since 1995, duly noting the objectives reflected in the amendments to the Convention adopted by NAFO in 2007.

Consideration should be given to the developments in fisheries and ocean management that have taken place during the period covered by the review.

It was further decided that the review shall be performed on the basis of the criteria provided in Annex 4 and point to achievements as well as identify areas which could be improved.

Panel Composition

The Review Panel shall be composed as follows:

- Internal Experts: Three Contracting Parties shall each nominate one panel member with experience and knowledge of NAFO. [Selection of Contracting Parties to be decided.]

- The Chair/Vice Chair of STACTIC

- External Experts: Three external experts in fisheries management, fisheries science, and Law of the Sea matters, as proposed by FAO/ICES/UNDOALOS respectively, one of whom shall be the Chair of the Panel to be decided by the Panel. These experts shall not have participated in the work of NAFO, and shall not be a national of any NAFO Contracting Party.

-[NGO Observer]

The Secretariat shall provide administrative assistance to the Panel.

Report of the Review Panel

The report shall be provided to the NAFO Secretariat for distribution to its Contracting Parties at least 45 days before the 2011 Annual Meeting and subsequently made public on the NAFO website. The report shall be presented by the Chair of the Panel to that meeting.

Administration

Meeting(s) of the Review Panel shall be held at the NAFO Headquarters in Dartmouth, NS, Canada.

Contracting Parties [and the NGO] shall pay for the participation of their representatives to meeting(s) of the Panel.

The travel costs of the external experts shall be reimbursed and they shall receive a per diem to cover their accommodation and subsistence costs. In addition the experts may receive a fee for the work undertaken.

Annex 4. Criteria for Reviewing the Performance of NAFO

<i>Area</i>	<i>General criteria</i>	<i>Detailed criteria</i>
<i>1. Conservation and management</i>	Status of living marine resources	<ul style="list-style-type: none"> • Status of marine living resources under the purview of NAFO. • Trends in the status of those resources. • Status of species that belong to the same ecosystems as, or are associated with or dependent upon, targeted marine living resources. • Trends in the status of those species.
	Ecosystem approach	<ul style="list-style-type: none"> • Extent to which NAFO decisions take account of and incorporate an ecosystem approach to fisheries management.
	Data collection and sharing	<ul style="list-style-type: none"> • Extent to which NAFO has agreed formats, specifications and timeframes for data submissions, taking into account Annex 1 of the 1995 UN Fish Stocks Agreement. • Extent to which NAFO Contracting Parties, individually or through NAFO, collect and share complete and accurate data concerning marine living resources and other relevant data in a timely manner, including analysis of trends in fishing activities over time. • Extent to which fishing and research data and fishing vessel and research vessel data are gathered by NAFO and shared among Contracting Parties. • Extent to which NAFO is addressing any gaps in the collection and sharing of data as required.
	Quality and provision of scientific advice	<ul style="list-style-type: none"> • Extent to which NAFO produces the best scientific advice relevant to the marine living resources under its purview, as well as to the effects of harvesting, research, conservation and associated activities, on the marine ecosystem.
	Adoption of conservation and management measures	<ul style="list-style-type: none"> • Extent to which NAFO has adopted measures based on the best scientific advice available to ensure the long-term conservation and sustainable use of marine living resources in the Convention Area. • Extent to which NAFO has applied a precautionary approach as set forth in Article 6 of the 1995 UN Fish Stocks Agreement, including the application of precautionary reference points. • Extent to which consistent/compatible management measures have been adopted as set out in Article 7 of the 1995 UN Fish Stocks Agreement. • Extent to which NAFO successfully allocates fishing opportunities consistent with the NAFO Convention and Article 11 of the 1995 UN Fish Stocks Agreement. • Extent to which NAFO has moved toward the adoption of conservation and management measures for previously unregulated fisheries, including new and exploratory fisheries. • Extent to which NAFO has taken due account of the need to conserve marine biological diversity and minimize harmful impacts of fishing activities and research on living marine resources and marine ecosystems. • Extent to which NAFO has adopted measures to minimise pollution, waste, discards, catch by lost or abandoned gear,

		<p>catch of non-target marine living resources, and impacts on associated or dependent species through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques.</p> <ul style="list-style-type: none"> • Extent to which NAFO has adopted and is implementing effective rebuilding plans for depleted or overfished stocks including guidance for stocks under moratoria.
	Capacity management	<ul style="list-style-type: none"> • Extent to which NAFO has identified fishing capacity levels commensurate with the conservation objectives of the NAFO Convention. • Extent to which NAFO has taken actions to prevent or eliminate excess fishing capacity and effort. • Extent to which NAFO monitors the levels of fishing effort, including taking into account annual notifications of participation by Contracting Parties.
<i>2. Compliance and enforcement</i>	Flag State duties	<ul style="list-style-type: none"> • Extent to which NAFO Contracting Parties are fulfilling their duties as flag States under the NAFO Convention, pursuant to measures adopted by NAFO, and under other international instruments, including, inter alia, the 1982 Law of the Sea Convention, 1995 UN Fish Stocks Agreement and the 1993 FAO Compliance Agreement, as applicable.
	Port State measures	<ul style="list-style-type: none"> • Extent to which NAFO has adopted measures relating to the exercise of the rights and duties of its Contracting Parties as port States, as reflected in Article 23 of the 1995 UN Fish Stocks Agreement, as well as the minimum standards set out in the 2009 FAO Agreement on Port State Measures to Combat IUU Fishing. • Extent to which these measures are effectively implemented.
	Monitoring, control and surveillance (MCS)	<ul style="list-style-type: none"> • Extent to which NAFO has adopted integrated MCS measures (e.g. required use of boarding and inspection schemes, VMS, observers, catch documentation and/or trade tracking schemes, and restrictions on transshipment). • Extent to which these measures are effectively implemented.
	Follow-up on infringements	<ul style="list-style-type: none"> • Extent to which NAFO and its Contracting Parties follow up on infringements to conservation and management measures.
	Cooperative mechanisms to detect and deter non-compliance	<ul style="list-style-type: none"> • Extent to which NAFO has established adequate cooperative mechanisms to both monitor compliance and detect and deter non-compliance (e.g. compliance committees, vessel lists, sharing of information about non-compliance). • Extent to which these mechanisms are being effectively utilised.
	Market-related measures	<ul style="list-style-type: none"> • Extent to which NAFO has adopted measures relating to the exercise of the rights and duties of NAFO Contracting Parties as market States for marine living resources under the purview of NAFO. • Extent to which these measures are being effectively utilized.
<i>3. Decision-making and dispute settlement</i>	Decision-making	<ul style="list-style-type: none"> • Efficiency of NAFO meetings in addressing critical issues in a timely and effective manner. • Extent to which NAFO has transparent, consistent and adequate decision-making procedures that facilitate the adoption of conservation and management measures in a timely and effective manner.

	Dispute settlement	<ul style="list-style-type: none"> • Extent to which NAFO has established adequate mechanisms for resolving disputes.
<i>4. International cooperation</i>	Transparency	<ul style="list-style-type: none"> • Extent to which NAFO is operating in a transparent manner, taking into account Article 12 of the 1995 UN Fish Stocks Agreement. • Extent to which NAFO decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion.
	Relationship with non-Contracting Parties	<ul style="list-style-type: none"> • Extent to which non-Contracting Parties have undertaken fishing activities in the NAFO Regulatory Area. • Extent to which NAFO facilitates cooperation with non-Contracting Parties, including encouraging non-Contracting Parties to become Contracting Parties or to implement NAFO conservation and management measures voluntarily. • Extent to which NAFO provides for action in accordance with international law against non-Contracting Parties undermining the objective of the Convention, as well as measures to deter such activities.
	Cooperation with other international organisations	<ul style="list-style-type: none"> • Extent to which NAFO cooperates with Regional Fisheries Management Organizations and other international organisations.
	Special requirements of developing States	<ul style="list-style-type: none"> • Extent to which NAFO recognises the special needs of developing States and cooperates with developing States, taking into account Part VII of the 1995 UN Fish Stocks Agreement. • Extent to which NAFO Contracting Parties, individually or through the Commission, provide relevant assistance to developing States as reflected in Article 26 of UN Fish Stocks Agreement.
<i>5. Financial and administrative issues</i>	Availability of resources for activities	<ul style="list-style-type: none"> • Extent to which financial and other resources are made available to achieve the aims of NAFO and to implement NAFO's decisions.
	Efficiency and cost-effectiveness	<ul style="list-style-type: none"> • Extent to which NAFO is efficiently and effectively managing its human and financial resources, including those of the Secretariat. • Extent to which the schedule and organization of the meetings could be improved.

SECTION VII
(pages 213 to 244)

Report of the STACFAD Working Group
28-29 April 2010
Halifax, Nova Scotia, Canada

Report of the STACFAD WG	215
1. Opening by the Chair	215
2. Appointment of Rapporteur	215
3. Adoption of Agenda.....	215
4. Amendment of Rules of Procedure resulting from amendment of the NAFO Convention	215
5. Administrative considerations resulting from amendment of the NAFO Convention	215
6. Other Matters	216
7. Adoption of Report	216
8. Adjournment	216
Annex 1. List of Participants	217
Annex 2. Agenda.....	218
Annex 3. Draft Revisions to the Rules of Procedure.....	219
Annex 4. Draft Revisions to Rules of Procedure for Observers	224
Annex 5. Draft Revisions to the Financial Regulations	226
Annex 6. Draft Revisions to the Staff Rules	232

Report of the STACFAD Working Group

(GC Doc. 10/2)

**28-29 April 2010
Halifax, N.S., Canada**

1. Opening by the Chair

The meeting was opened by the STACFAD Chair, Bob Steinbock (Canada) at 0930 hrs on 28 April 2010. The Chair welcomed delegates from Canada, European Union, Denmark (in respect of the Faroe Islands and Greenland), Norway, the Russian Federation, and the United States of America as well as members of the Secretariat (Annex 1).

In his opening remarks, the Chair noted that Norway and Canada had ratified the amended NAFO Convention. The delegate of Denmark (in respect of the Faroe Islands and Greenland) stated that the respective Governments of Faroe Islands and Greenland had begun to prepare the ratification process and hoped it would be completed soon. The EU delegate also noted that the ratification process has started within the EU.

2. Appointment of Rapporteur

The Secretariat was appointed to serve as Rapporteur.

3. Adoption of Agenda

The provisional agenda, as circulated, was adopted (Annex 2).

4. Amendment of Rules of Procedure resulting from amendment of the NAFO Convention

Under this item, the Working Group discussed the amendments to the Rules of Procedure which would be required upon the entry into force of the amended NAFO Convention and the resulting merger of the Fisheries Commission and General Council. The basis for discussion by the Working Group was the previously presented STACFAD W.P. 08/3 – "Draft Rules of Procedure". The revised Rules of Procedure as agreed by the Working Group are attached in Annex 3.

The WG agreed to draw the attention of STACFAD in particular to the suggested new provision in Rule 4.5 of the draft Rules of Procedures concerning deadlines for the submission of proposals for Conservation and Enforcement Measures.

The Working Group also reviewed the Draft Revisions to Rules of Procedure for Observers (STACFAD WG WP 10/3) and agreed to the revisions as presented (Annex 4).

5. Administrative considerations resulting from amendment of the NAFO Convention

The Chair noted that the Financial Regulations and Staff Rules would also need to be amended and introduced STACFAD WG WP 10/1 – Draft Revisions to the Financial Regulations. He noted the addition of a new Rule 4.6 and an Annex which reflects an earlier decision of the General Council to incorporate into the Financial Regulations the List of Species, the nominal catches of which are to be used for calculating Contracting Parties' contributions.

The revised Financial Regulations as agreed by the Working Group are attached in Annex 5.

Draft Revisions to the Staff Rules (STACFAD WG WP 10/2) were reviewed. It was suggested that Rule 2.8 be amended to reflect the pending signature of a Headquarters Agreement between NAFO and the Government of Canada.

The revised Staff Rules as agreed by the Working Group are attached in Annex 6.

6. Other Matters

There were no other matters raised.

7. Adoption of Report

Following adoption of the Report by the Working Group, it was agreed that the Report would be forwarded to STACFAD for consideration during the 2010 Annual Meeting.

8. Adjournment

The meeting adjourned at 1230 hrs on Thursday, 29 April 2010.

Annex 1. List of Participants

Name	Contracting Party
Bob Steinbock Brett Gilchrist	Canada
Rasmus Fuglholt Kate Sanderson	Denmark (in respect of Faroe Islands and Greenland)
Aleksandra Kordecka Alan Gray Margarita Mancebo	European Union
Sigrun M. Holst Hilde Ognedal Inger Helene Sira	Norway
Temur Tairov	Russian Federation
Patrick Moran	United States of America
Vladimir Shibanov Stan Goodick Bev McLoon	NAFO Secretariat

Annex 2. Agenda

1. Opening by the Chair (Bob Steinbock, Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Amendment of Rules of Procedure resulting from amendment of the NAFO Convention
5. Administrative considerations resulting from amendment of the NAFO Convention
6. Other matters
7. Adoption of Report
8. Adjournment

Annex 3. Draft Revisions to the Rules of Procedure

Rules of Procedure for the Commission

REPRESENTATION

Rule 1

- 1.1 Each ~~Commission Contracting Party~~ member shall notify the Executive Secretary as far as possible in advance of any meeting of the names of its representatives, alternates, experts and advisers who will attend.

VOTING

Rule 2

- 2.1 Observers, experts and advisers ~~may address plenary or subsidiary body meetings, but~~ shall not be entitled to vote.
- 2.2 The quorum shall not include the Contracting Parties which have no right of casting votes under the provisions of Article IX.7 of the Convention.
- 2.3 Decisions at meetings of the subsidiary bodies shall be taken in accordance with Article XIII of the Convention.
- 2.4 Votes shall be taken by show of hands, or by roll call, in the English alphabetical order of the names of the Contracting Parties, or by ballot, as determined by the ~~Chair~~ Chairperson.
- 2.5 In ~~the case of an~~ the need for adoption of an emergency measure between meetings, a vote may be taken by e-mail or ~~by other~~ electronic means.
- 2.6 When a vote is taken by e-mail or other mail or by electronic means, the Executive Secretary shall address the request for the vote from each Contracting Party to ~~the respective Head of Delegation at his or her~~ its designated official address(es) ~~with copies addressed to each representative of that Contracting Party at his or her corresponding official address.~~
- 2.7 The result of a vote taken by ~~mail or by e-mail or other~~ electronic means shall be ascertained by the Executive Secretary at the end of a period of at least thirty (30) days after the date of the initial request for the vote and such period shall be made clear in the text of that request.
- 2.8 a) If no reply from a Contracting Party, in the case of a vote taken by e-mail or ~~by other~~ electronic means, reaches the Secretariat within the period established under 2.67, that Contracting Party would be recorded as having abstained and it shall be considered part of the relevant quorum for voting purposes.
- b) Contracting Parties shall promptly acknowledge receipt of any request for vote by e-mail or ~~other~~ electronic means. If no acknowledgement is received from any particular Contracting Party within one week of the date of transmittal the Executive Secretary will retransmit the request, and will use all additional necessary means available to ensure that the request has been received. Confirmation by the Executive Secretary that the request has been received shall be deemed conclusive regarding the inclusion of the Contracting Party in the quorum for the purpose of the relevant vote by e-mail or ~~other~~ electronic means.

CHAIRCHAIRPERSON AND VICE-CHAIRCHAIRPERSON

Rule 3

- 3.1 In accordance with Article VI.2 of the Convention, the Commission shall elect a Chairperson and a Vice-Chairperson for a term of two years. Each shall be eligible for re-election but shall not serve for more than four years in succession in the same capacity. The Chairperson and Vice-Chairperson shall not be representatives of the same Contracting Party.

The ChairChairperson and Vice-ChairChairperson shall take office at the conclusion of the annual meeting at which they are elected.

- 3.2 The powers and duties of the ChairChairperson shall be:
- a) to declare the opening and closing of each meeting;
 - b) to preside at meetings;
 - c) to rule on points of order, subject to the right of any representative to request that any ruling of the ChairChairperson shall be submitted to the Commission for decision by vote;
 - d) to call for and announce the results of votes;
 - e) to determine, after consultation with the ChairChairperson of the Scientific Council, a schedule of meetings for annual or special meetings of NAFO;
 - f) to determine after consultation with the Executive Secretary, the draft provisional agenda and the provisional agenda for each annual and special meeting;
 - g) to arrange for the appointment of the members of subsidiary bodies as required;
 - h) to sign a report of the proceedings of each meeting of the Commission, for transmission to Contracting Parties, their representatives and others concerned; and
 - i) generally, to make such decisions and give such directions to the Executive Secretary as will ensure, especially in the interval between meetings, that the business of the NAFO is carried out efficiently and in accordance with its decisions.
- 3.3 Whenever the ChairChairperson is unable to act, the Vice-ChairChairperson shall exercise the powers and duties prescribed for the ChairChairperson.
- 3.4 If the office of the ChairChairperson is vacated, the Vice-ChairChairperson shall become ChairChairperson for the balance of the term.
- 3.5 The ChairChairperson, or Vice-ChairChairperson when acting as ChairChairperson, shall not vote and another representative of his or her delegation shall exercise this function.
- 3.6 If the offices of the ChairChairperson and Vice-ChairChairperson are vacated, the ChairChairperson of the Standing Committee on International Control shall exercise the powers and duties prescribed for the ChairChairperson, and the first order of business at the next meeting shall be the election of a ChairChairperson and Vice-ChairChairperson for the balance of the term.

ORDER OF BUSINESS

Rule 4

- 4.1 A draft provisional agenda for each annual or special meeting of the Commission, or any of its subsidiary bodies, shall be prepared by the Executive Secretary, in accordance with instructions from the ChairChairperson, or the ChairChairperson of the relevant subsidiary body, and be dispatched by the Executive Secretary to all Contracting Parties, their representatives, and invited observers, not less

than 90 days before the date fixed for the opening of the meeting.

- 4.2 A provisional agenda for each annual or special meeting of the Commission, or any of its subsidiary bodies, shall be prepared by the Executive Secretary, in accordance with the instructions from the ~~Chair~~Chairperson, or the ~~Chair~~Chairperson of the relevant subsidiary body, taking into account any suggestions or comments received following distribution of the draft provisional agenda, and be dispatched by the Executive Secretary to all Contracting Parties, their representatives, and invited observers, not less than 60 days before the date fixed for the opening of the meeting.
- 4.3 ~~Except as provided in Rule 4.4 and 4.5, No~~ order of business shall be the subject of a decision, unless the subject matter has been included in the provisional agenda and explained in a memorandum, circulated by the Executive Secretary to all the representatives of the ~~members~~Contracting Parties, together with the corresponding provisional agenda. ~~No order of business which involves amendments of the budget or related financial matters, boundary modifications or amendments to the Convention under Article XXII shall be the subject of a decision, unless it has been explained in a document circulated by the Executive Secretary to all representatives of the Members together with the corresponding provisional agenda.~~
- 4.4 The Commission; ~~by a majority of the votes of all members present and casting affirmative or negative votes,~~ may take decisions involving amendment of these Rules of Procedure in accordance with Article XIII of the Convention, ~~provided that no vote shall be taken unless there is a quorum of at least two thirds of the members.~~
- 4.5 Any proposal by a Contracting Party to amending the Conservation and Enforcement Measures of NAFO which is intended to be submitted for adoption by the Commission must shall include at least a clear explanation of its rationale in an explanatory memorandum as well as a clear indication of the provision to be amended and the exact wording of the amendment. Proposals shall be submitted in writing to the Executive Secretary, who shall circulate copies to all Contracting Parties. As a general rule, no proposal shall be discussed or put to a vote at any meeting of the Commission unless copies have been distributed to all Contracting Parties not less than 30 days in advance. Notwithstanding this requirement, the Chairperson may permit consideration of proposals which have not been circulated in advance.
- ~~The Executive Secretary shall, when incorporating amendments of these measures adopted by the Commission, indicate by reference to the working paper or document when the amendment was adopted.~~

COMMITTEES

Rule 5

- 5.1 There shall be a Standing Committee on International Control (STACTIC) consisting of one representative from each Contracting Party, who may be assisted by experts and advisers, and which shall; which shall:
- a) review and evaluate the effectiveness of the Conservation and Enforcement Measures established by the Commission;
 - b) review and evaluate the compliance by Contracting Parties with the Conservation and Enforcement Measures established by the 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 Parties; y;

- 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 Commission;
- j) obtain and compile all available information on the fishing activities of non-Contracting Parties in the Regulatory Area, including details on the type, flag and name of vessels and reported or estimated catches by species and area;
- k) obtain and compile all available information on landings, and transshipments of fish caught in the Regulatory Area by non-Contracting Parties, including details on the name and flag of the vessels; the quantities by species landed, transshipped; and the countries and ports through which the product was shipped;
- l) examine and assess all options open to NAFO Contracting Parties including measures to control imports of fish caught by non-Contracting Party vessels in the Regulatory Area and to prevent the reflagging of fishing vessels to fish under the flags of non-Contracting Parties;
- m) to review information regarding non-Contracting Party vessels engaged in illegal, unreported and unregulated (IUU) fishing and compile a list of such vessels; and
- n) make appropriate recommendations to the Commission.

5.2 There shall be a Standing Committee on Finance and Administration (STACFAD), consisting of one representative from each Contracting Party, who may be assisted by experts and advisers, and which shall advise the Commission on:

- a) matters relating to the Secretariat;
- b) the budget of NAFO;
- c) the time and place of meetings of NAFO; and
- d) publications of NAFO.

5.33 The Committees shall elect, to serve for two years, their own Chairperson and Vice-Chairperson, who shall be allowed a vote. The Executive Secretary shall be an *ex officio* member of each Committee, without vote. The Executive Secretary and shall assist the Committees in fulfilling its their respective tasks, under paragraph 5.1 and 5.2. When performing this these tasks, the Executive Secretary shall in particular signal any malfunctions specific concerns to them on issues falling under the competence of the respective Committees and provide, as appropriate, the Commission with all relevant information and documentation.

~~5.4 The Committee shall consist of one representative from each Contracting Party, who may be assisted by experts and advisers. The Committees shall elect, to serve for two years, its own Chair and a Vice-Chair, who shall be allowed a vote. The Executive Secretary shall be an *ex officio* member, without vote.~~

5.5 The Commission may establish such other subsidiary bodies as required.

- 5.6 Except as provided in these Rules, each subsidiary body shall establish its own Rules of Procedure.

SECRETARIAT

Rule 6

- 6.1 The Commission shall designate staff positions to be filled through appointments made by the Executive Secretary. The Commission shall fix the tenure, rate of remuneration, and travelling expenses for the members of the Secretariat.
- 6.2 The Executive Secretary shall:
- a) have full power and authority over the Secretariat subject to the general supervision of the Commission;
 - b) make all arrangements necessary for the meetings of NAFO;
 - c) prepare and transmit the draft provisional agenda and the provisional agenda in accordance with Rule 4.1 and 4.2 respectively;
 - d) address communications to the Depositary Government, pursuant to the provisions of Article XXII.2, paragraph 2 of the Convention;
 - e) receive the credentials of the representatives and of observers at annual and special meetings and report thereon to the Commission as required; and
 - f) perform such other functions as may be assigned to him or her by the Commission, its ~~Chair~~Chairperson, or the ~~Chair~~Chairperson of any committee.

LANGUAGE

Rule 7

English shall be the official and working language of the Commission and its subsidiary bodies but, if desired, any other language may be used, on condition that persons doing so will provide interpreters. All official publications and communications of the Commission shall be in English.

RECORDS AND REPORTS

Rule 8

- 8.1 Summary records of each plenary and other sessions shall be drafted and distributed as soon as possible to the participants by the Executive Secretary.
- 8.2 Summary minutes of the proceedings of the meetings of all subsidiary bodies shall be furnished to the Commission by the Executive Secretary.
- 8.3 Summary records, reports, resolutions, proposals and other formal decisions adopted shall be transmitted as soon as possible after each meeting to the Contracting Parties, their representatives, and observers, by the Executive Secretary.
- 8.4 The Commission shall publish annually, following its annual meeting, a report of the activities of NAFO. This report shall include a summary of its findings and statistical, scientific, and other information gathered pertaining to the fisheries of the Convention Area, the ~~Chair~~Chairpersons report of the annual meeting, and a financial statement.

**Annex 4. Draft Revisions to Rules of Procedure for Observers
(STACFAD WG WP 10/3)**

**Application for Observer Status to NAFO Meetings
(~~General Council, Fisheries~~ Commission and Scientific Council)**

Rule 1

The Executive Secretary shall invite, as observers:

- a) intergovernmental organizations that have regular contacts with NAFO as regards fisheries matters or whose work is of interest to NAFO or vice-versa; and
- b) non-Contracting Parties identified as harvesting fishery resources in the Regulatory Area.

Rule 2

Any NGO that supports the general objectives of NAFO and with a demonstrated interest in the species under the purview of NAFO, and desires accreditation as observers to NAFO meetings, shall notify the Secretariat at least 100 days in advance of the first meeting it wishes to attend. This application must include:

- a) name, address, telephone, fax number of the organization;
- b) address of all its national/regional offices;
- c) aims and purposes of the organization and a statement that the NGO fully supports the objectives of NAFO, i.e., optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area;
- d) information on the organization's total number of members, its decision-making process and its funding;
- e) a brief history of the organization and a description of its activities;
- f) representative papers or other similar resources produced by or for the organization on the conservation, management, or science of fishery resources to which the Convention applies; and
- g) a history of NAFO observer status granted/revoked;

Rule 3

Observer status shall apply to all non-restricted sessions, whether at the Annual Meeting or at intersessional meetings.

Rule 4

NGO applications shall be reviewed by the Executive Secretary who shall notify the Contracting Parties of the names and qualifications of NGOs having fulfilled the requirements stipulated in Rule 2. If one or more of the Contracting Parties object giving in writing its reasons within 30 days, the matter will be put to a vote by written procedure. Applications will then be considered as accepted in accordance with the procedures laid down in Article ~~V-XIII para 2~~ of the Convention. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.

Rule 5

Any NGO with observer accreditation:

- a) is required to register its representatives at the NAFO Secretariat at least fourteen days in advance of the meeting;
- b) may be required to limit the number of their observers at any meeting due to conference room capacity. The Executive Secretary will transmit any such determination in the conditions of participation;
- c) may be required to pay a fee, which will cover the additional expenses generated by their participation, as determined annually by the Executive Secretary;
- d) that has not communicated with the Secretariat or attended at least one meeting in the previous three years shall cease to be an accredited NGO but may reapply in writing to the Executive Secretary; and
- e) will have their accreditation reviewed by the Executive Secretary every five years taking into account any new information or development regarding the NGO since the last accreditation and circulate a summary of the review to Contracting Parties. If one or more of the Contracting Parties object to a renewal of the accreditation of the NGO with NAFO giving in writing its reasons within 30 days, the matter will be put to a vote by written procedure. Renewal of the accreditation will then be considered as accepted in accordance with the procedures laid down in Article ~~V~~ para 2XIII of the Convention. The Executive Secretary shall also circulate any reasons given in a preliminary objection as well as any comments that Contracting Parties may include with their vote on this matter.

Rule 6

Observers admitted to a meeting:

- a) shall be sent or otherwise receive the same documentation generally available to Contracting Parties and their delegations, except those documents deemed confidential by a Contracting Party or the Executive Secretary.
- b) may attend meetings, as set forth above, but may not vote;
- c) may make oral statements during the meeting upon the invitation of the Chair person;
- d) may only distribute documents at meetings via the general information table;
- e) may engage in other activities as appropriate and as approved by the Chair person;
- f) may not use film, video, and audio recording devices, etc. to record meeting proceedings; and
- g) may not issue press releases or other information to the media on agenda items under discussion during NAFO meetings.

Rule 7

Observers admitted to a meeting shall comply with the above and all rules and procedures applicable to other participants in the meeting. Failure to conform to these rules or any other rules that NAFO may adopt for the conduct of observers may result in removal from the meeting by the presiding officer and revocation of their observer accreditation status.

Rule 8

These rules shall be subject to review and revision, as appropriate. If any Contracting Party so requests, the adequacy of these rules shall be reviewed and assessed and, if necessary, amendments shall be adopted by ~~General Council~~ the Commission in the light of the need of NAFO to function effectively when conducting its business.

**Annex 5. Draft Revisions to the Financial Regulations
(STACFAD WG WP 10/1)**

FINANCIAL YEAR

Rule 1

The financial year shall be the period 1 January to 31 December.

BUDGET

Rule 2

- 2.1 The Executive Secretary shall prepare and submit to the annual meeting budgetary estimates in Canadian dollars of income and expenditures of the ~~General Council, the Fisheries~~ Commission, the Scientific Council, and the Secretariat covering income and expenditures for the following financial year. He/she shall transmit these to all Contracting Parties at least 60 days before the opening of the regular annual meeting. At the same time, he/she shall prepare a forecast budget for the subsequent financial year.
- 2.2 The estimates and forecast shall be divided into categories, and shall be accompanied by such information as the ~~General Council~~Commission may specify from time to time, and as the Executive Secretary may deem useful.
- 2.3 The ~~Fisheries~~ Commission and the Scientific Council shall report to the Standing Committee on Finance and Administration on anticipated costs necessary for the conduct of their business.
- 2.4 The Standing Committee on Finance and Administration shall meet during each annual meeting of the ~~General Council~~Commission to examine the estimates and shall report thereon to the ~~General Council~~Commission. After consideration of the report, and after any necessary adjustments or revisions have been made, the ~~General Council~~Commission shall adopt the budget.

APPROPRIATIONS

Rule 3

- 3.1 The appropriations adopted by the ~~General Council~~Commission in the budgets shall constitute an authorization to the Executive Secretary to incur obligations and make payments for the purposes and up to the amounts so adopted.
- 3.2 Appropriations shall remain available for 12 months following the end of the financial year to which they relate to the extent that they are required to discharge obligations incurred during that financial year. At the end of the 12-month period, any unliquidated prior year obligations shall be cancelled, or, where the obligation remains a valid charge, transferred as an obligation against current appropriations.
- 3.3 The Executive Secretary may transfer appropriations between categories in the budget adopted by the ~~General Council~~Commission provided that these categories are not altered in more than 10% of the amounts in the adopted budget and that a statement of all such transfers shall be submitted to the ~~General Council~~Commission and the Auditors with the annual financial statements. The total amounts transferred in any one year shall not exceed 1% of the total adopted budget. The Chairperson of the ~~General Council~~Commission may however authorize the Executive Secretary to transfer appropriations between categories above those limits.

INCOME AND EXPENDITURES

Rule 4

- 4.1 There shall be established proper books of account for the purpose of accounting for the receipts and expenditures of the Organization.
- 4.2 Within the books of account, there shall be established an accumulated surplus account to which shall be credited:
- a) excess of receipts over expenditures at the end of the financial year;
 - b) unexpended balances at the end of the 12-month period specified in Rule 3.2 for prior year obligations, but not disbursed;
 - c) refunds, from any source, of prior year's expenditures of the Organization.
- 4.3 Monies available in the accumulated surplus account may be used temporarily to the extent necessary to finance appropriations pending receipt of annual payments by Contracting Parties.
- 4.4 The Chairperson of the ~~General Council~~Commission, in consultation with the Chairperson of STACFAD and the members of the ~~General Council~~Commission, may authorize expenditures from the accumulated surplus account for unforeseen and extraordinary expenses to the good conduct of the business of the Organization.
- 4.5 The Standing Committee on Finance and Administration and the ~~General Council~~Commission shall review the amount available in the accumulated surplus account during each annual meeting. Insofar as possible, the ~~General Council~~Commission shall anticipate unforeseen expenditures during the succeeding three years and shall attempt to maintain the accumulated surplus account at a level sufficient to finance operations during the first three months of the year plus an amount up to a maximum of 10% of the annual budget for the current financial year for use in an emergency in accordance with Rule 4.4.
- 4.6 The Commission shall establish the amount of the annual contribution due from each Contracting Party pursuant to the annual budget based on Article IX.2 of the Convention. The nominal catches for this determination shall be the reported catches of the fishery resources listed in Annex I.
- ~~4.67~~ The Executive Secretary shall inform each Contracting Party of the annual contribution due, in accordance with Article ~~XVI, paragraphs 3 and 4~~IX.3 of the Convention, as soon as possible after the ~~General Council~~Commission has adopted the annual budget. In calculating the contributions ~~due~~, the Executive Secretary shall reduce the amount appropriated in the budget by the amount of staff assessments for the preceding year, if any, and by the amount determined by the ~~General Council~~Commission to be in excess of the needs of the accumulated surplus account.
- ~~4.78~~ If a Contracting Party has not submitted its nominal catches according to the stipulations in Article ~~XVI.3~~IX.2 of the Convention by the required date, the most recent catch report available from that Contracting Party will be used for the calculation of contributions that are then considered final for that financial year. Subsequent reporting of applicable catches by the Contracting Party will be applied towards the calculation of contributions for the following financial year.
- ~~4.89~~ Annual contributions shall be due and payable in full within 30 days of receipt of the information from the Executive Secretary referred to in Rule ~~4.67~~ or the first day of the financial year, the unpaid balance shall be considered to be in arrears.
- ~~4.910~~ New Contracting Parties for the first year, shall pay their annual contribution within 90 days of depositing an instrument of accession with the Depository Government for that financial year, in accordance with Article ~~XVII.6, paragraph 8,~~ of the Convention.

BOOKS OF ACCOUNT

Rule 5

- 5.1 The Executive Secretary shall establish detailed financial procedures in order to ensure financial administration and the exercise of economy.
- 5.2 The Executive Secretary shall maintain such accounting records as are necessary for each financial year, including:
- a) income and expenditures;
 - b) the status of appropriations, including:
 - i) the original budget appropriations;
 - ii) transfers between appropriation categories;
 - iii) amounts charged against appropriation categories;
 - c) the status of the accumulated surplus account;
 - d) funds held in currencies other than Canadian dollars.
- 5.3 The annual financial statements shall be submitted by the Executive Secretary to the Auditors no later than 30 days following the end of the financial year.
- 5.4 The Executive Secretary may, after full investigation, authorize the writing off of losses of cash, stores, and other assets, provided that a statement of all such amounts written off shall be submitted to the ~~General Council~~ Commission and the Auditors with the annual financial statements.

SALARIES

Rule 6

- 6.1 The ~~General Council~~ Commission shall adopt from time to time a salary scale for the Executive Secretary and the staff based, to the extent possible, on the salary scale and position classification system of the Public Service of Canada.
- 6.2 There shall be an assessment on the salary of each member of the staff, based on the amount of each staff member's Canadian Income Tax, the amount to be determined by the Executive Secretary in consultation with the Canadian authorities. The staff assessment shall be applied in accordance with Rule 4.~~67~~.
- 6.3 The Canadian Government Employee's Compensation Act shall be applicable to the staff, as provided by the Government of Canada. The Executive Secretary is authorized to make payments with respect to amounts charged to the Organization under the Act from current appropriations which are otherwise unobligated and which would be surplus at the end of the financial year. These items shall be included in the annual budget.

EXTERNAL AUDIT**Rule 7**

- 7.1 Having regard to the budgetary provisions for the Audit, the auditors, appointed in accordance with Article ~~XVI, paragraph 1~~IX.8, of the Convention, shall perform such an audit as they deem necessary to certify:
- a) that the financial statements are in accord with the books and records of the Organization;
 - b) that the financial transactions reflected in the statements have been in accordance with the rules and regulations, the budgetary provisions, and other applicable directives;
 - c) that the monies on deposit and on hand have been verified by certificate received direct from the Organization depositories or by actual count.
- 7.2 Subject to the directions of the ~~General Council~~Commission, the Auditors shall be the sole judge as to the acceptance in whole or part of the certifications by the Executive Secretary and may proceed to such detailed examination and verifications as they choose of all financial records, including those related to supplies and equipment if considered necessary.
- 7.3 The Auditors may affirm by test the reliability of the system of internal control and may make such reports with respect thereto as they may deem necessary.
- 7.4 The Auditors and their staff shall have free access at all convenient times to all books of account and records which are, in the opinion of the Auditors, necessary for the performance of the audit. Information classified in the records of the Executive Secretary as confidential, and which is required for the purposes of the audit, shall be made available on application to the Executive Secretary.
- 7.5 The Auditors, in addition to certifying the financial statement, may make such observations as they deem necessary with respect to the efficiency of the financial procedures, the accounting system, the internal financial controls and, in general, the financial consequences of administrative practices. In no case, however, shall the Auditors include criticism in their audit report without first affording the Executive Secretary an opportunity of explanation to the Auditors of the matter under observation. Audit objections to any item in the financial statements shall be immediately communicated to the Executive Secretary.
- 7.6 The Auditors shall have no power to remove items in the accounts, but shall draw to the attention of the Executive Secretary for appropriate action any transaction concerning which they entertain doubt as to legality or propriety.
- 7.7 The Auditors shall prepare a report on the accounts certified, and on any matters on which the ~~General Council~~Commission by resolution thereon may from time to time give specific instructions.
- 7.8 The Auditors shall submit their report to the ~~General Council~~Commission, not later than 90 days after having received the year's financial statements from the Executive Secretary.
- 7.9 The Standing Committee on Finance and Administration shall forward to the ~~General Council~~Commission its comments, if any, on the audit report.
- 7.10 The Auditors shall serve for a maximum term of three (3) years.

BONDING

Rule 8

The Executive Secretary and such staff as he/she deems necessary shall be bonded in Canadian currency by any reputable bonding company in such amount as may be determined by the ~~General Council~~Commission from time to time. The cost of the premium for bonding shall be assumed by the Organization.

DELEGATION OF AUTHORITY

Rule 9

The Executive Secretary may delegate to other staff of the Secretariat such of his/her powers as he/she considers necessary for the effective implementation of these regulations.

INTERPRETATION

Rule 10

The Chairperson of the ~~General Council~~Commission shall rule, in cases of doubt as to the interpretation and application of any of these Rules.

APPLICATION

Rule 11

11.1 These Rules shall become effective on the first day of the month following their approval by the ~~General Council~~Commission.

11.2 These Rules may be amended only by the ~~General Council~~Commission.

Annex I to the Financial Regulations
Pursuant to Rule 4.6 of the Financial Regulations

<u>Atlantic cod</u>	<u><i>Gadus morhua</i></u>
<u>Atlantic redfish</u>	<u><i>Sebastes spp.</i></u>
<u>Silver hake</u>	<u><i>Merluccius bilinearis</i></u>
<u>American Plaice</u>	<u><i>Hippoglossoides platessoides</i></u>
<u>Witch flounder</u>	<u><i>Glyptocephalus cynoglossus</i></u>
<u>Yellowtail flounder</u>	<u><i>Lomanda ferruginea</i></u>
<u>Greenland halibut</u>	<u><i>Reinhardtius hippoglossoides</i></u>
<u>Roundnose grenadier</u>	<u><i>Coryphaenoides rupestris</i></u>
<u>Capelin</u>	<u><i>Mallatus villosus</i></u>
<u>Short-finned squid</u>	<u><i>Illex illecebrosus</i></u>
<u>Shrimp</u>	<u><i>Pandalus sp.</i></u>
<u>White hake</u>	<u><i>Urophycis tenuis</i></u>
<u>Skate</u>	<u><i>Amblyraja radiata</i></u>
<u>Greenland cod</u>	<u><i>Gadus ogac</i></u>
<u>Atlantic wolffish</u>	<u><i>Anarhichas lupus</i></u>
<u>Spotted wolffish</u>	<u><i>Anarhichas minor</i></u>
<u>Roughhead grenadier</u>	<u><i>Macrourus berglax</i></u>
<u>Spiny dogfish</u>	<u><i>Squalus acanthias</i></u>
<u>Black dogfish</u>	<u><i>Centroscyllium fabrici</i></u>

**Annex 6. Draft Revisions to the Staff Rules
(STACFAD WG WP 10/2-Revised)**

SECTION 1. Scope and General Provisions

Rule 1.1

These Staff Rules establish the fundamental principles of employment, regulate the working relationships and set out the rights and responsibilities of employees in the service of the Northwest Atlantic Fisheries Organization (hereinafter referred to as the "Organization").

Rule 1.2

The amount of leave with pay, sick leave credits and severance benefits credited to members of the Secretariat, at the time when these Staff Rules become effective, or at the time when those members become subject to them, shall be retained intact.

Rule 1.3

In these Rules:

- 1) "Staff members" are the permanent members of the staff of the Secretariat.
- 2) "Members of the Secretariat" are the Executive Secretary and the staff members.
- 3) "Employees" are all personnel hired or contracted by the Organization for service in the Secretariat.
- 4) "~~General Council~~Commission", "Secretariat" and "Executive Secretary" are the entities defined in the text of the ~~International~~ Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa, on ~~24 October 1978~~[date ratified], hereinafter referred to as "the Convention".
- 5) "Regular Pension Scheme" is the pension plan of the International Fisheries Commissions Pension Society established by Canada and the United States for all employees of international fisheries commissions with headquarters in either of those two countries.
- 6) "Social Security Plans" are the life and disability plans of the Northwest Atlantic Fisheries Organization.
- 7) "Separation from service" is the ending of employment for any reason whatsoever, as in lay-off, resignation, retirement, termination of appointment by either side or death.
- 8) The "Staff Association" is composed of all NAFO staff on a permanent or at least a one-year contract excluding the Executive Secretary (see Annex 1).
- 9) The "Staff Representative" is elected as a spokesperson by the Staff Association (see Annex 1).
- 10) The "Staff Committee" is composed of 3 members appointed by the ~~General Council~~Commission to mediate in the event of internal conflicts within the Secretariat (see Annex 2).

SECTION 2. Duties, Obligations and Privileges

Rule 2.1

Members of the Secretariat are international civil servants. Upon assuming their responsibilities they shall discharge their duties faithfully and conduct themselves in the best interests of the Organization.

Rule 2.2

Employees are not expected to renounce their national feelings nor political nor religious convictions while working for the Secretariat. They are however expected to conduct themselves in a manner consistent with the international nature of the Organization. They must always exercise loyalty, discretion and tact in the performance of their duties and shall avoid actions, statements and public activities which might be detrimental to the Organization and its aims.

Rule 2.3

All employees are responsible to the Executive Secretary in the fulfilment of their duties, and shall not accept directions or instructions from any authority other than the Executive Secretary. In the case of the Executive Secretary, the Chairperson~~man~~ of the ~~General Council~~Commission shall give such directions to the Executive Secretary as will ensure that the business of the Organization is carried out efficiently and in accordance with its decisions.

Rule 2.4

Authorization for the release of information for official purposes shall lie with the Organization or the Executive Secretary, as the Convention may require. Otherwise employees should abstain from releasing information they possess by reason of their position.

Rule 2.5

Employees shall not be restricted in engaging in other employment outside the hours they are required to work for NAFO as long as this work does not represent a conflict of interest with their position in the Organization.

Rule 2.6

No member of the Secretariat may be actively associated in the management of a business, industry or other enterprise, or have a financial interest therein if, as a result of the official position held in the Secretariat, that person may benefit from such association or interest. Ownership of non-controlling stock in a company shall not be considered to constitute a financial interest in the meaning of this Rule.

Rule 2.7

All members of the Secretariat shall reside in the area where the headquarters of the Organization is located. A staff member can be specifically exempted from this obligation by the Executive Secretary under extraordinary circumstances.

Rule 2.8

Members of the Secretariat shall enjoy the privileges and immunities to which they are deemed to be entitled as a consequence of the NAFO Convention and pursuant to ~~the Northwest Atlantic Fisheries Organization Privileges and Immunities Order (Order in Council P.C. 1980-132, 11 January 1980), or under any~~ the Headquarters Agreement signed between the Northwest Atlantic Fisheries Organization and the Government of Canada (date, signature) the Contracting Party concerned.

Rule 2.9

The Executive Secretary is empowered to delegate to any staff member those duties considered necessary to achieve the most efficient operation of the Secretariat.

Rule 2.10

Staff members have the right to form a Staff Association and elect a Staff Representative according to the rules specified in Annex 1.

Rule 2.11

Members of the Secretariat can call upon the Staff Committee in case of conflicts that cannot be solved internally according to the rules specified in Annex 2.

SECTION 3. Recruitment and Appointment*Rule 3.1*

In accordance with Article ~~XV.2~~VI.5(d) of the Convention, the ~~General Council~~Commission shall appoint the Executive Secretary and shall establish tenure, remuneration and other conditions and entitlements as appropriate, within the principles of these Rules. The term of the Executive Secretary's office shall be four (4) years subject to the possibility of renewal by the ~~General Council~~Commission for one (1) more four (4)-year period.

Rule 3.2

In accordance with Article ~~XV.3~~VIII.3 of the Convention, the Executive Secretary shall appoint all staff members.

Rule 3.3

Staff members of the Secretariat are recruited as follows:

- a) Coordinators: Positions of high responsibility of a managerial or scientific nature (Professional category) are to be filled by appropriately qualified professionals, preferably with advanced university qualifications or the equivalent. Staff members in this category will be recruited internationally among citizens of Contracting Parties of the Organization.
- b) General Services: Positions of general administrative and technical nature shall be recruited locally, if possible, otherwise nationally from the host country.

Rule 3.4

Staff members are generally appointed under a probation period of six (6) months. During the probation period either party may terminate the appointment upon written notice of one (1) month, or a shorter period if mutually agreed.

Rule 3.5

Upon appointment at the start of the probation period, each staff member shall receive a letter of appointment stating: a) nature of the appointment, specifying the duties of the position and its title; b) date of appointment, coinciding with the beginning of the probation period; c) period of the appointment, either on a fixed term or a continuing basis, from the beginning of the probation period; d) category, level, initial salary, scale of increments and any allowances; e) any special terms and conditions which may be applicable; and f) that the appointment is subject to the Staff Rules.

Upon receipt of the letter of appointment and on or before the end of the period of probation, staff members shall indicate in writing that they are familiar with the terms of the appointment as specified and with the Staff Rules, and that all conditions are acceptable.

As a condition of the appointment, staff members must be willing to submit to a medical examination and present a resulting certificate stating that they have no medical conditions which might prevent them from performing their duties, or which might endanger the health of others; they may be required to undergo further medical examination from time-to-time at the expense of the Organization.

SECTION 4. Hours of Work and Pay Periods*Rule 4.1*

The normal working week shall consist of thirty seven and a half (37-1/2) hours, Monday through Friday. The Executive Secretary shall establish the detailed working hours, and may alter them for the benefit of the Secretariat, as circumstances may require.

Rule 4.2

The Organization will pay the members of the Secretariat twice a month, the reference days as pay days being the fifteenth (15th) day and the last day of each month. Members of the Secretariat will be given their pay cheques two (2) banking days before the pay days.

SECTION 5. Salaries, Allowances and Other Remuneration*Rule 5.1*

The scale of salaries, allowances and any other relevant conditions of employment for staff members shall be established and reflect to the extent possible the salary levels, allowances and conditions pertaining to similarly employed persons occupying similar positions in the public sector of the host country, subject to the NAFO Financial Regulations. The Executive Secretary shall be responsible for the determination of the appropriate public sector analogues following the procedures described by the "NAFO Staff Classification System".

Rule 5.2

Classification of staff members follows the procedures established by the "NAFO Staff Classification System". A new classification of a staff member can be provisionally authorized by the Executive Secretary and will be submitted for approval of the Organization at its next annual meeting.

Rule 5.3

The Executive Secretary may appoint a Coordinator to be the Deputy Executive Secretary for the term of one or two years (renewable). This appointment will be compensated with 10% of the Coordinator's annual salary.

Rule 5.4

Salaries, allowances and other remuneration shall be paid in the national currency of the host country.

Rule 5.5

The starting salary shall be that established according to the principles of Rules 5.1 and 5.2. Members of the Secretariat will receive a step increase in salary for each year of service to the maximum defined by their category level based on the principles established by the public sector of the host country. This increase can be denied if the staff member's performance has been considered unsatisfactory by the Executive Secretary, subject to the approval of the Organization at its next annual meeting.

Rule 5.6

When, at the request of the Executive Secretary, staff members are required to work more than thirty seven and a half (37-1/2) hours per week, or outside the detailed normal working hours or days, this will be compensated with leave or pay equivalent to the hours of overtime worked. The Executive Secretary will determine the corresponding equivalent leave or pay based on the principles for payment of overtime by the public sector of the host country.

Rule 5.7

The Organization will pay for justified hospitality and representation expenses incurred by the Executive Secretary, after promptly documented claims for the corresponding expenses have been submitted. Exceptionally the Executive Secretary might authorize a Coordinator or any other member of the staff to participate in this type of activity and the corresponding expenses will be limited to the amounts and circumstances the Executive Secretary will define.

SECTION 6. Leave and Holidays**A. Annual Leave***Rule 6.1*

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 (8th) 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 (8th) anniversary of continuous employment occurs;
- c) one and five-sixth ($1+5/6$) days for each calendar month commencing with the month in which the employee's sixteenth (16th) anniversary of continuous employment occurs;
- d) one and eleven-twelfths ($1+11/12$) days for each calendar month, commencing with the month in which the employee's seventeenth (17th) 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 (18th) anniversary of continuous employment occurs;
- f) two and one-quarter ($2-1/4$) days for each calendar month commencing with the month in which the employee's twenty-seventh (27th) anniversary of continuous employment occurs;
- g) two and a half ($2-1/2$) days for each calendar month commencing with the month in which the employee's twenty-eighth (28th) anniversary of continuous employment occurs;
- h) for the purposes of leave entitlements in accordance with these staff rules, the Executive Secretary or a Coordinator (Rule 3.3 (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;
- i) the Executive Secretary will determine the acceptability of past years experience of an employee in the General Services Category (Rule 3.3 (b)).

Rule 6.2

Annual leave shall be authorized in advance by the Executive Secretary who, insofar as possible, shall bear in mind the personal circumstances, needs and preferences of staff members. Nevertheless, the leave period shall not cause disruption of normal Secretariat operations and consequently leave shall be subject to the exigencies of the Organization.

Rule 6.3

Members of the Secretariat are expected to take all their annual leave during the year in which it accrues. When in any year a staff member has not been granted all of their accrued annual leave, a maximum of twenty-five (25) work days of the unused accrued leave may be carried over to the following year.

Rule 6.4

Annual leave in anticipation of future days to be accrued shall be at the discretion of the Executive Secretary.

Rule 6.5

Staff members, while on probation, are not to be granted annual leave, although they shall accrue such a leave from the beginning of their appointment.

B. Official Holidays*Rule 6.6*

Members of the Secretariat shall be entitled to the paid holidays traditionally celebrated in the location of the headquarters of the Organization. Such official holidays shall be announced by the Executive Secretary at the beginning of the year. If any of these dates fall on a Saturday or a Sunday, the holiday shall be observed on another day, to be set by the Executive Secretary, subject to service needs and, if possible, staff preference.

C. Sick Leave*Rule 6.7*

Members of the Secretariat shall earn sick leave credits at the rate of one and a quarter (1-1/4) days for each calendar month during which they worked for at least ten (10) days.

Rule 6.8

No member of the Secretariat shall be granted sick leave for a period of more than three (3) consecutive days, and more than a total of seven (7) working days in any calendar year without producing a medical certificate. A staff member shall not, whilst on sick leave, leave the area of the Organization without the prior approval of the Executive Secretary.

Rule 6.9

Members of the Secretariat shall be granted sick leave with pay when they are unable to perform their duties because of illness or injury provided that:

- i) they satisfy the Executive Secretary of their condition
- ii) they have the necessary leave credits

Rule 6.10

When a staff member has insufficient or no credits to cover the granting of sick leave with pay, sick leave with pay may, at the discretion of the Executive Secretary, be granted for a period of up to fifteen (15) working days, subject to the deduction of such advanced leave from any sick leave credits subsequently earned, and, in the event of termination of employment for reasons other than death or lay-off, subject to the recovery of the advance, from any monies owed the staff member. No deduction and no recovery of the advance are to be affected if the sick leave is

considered the result of injury on duty, in which case the advance sick leave credits to a maximum of six (6) months could be provided at the discretion of the Executive Secretary.

Rule 6.11

Accidents at work must be reported immediately to the Executive Secretary.

D. Marriage Leave

Rule 6.12

After the completion of one (1) year continuous employment, and provided that ten (10) days notice is given, any member of the Secretariat has the right to be granted five (5) days leave with pay for the purpose of getting married.

E. Maternity and Parental Leave

Rule 6.13

Members of the Secretariat who have completed six months of continuous service with NAFO shall be entitled to maternity leave for pregnancy upon presentation of medical certificate and a written application submitted at least four (4) weeks before such absence is to commence for a period not exceeding seventeen (17) weeks. The maternity leave shall begin no earlier than eight (8) weeks before the anticipated date of delivery set out in the medical certificate and shall terminate no later than 17 weeks following the actual date of birth.

Members of the Secretariat who have completed six months of continuous service with NAFO shall be entitled to parental leave up to a maximum of thirty-seven (37) weeks in the year following either (a) the day the child is born, or (b) the day the child comes into the employee's actual care and custody upon a written application submitted at least four weeks before such leave is to commence. Either one parent may take all the parental leave or both parents may share the parental leave. In either case, the total parental leave cannot exceed thirty-seven (37) weeks. The total aggregated amount of maternity and parental leave that may be taken by one or both parents in relation to the same birth or adoption is fifty two weeks.

NAFO will pay the employee a maternity and/or parental allowance equivalent to 93 per cent of his/her gross salary. If a Member of the Secretariat is enrolled in the Canadian Employment Insurance the gross amount of his/ her EI benefits will be deducted from this allowance.

In the case of maternity leave, NAFO will pay a maternity allowance for up to a maximum of seventeen (17) weeks. In the case of parental leave, NAFO will pay a parental allowance for up to a maximum of thirty seven (37) weeks. The total aggregated amount of maternity and parental allowance that may be received by one or two employees in relation to the same birth or adoption is fifty two (52) weeks.

During maternity or parental leave the Members of the Secretariat shall continue to receive allowances and benefits based on his/her salary, excluding the accrual of sick or annual leave provided he/she continues to remain in the Organization's employment for a period of at least six (6) months after returning to work. Should he/she fail to return to work for the required six (6) month period he/she shall be indebted to the Organization for the amounts received as maternity or parental leave allowances and benefits. At the expiration of the leave, the employee shall be reinstated to the position prior to the commencement of the leave or where this is not possible, to a comparable position with the same wages and benefits and in the same location.

F. Other Leave

Rule 6.14

The Executive Secretary is empowered to grant requests by a staff member for leave with pay in cases of bereavement or exceptional family related responsibilities. In the case of death of an immediate family member the period of leave with pay shall normally be five (5) working days.

Rule 6.15

At the discretion of the Executive Secretary leave may be granted with or without pay for purposes other than those specified in these Rules (e.g. compassionate care).

G. Application for Leave*Rule 6.16*

As far in advance of the leave period as possible, a form titled "Application for Leave" is to be completed by each staff member.

H. Irregular Leave or Absence*Rule 6.17*

Any leave or absence not acceptable within the terms of these Rules shall be deducted from the annual leave and its payment will be at the discretion of the Executive Secretary.

SECTION 7. Social Security*Rule 7.1*

It shall be a condition of employment that members of the Secretariat join the Regular Pension Scheme and the Social Security Plans set up by the Organization covering life and disability insurances.

Rule 7.2

It shall be a condition of employment that members of the Secretariat, who have been advised, under the terms of Rule 7.1, that they cannot comply with provision of the Regular Pension Scheme and/or Social Security Plans, make appropriate personal arrangements to cover, as necessary, retirement, medical and hospital, life and disability insurances, which shall be initiated as early as possible and duly documented before the end of the first year of employment. Costs to the member of the Secretariat of achieving this coverage shall be met by the Organization in accordance with such rules as it may prescribe, provided that such costs contributed by the Organization shall not exceed fourteen percent (14%) of the total of the salary and salary-related allowances of the member concerned. Costs in excess of this figure shall be the responsibility of that member.

SECTION 8. Travel and Transportation*Rule 8.1*

All official travel shall require previous authorization by the Executive Secretary.

Rule 8.2

With regard to official travel, members of the Secretariat shall be entitled to a travel allowance, payable in advance for travel expenses, accommodation, daily living expenses, and any other type of expenses necessarily incurred by reason of travel.

Rule 8.3

Economy Class shall be utilized, wherever feasible, for air travel. Business Class shall be used on the authority of the Executive Secretary only. Exceptionally, when no reasonable alternative is available the Executive Secretary may approve the use of First Class. For land travel outside Canada First Class may be utilized on discretion of the Executive Secretary.

Rule 8.4

On completion of travel, the staff member shall submit, normally within 15 days, for the approval by the Executive Secretary, a detailed claim of expenses with, where reasonably possible, proof of expenditure.

Rule 8.5

Under the control of the Executive Secretary, members of the Secretariat who, in the course of their duties, are requested to use private motor vehicles for official travel or transportation purposes, shall be entitled to receive reimbursement of the costs involved in line with those available to the public sector of the host country. The costs associated with normal daily travel to and from place of work shall not be reimbursed.

Rule 8.6

On taking up an appointment and to the degree to be negotiated as part of terms of employment, members of the Secretariat not residing within commuting distance, shall be eligible for:

- a) payment of travel expenses for arrival at post for the member and family from the place of residence to the location of the headquarters of the Organization;
- b) a "subsistence allowance" calculated on the basis of the relocation rules in force in the public sector of the host country;
- c) payment of removal costs including the shipment of personal effects and household goods from the place of residence to the location of the headquarters of the Organization, subject to the maximum weight and volume limits. Staff members without dependants 4 890 kg and/ or a 20' standard international shipping container (33 m3) and staff members with dependants 8 150 kg and/or a 40' standard international shipping container (67 m3);
- d) payment or reimbursement of sundry other expenses related to relocation, including insurance of goods in transit and excess baggage charges, on the basis of the relevant relocation rules in force in the public sector of the host country;
- e) an installation allowance of up to two months net salary in the case of relocating internationally recruited members of the Secretariat; f) such payments shall be subject to prior approval by the Executive Secretary.

Rule 8.7

After eighteen (18) months of service, and if the member of the Secretariat is recruited internationally, from outside Canada, the Organization shall pay, in accordance with Regulations 9.3 and 9.4, travel expenses for the member and family to visit the home country on annual leave. This payment to include economy air fare, meal allowance, hotel accommodation and transportation costs to airports and stations while in travel status. Following this, home leave and its travel expenses shall be granted at two (2) year intervals provided that:

- a) family who benefit from this grant have resided in the host country for at least six (6) months prior to travel;
- b) It is understood that the member of the Secretariat will return to continue rendering services for a minimum additional period of six (6) months, or, unless otherwise authorized by the Organization, the accounts paid for his or her travel expenses will have to be returned.

SECTION 9. Separation from Service*Rule 9.1*

Staff members may separate from service by giving four (4) weeks notice in writing to the Executive Secretary.

Rule 9.2

The Executive Secretary may terminate the appointment of a staff member by giving three (3) months written notice, when that termination is due to restructuring of the Organization or of any of its constituent bodies, or if the Organization would decide to cease its functions. If at any time the Executive Secretary considers that a staff member does not give satisfactory service or fails to comply with the duties and obligations set out in these Rules, the staff member will receive a formal written warning. If the performance does not improve or the employee continues to fail to comply with the duties and obligations set out in these Rules, the staff member will receive a second formal written warning and if necessary, other disciplinary action (e.g., suspension, demotion) may follow. If after the second formal written warning the staff member's performance does not improve to a satisfactory standard, the appointment of the staff member may be terminated upon written notice of one (1) month in advance subject to the prior notification of the Chairperson of the ~~General Council~~ Commission. In the case of serious misconduct by a staff member that threatens the organization's operations or the organization's staff members (for example, criminal offence, theft, intentional breach of confidentiality), appointment of the staff member may be terminated without prior warning.

Rule 9.3

The normal retirement age in the NAFO Secretariat is 65 years of age. In some circumstances, the Executive Secretary may extend a staff member's service beyond 65 years of age.

Rule 9.4

The effective date of separation is the first working day after the date of termination of the notice period, except in the event of death of a member of the Secretariat, when it is the day after death and on that date all salary and related emoluments shall cease.

Rule 9.5

In the event of separation from service with the Secretariat, members of the Secretariat shall be compensated an indemnity equivalent to the rate of two (2) weeks current salary for every year of service with the Secretariat, free of all deductions except statutory deductions, limited to a maximum of 40 weeks.

Rule 9.6

On separation from service, an internationally recruited member of the Secretariat relocating to his/her home country, or to another country outside Canada, shall be entitled to the following:

- a) payment of travel expenses from the place of residence for arrival at the new residence, for the member and family;
- b) payment of removal costs including the shipment of personal effects and household goods from the place of residence to the location of the new place of residence if not paid by the new employer. Staff members without dependants 4 890 kg and/or a 20' standard international shipping container (33 m3) and staff members with dependants 8 150 kg and/or a 40' standard international shipping container (67 m3);
- c) payment of reimbursement of sundry other expenses related to relocation, including insurance of goods in transit and excess baggage charges subject to the relevant rules and criteria applicable on appointment of the same member of the Secretariat;
- d) A repatriation grant. The amount of the grant depends on the length of continuous service with the Secretariat away from the home country in accordance with the table below. The grant is not paid to members of the Secretariat who are dismissed for cause.

Years of continuous service away from home country	Months of salary constituting the repatriation grant
1-2	1
3-4	2
5-6	3
7 and more	4

- e) payments under a, b, and c should be limited to costs that are comparable to relocating to the home country. Such payments shall be subject to prior approval by the Executive Secretary.
- f) with respect to the costs of the Executive Secretary, such payments shall be subject to prior approval by the ~~President~~ Chairperson of the Commission in consultation with the Chairperson of STACFAD.

Rule 9.7

Upon separation, accrued unused annual leave shall be paid to any member of the Secretariat at the rate of the current salary at the time of separation but this monetary compensation will not be paid for more than a maximum of twenty-five (25) days plus the leave accrued during the year of separation. In case of death this money will be paid to the member's estate. In the event of termination of employment for reasons other than death or lay-off, the Organization will recover from the member of the Secretariat an amount equivalent to any unearned annual leave taken by that member, in anticipation of future days to be accrued.

Rule 9.8

In case of death of a member of the Secretariat, the Organization shall pay shipment of the remains from place of death to a place designated by the next of kin, limiting the payment of costs to those that correspond to shipping them to the deceased member's home for purposes of home leave or to the place from which personal effects or household goods were shipped.

Rule 9.9

In case of death, the family of a deceased member of the Secretariat shall be entitled to the payments specified in Rule 9.6 except that this right shall lapse if the travel is not undertaken within the six (6) months of the date of the member's death, except if a reasonable extension of that period of time is approved.

SECTION 10. Temporary Personnel

The Executive Secretary may hire temporary personnel as necessary, by utilizing whenever possible, persons residing in the area in which the headquarters of the Organization are located.

SECTION 11. Application and Amendment of Staff Rules

Rule 11.1

Any doubts concerning the interpretation or application of these Rules shall be resolved by the Executive Secretary unless it applies to the Executive Secretary in which case the ~~General Council~~ Commission shall be consulted. The Executive Secretary shall submit to approval by the ~~General Council~~ Commission at its next meeting any resolution taken previously under the terms of this Rule.

Rule 11.2

All matters not foreseen in these Staff Rules shall be brought to the attention of the Organization by the Executive Secretary or the Staff Representative after consultation with the Executive Secretary.

Rule 11.3

Any changes in these Staff Rules must be approved by the ~~General Council~~ Commission in accordance with its Rules of Procedure, on the advice of STACFAD.

NAFO Staff Association and Staff Representative

Mandate of the Staff Representative

It is the obligation of the Staff Representative (SR) to ensure that staff interests are adequately presented in relevant decision-making processes. The SR has the obligation to contribute to management transparency by informing the staff in a timely fashion about important developments and decisions. Confidential and personal information cannot be disclosed without consent in writing of the individual(s) concerned. If in need of guidance, the SR can call a Staff Association meeting. In the case of a conflict within the Secretariat that cannot be solved internally, the SR can call upon the Staff Committee.

Staff Association and Election of Staff Representative

The Staff Association (SA) guides and mandates the SR to take specific actions or present particular viewpoints to the employer. All NAFO staff on permanent or at least one-year contract excluding the Executive Secretary (ES) form the SA and shall have the right to vote at the SA meetings. Decisions are valid only if at least two thirds of the members participate at the meeting and only if all possible precautions have been taken to ensure that every member had the opportunity to participate. A decision should be reached by consensus; if that is not possible, a simple majority decides. Decisions can be taken by show of hands unless requested otherwise by at least one staff member. The rules of procedure of the SA can only be changed if at least 75% of the staff agrees.

The SA elects the SR (and Vice Staff Representative if such a position is desired by the SA) by secret ballot and by simple majority¹ for a term of 1 year starting January (if a SR is elected after January, his/her term still ends with the calendar year). Each staff member is eligible for the post and can be re-elected without restrictions. The SR can be voted out of office by simple majority at any time. The SA can decide to not have a SR. In this case, the SA must meet the following November, or prior to that upon request of 3 members, to re-discuss the issue. If the SR resigns, a meeting has to be called within a month to deal with the new situation.

The SR can call a Staff Meeting on his/her initiative. In addition, an extraordinary SA Meeting can be called upon request of at least 3 staff members with an agenda circulated at least 3 working days before the meeting.

¹ If no candidate secures the required number of votes, then:

- a) If there are only two candidates, voting shall be continued until a candidate is elected by simple majority.
- b) If there are three or more candidates, the candidate receiving the lowest number of votes shall be eliminated and voting shall be continued until a candidate is elected. If there are two or more candidates receiving the lowest number of votes, it shall be decided by separate vote which candidate shall be eliminated.

Rights of the Staff Representative

To fulfil his/her duties the SR has a number of rights, namely;

- Be informed about all issues (facts, events, plans, etc), negative or positive, regarding personnel matters and work situation in a timely and comprehensive fashion
- Advise the Executive Secretary on staff preferences regarding work time regulations, work safety and health issues, review of Staff Rules, and other staff-related matters
- Participate in STACFAD meetings when personnel matters and work situations are discussed
- Be partially freed from ordinary work in order to research issues relevant to his/her function (point in time and amount of time granted to be agreed upon by ES and SA but not to exceed 20% of annual work time).
- Be protected from reprimand/dismissal on the grounds of his/her activities in this function.

Annex 2

Staff Committee

Mandate

Most conflicts within the Secretariat can be and should be solved internally. In the rare case that a conflict cannot be solved internally or that its resolution causes major concern (e.g. perceived unjust dismissal of a staff member) the Staff Committee can be asked to intervene. Solutions should be achieved through mediation between the parties involved in the conflict and, if the Staff Committee finds it necessary, by bringing the case before NAFO Contracting Parties.

The Staff Committee is mandated to advise and mediate in the rare event that conflicts within the Secretariat cannot be solved internally. The Staff Committee is composed of three (3) members nominated by members of the Secretariat and appointed by the ~~General Council~~ Commission. Members of the Staff Committee serve one year and can be re-elected at every Annual Meeting.

Guidelines for Staff Committee

- 1) It is the obligation of Secretariat staff and Executive Secretary to seek internal solutions to all disputes before bringing anything to the attention of the Staff Committee.
- 2) On a specific issue, one or more members of the Staff Committee can be approached by (a) the Staff Representative, and/or (b) the Executive Secretary and/or (c) 3 staff members¹.
- 3) The Staff Committee will treat all cases in the strictest confidence. The Staff Committee will also not disclose any names without consent of the individual concerned throughout the mediations with Secretariat staff and/or Executive Secretary.
- 4) A reasonable period of time (1 month) after contacting the Staff Committee, a final decision in a case (if necessary) must be taken by the Executive Secretary considering all options presented.
- 5) If the resolution of a case does not satisfy the Staff Committee the matter should be presented to STACFAD and the ~~General Council~~ Commission at the next Annual Meeting. In severe cases, the Staff Committee may decide to contact NAFO Contracting Parties immediately and ask for guidance or action.

¹ This means that at least 3 staff members have to agree that a conflict cannot be solved internally and is important enough to be brought before the Staff Committee bypassing Staff Representative and Executive Secretary. This will prevent frequent and unjustified calling on the Committee Members.

SECTION VIII
(pages 245 to 255)

**Report of the FC Working Group on Greenland Halibut
Management Strategy Evaluation (WGMSE)
2-4 May 2010
Halifax, Nova Scotia, Canada**

Report of the WGMSE	247
1. Opening of the Meeting	247
2. Appointment of Rapporteur	247
3. Adoption of Agenda.....	247
4. Presentation of Scientific Council Advice	247
5. New Management Strategies Specifications for Evaluation	247
6. Communication with the Scientific Council	249
7. Developing Workplan for Next Steps	249
8. Recommendations to the Fisheries Commission of the Proposed Approach.....	250
9. Other Matters	250
10. Adoption of Report	250
11. Adjournment	250
Annex 1. List of Participants	251
Annex 2. Agenda.....	254
Annex 3. Performance Statistics	255

**Report of the FC Working Group on Greenland Halibut Management
Strategy Evaluation (WGMSE)**
(FC Doc. 10/5)

**2-4 May 2010
Halifax, Nova Scotia, Canada**

1. Opening of the Meeting

The Co-Chair Antonio Vazquez (EU) opened the meeting at 1005 hrs on Sunday, 2 May 2010. He welcomed the delegates to the Prince George Hotel in Halifax (Annex 1). He explained that the first day of this meeting would focus on, as agreed at the January 2010 meeting in Brussels, the consolidation of the preliminary reports of the consultants and of the response of the Scientific Council concerning the request formulated by the Working Group last January 2010 (see item 4). Mr. Vazquez would preside over agenda items 1 – 4. Co-Chair Sylvie Lapointe (Canada) would preside over agenda items 5 -11.

2. Appointment of Rapporteur

Ricardo Federizon (NAFO Secretariat) was appointed Rapporteur.

3. Adoption of Agenda

Item 4 "Presentation of Scientific Council Advice" was inserted. The adopted agenda is presented in Annex 2.

4. Presentation of Scientific Council Advice

At the January 2010 Meeting in Brussels, this Working Group formulated a request to the Scientific Council (SC) to review and comment on a suite of operating models conditioned on SCAA to determine their plausibility in the context of MSE. It was noted in the request that a set of operating models conditioned by Extended Survival Analysis (XSA) method has already been agreed by the SC as a plausible representation of the real system.

In response to the request, the SC met by correspondence through SharePoint and WebEx video conference in March and April 2010. The report of the meeting is contained in SCS Doc 10/04.

Ricardo Alpoim (SC Chair) presented the response. He explained that the SC reviewed seven different operating models conditioned by SCAA in a MSE context for Greenland halibut. It was noted that in comparison with the XSA-based results, the SCAA results present a more optimistic view of the status and productivity of the Greenland halibut stock although most of the SCAA based operating models are consistent in giving a perception of the stock as being in a depleted state. The SC considers the reviewed operating models (see item 5a) to be plausible in the context of MSE.

5. New Management Strategies Specifications for Evaluation

a) Operating models (OMs)

As agreed in the January 2010 meeting, two sets of operating models – one conditioned by XSA and another conditioned by SCAA – using the same input data would be tested. It was **agreed** in this meeting to consider the following operating models:

1) XSA-conditioned:

CAV – Current Assessment View: $M = 0.2$, flat-topped PR, S-R segmented regression;

LMV – Lower M view: Same as CAV but it assumes $M = 0.1$;

CAV_domed: Same as CAV, but with domed PR;

CAV_varM: Same as CAV but M increases from 0.2 at age 10 to 0.4 at age 14 and it is constant at that level in older ages;

CAV_dep: Same as CAV but segmented regression forced to have a maximum at the maximum observed recruitment and a slope equal to the best fit through the origin;

LMV_dep: Same as CAV_dep but with $M = 0.1$.

2) SCAA-conditioned:

Reference Case (RC): Beverton-Holt steepness (h) = 0.9, natural mortality (M) = 0.2, exponential decrease in selectivity for ages 11+;

RC with flat commercial selectivity (estimated) for ages 11+;

RC with flat commercial selectivity (fixed) for ages 11+;

RC with $M = 0.1$;

RC with $M = 0.2$ for ages 0 – 10, linear increase to $M = 0.4$ for age 14; and constant thereafter;

RC with $h=0.6$ in the assessment, to simulate a stock that has a larger maximum recruitment which has been severely recruitment-overfished;

RC with a modified Ricker stock-recruitment relationship.

b) Management Procedures (Harvest Control Rules)

As agreed at the January 2010 Meeting, a simple model-free harvest control rule (HCR) would be analyzed. The change in the perceived status of the stock (from a multi-year trend of research surveys) would be used to adjust the total allowable catch (TAC), from year (y) to year ($y+1$), according to Equation 2 in NAFO SCR Doc 09/37:

$$TAC_{y+1} = TAC_y \times (1 + \lambda \times slope)$$

A value of $\lambda = 1.25$ would be assigned in the case of a declining stock ($slope < 0$), and a value of $\lambda = 1$ would be assigned in the case of increasing stock ($slope > 0$). $\lambda > 1$ is required in the case of a perceived decline. Refinements are expected on this rule in terms of the most appropriate value for λ given the management objectives. Slope is calculated based on the unweighted average slope of log-linear regression lines fit to the last five years of each index, and it was **agreed** that biomass calculations instead of abundance calculations be used in the process.

c) Performance Targets (PT) and Performance Statistics (PS)

Performance statistics allow the evaluation of the success of the proposed HCR across the agreed set of OMs relative to management objectives. It was **agreed** that four properties (or Performance Targets) would be evaluated in the context of risk management:

- 1) The probability of the decline of 25% or more in terms of exploitable biomass from 2011 to 2016 is kept at 10%¹ or lower.
- 2) a) The probability of annual TAC variation of greater than 15% be kept at 25% or lower and
 - b) The probability of variation of TAC more than 25% over any period of 3 years should be kept at 25% or lower.

If the conditions a) **and** b) are not met, then an alternate performance target should be considered as follows:

 - c) The TAC should not be below 10 000 t for the period 2011-2015 in any one year with a probability of 25% on a year by year basis.
- 3) The magnitude of the average TAC in the short, medium and long term should be maximized.
- 4) The probability of failure to meet or exceed a milestone within a prescribed period of time should be kept at 25% or lower. *Milestone* means the average exploitable biomass for the period 1985-1999 to be compared with the exploitable biomass in 2031.

Concern was raised by Norway that the lower catch limit specified in PT 2c may not be sustainable in a given situation of the resource. If this alternative PT is activated, a critical evaluation should therefore be made of the consequences for the further development of the stock.

The Performance Statistics associated with the corresponding Performance Targets listed above are presented in Annex 3.

6. Communication with the Scientific Council

This Working Group expressed its great appreciation to the SC specifically on its previous work on MSE and on the response to the request (see item 4). The Co-Chair Antonio Vazquez agreed to communicate and present the results of this meeting to SC when it meets in June 2010 considering that the SC is also conducting a full assessment of Greenland halibut. It was recognized that the SC might have comments on the results of this meeting which may be useful when this Working Group meets again in September 2010 (see item 7) to formulate recommendations to the Fisheries Commission.

7. Developing Workplan for Next Steps

The WG agreed the results of the MSE should be updated to include the most recent data and stock assessment by Scientific Council, scheduled for June 2010.

The Working Group indicated that the preferred option would be to continue to contract respective consultant's services needed to rerun the MSE with the agreed OMs, HCR, and PS. Canada was requested to continue to fund/administer the work of Dr. David Miller on XSA-based MSE and the EU of Dr. Doug Butterworth on SCAA-based MSE. Noting that this approach depended on several factors, including the results of an updated assessment of the stock from SC in mid-June, as well as the availability and schedule of the consultants after then, the WG requested that the consultants' tasks be undertaken by end-July if possible. It is desirable that the results be made available for examination by the WG as far as possible in advance of the September WG meeting.

The Working Group decided to have another meeting in order to consider the updated analysis and formulate specific recommendations on Greenland halibut based on the MSE results. It was **determined** to have the 3rd

¹ Should the risk tolerance level of 10% unduly constrain the tuning of the Harvest Control Rule such that a rule cannot be developed to satisfy this or other constraints, then flexibility is provided to consider a risk tolerance level of up to 25%.

WGMSE meeting for 2 days (16-17 September 2010) in Halifax, Canada. The meeting dates fall on the week prior to the NAFO Annual Meeting and are subject to confirmation of the Contracting Parties. The recommendations from the 3rd WGMSE meeting, including the 2011 Greenland halibut TAC, will be forwarded to the Fisheries Commission at the Annual Meeting for consideration for adoption.

8. Recommendations to the Fisheries Commission of the Proposed Approach

This item was deferred to the next Working Group meeting scheduled in September 2010.

9. Other Matters

There was no other matter to discuss.

10. Adoption of Report

This report was adopted through correspondence after the meeting.

11. Adjournment

The Co-Chairs thanked the meeting participants for their stimulating input over the course of the meeting. The meeting was adjourned at 1845 hrs on Tuesday, 4 May 2010.

Annex 1. List of Participants

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Annex 2. Agenda

1. Opening of the Meeting
2. Appointment of Rapporteur
3. Adoption of the Agenda
4. Presentation of Scientific Council Advice
5. New Management Strategies Specifications for Evaluation
 - a) Operating Models
 - b) Management Procedures (Harvest Control Rules)
 - c) Performance Targets and Performance Statistics
6. Communication with the Scientific Council
7. Developing Workplan for Next Steps
8. Recommendations to be forwarded to the Fisheries Commission
9. Other Matters
10. Adoption of Report
11. Adjournment

Annex 3. Performance Statistics

Performance Statistic for Performance Target 1:

$$\frac{P_{2016}}{P_{2011}},$$

where P_y is the exploitable biomass computed at the start of the year indicated.

Performance Statistics for Performance Target 2 a):

$$\left\{ \sum_{y=2010}^{y=2029} \frac{|C_{y+1} - C_y|}{C_y} \right\} / 20 ; X_y = \frac{|C_{y+1} - C_y|}{C_y} - 0.15 ;$$

$$I_y = \begin{cases} 1 & \text{if } X_y > 0 \\ 0 & \text{if } X_y \leq 0 \end{cases} ; \left\{ \begin{array}{l} Prob^* = \frac{1}{5} \sum_{y=2010}^{2015} I_y \\ Prob = \frac{1}{20} \sum_{y=2010}^{2029} I_y \end{array} \right\}$$

Performance Statistic for Performance Target 2 b):

$$\left\{ \sum_{y=2010}^{y=2027} \frac{|C_{y+3} - C_y|}{C_y} \right\} / 18 ; X_y = \frac{|C_{y+3} - C_y|}{C_y} - 0.25 ; I_y = \begin{cases} 1 & \text{if } X_y > 0 \\ 0 & \text{if } X_y \leq 0 \end{cases} ; Prob = \frac{1}{18} \sum_{y=2010}^{2027} I_y$$

where C_y is the TAC for the year indicated.

Performance Statistics for Performance Target 2c):

$$C_{2011}; C_{2012}; C_{2013}; C_{2014}; C_{2015};$$

Performance Statistics for Performance Target 3:

$$\frac{1}{5} \sum_{y=2011}^{2015} C_y ; \frac{1}{5} \sum_{y=2016}^{2020} C_y ; \frac{1}{20} \sum_{y=2011}^{2030} C_y$$

Performance Statistic for Performance Target 4:

$$\frac{P_{achieved}}{P_{milestone}} \text{ where } P_{achieved} = P_{2031} \text{ and } P_{milestone} = \frac{1}{5} \sum_{y=1985}^{1999} P_y$$

SECTION IX
(pages 257 to 275)

**Report of the *ad hoc* Working Group of Fishery Managers and
Scientists on Vulnerable Marine Ecosystems (WGFMS)
5-7 May 2010
Halifax, Nova Scotia, Canada**

Report of the WGFMS	259
1. Opening of the Meeting	259
2. Appointment of Rapporteur	259
3. Adoption of the Agenda.....	259
4. Further Review of Data Collection Requirements in Exploratory and Existing Fishing Areas	259
5. Further Examination of the Delineation of the Fishing Footprint based on the work undertaken by the Secretariat (FC Working Paper 09/1, Revised)	260
6. Further Review of Fishery Assessment Guidelines (Article 4bis of NCEM)	260
7. Review and Update of Chapter Ibis of the NAFO Conservation and Enforcement Measures (NCEM).....	260
8. Recommendations to be forwarded to the Fisheries Commission	261
9. Other Matters	261
10. Adoption of Report	262
11. Adjournment	262
Annex 1. List of Participants	263
Annex 2. Agenda.....	266
Annex 3. Data Collection Requirements in Existing and New Fishing Areas	267
Annex 4. Footprint Map	268
Annex 5. Requirements for bottom fishing assessment.....	269
Annex 6. Review and update of Chapter Ibis of the NAFO CEM	270

**Report of the *ad hoc* Working Group of Fishery Managers and
Scientists on Vulnerable Marine Ecosystems (WGFMS)**

(FC Doc. 10/4)

5-7 May 2010

Halifax, Nova Scotia, Canada

1. Opening of the Meeting

The Chair (Bill Brodie, Canada) opened the meeting at 10:00 a.m. on Wednesday, May 5, 2010 at Prince George Hotel and welcomed the delegates to Halifax (Annex 1).

2. Appointment of Rapporteur

Ricardo Federizon (NAFO Secretariat) was appointed rapporteur.

3. Adoption of the Agenda

Three items were inserted under “Other Matters”: a) Update on the work of the Scientific Council (SC) on Vulnerable Marine Ecosystems (VMEs), b) Update on the Spanish-led research survey on VMEs in the NAFO area, and c) the Future of this *ad hoc* Working Group. The adopted agenda is presented in Annex 2.

4. Further Review of Data Collection Requirements in Exploratory and Existing Fishing Areas

This Working Group (WG) reviewed and examined the existing Exploratory Fishery Data Collection form (Part III of Annex XXV of the NAFO Conservation and Enforcement Measures) which the Fisheries Commission (FC) adopted at its 2009 Annual Meeting. Areas for improvement on the form were identified.

The Chair indicated that the Scientific Council Working Group on Ecosystem Approach to Fisheries Management (WGEAFM) met last February 2010 to address the pending FC requests concerning VMEs (see item 9a). The report from that meeting, which includes comments and advice on data collection requirements in exploratory fishery, still has to be adopted by the SC at its June 2010 meeting.

It was **agreed** that the Chair and the Rapporteur will revise the form based on the comments from this meeting and results from the SC June meeting. The revised form will be circulated to the participants for approval, and then forwarded to the FC with a recommendation for adoption.

Article 5bis.1 of the NCEM, which provides provisions on the data collection requirements in existing fishing areas, was reviewed. Issues concerning the minimum requirements for recording information on VME indicator species (e.g. sponges and corals) under Article 5bis.1(b) were discussed at length, including requiring such information to be recorded on a vessel's logbook. Whereas NAFO has instituted reporting requirements for sharks and sea turtles, it has yet to take a similar action for VME indicator species. This was considered to be connected with the issue of threshold quantities and thus required further reflection and should be discussed by the 2010 annual meeting of the Fisheries Commission.

It was agreed that the information on vessel position and type and quantity of VME indicator species encountered, should be included on incident report completed by the vessel master, and that Article 5bis.1(b) should be revised to reflect the enhanced data collection requirements.

It was **agreed** that the proposed revision of Article 5bis.1, as shown in FCWGFMS WP 10/5 Rev. 3 (Annex 3) be forwarded to the FC for adoption.

5. Further Examination of the Delineation of the Fishing Footprint based on the work undertaken by the Secretariat (FC Working Paper 09/01, Revised)

In the document FC Working Paper 09/01 Rev, the draft footprint (as defined in Article 2bis) representing the existing bottom fishing area was delineated by a polygon defined by a series of coordinates. The draft footprint was first presented to the FC at the 2009 Annual meeting. Noting that new information on historical fishing might become available, the FC adopted the footprint in principle and instructed this WG to further review the draft footprint.

During the examination, this WG did not receive significant new information that may alter the footprint. It was recognized that there are isolated spots of unfished areas within the polygon. However, many of these unfished areas roughly correspond to the areas of significant concentrations of corals and sponges which were already declared closed to bottom fisheries. Thus, from the fisheries conservation and enforcement point of view, the whole area enclosed by the polygon can be considered as the footprint.

It was **agreed** that the area defined by the polygon and coordinates in Figure 4b and Table 2 of FC WP 09/01Rev shall be considered as the footprint and that it will be forwarded to FC with a recommendation to confirm the adoption (Annex 4). Further, it was **agreed** that a recommendation be also forwarded to the FC for the revision and update of Article 2bis in light with the adoption of the footprint.

6. Further Review of Fishery Assessment Guidelines (Article 4bis of NCEM)

Issues and problems on the requirement on assessment of bottom fishing were first discussed at the WGFMS September 2009 meeting. It was identified at that meeting that the lack of guidelines in the preparation of the impact assessment and the timing of submissions of fishing plans constitute some of the major problems of implementation and compliance of Article 4bis.

Discussion on these issues continued at this meeting, and the USA presented FCWGFMS WP 10/2. UNGA Resolution 61/105 in effect says that fishing should not proceed without prior impact assessment; WP 10/2 proposes that once assessments are completed for proposed fishing in the NAFO convention areas and subsequently reviewed in accordance with Chapter 1bis, assessments would need not to be repeated unless there are significant changes to the fishing operations or in the absence of new scientific information. This WP also proposes fishery assessment guidelines based on FAO's Guidelines for Management of Deep Sea Fisheries on the High Seas.

During the deliberation, this WG was reminded that there is a pending FC request to the SC to address the assessment of bottom fishing requirements (see item 8a of FC Doc 09/17). This request item will be addressed by the SC at its June 2010 meeting.

In view of the FC pending request to SC, USA will prepare a discussion paper to be presented at the SC June 2010 Meeting.

It was **agreed** to attach FCWGFMS WP 10/2 Rev 2 as Annex 5 to this report.

7. Review and Update of Chapter Ibis of the NAFO Conservation and Enforcement Measures (NCEM)

It was understood that the review and update of Chapter I bis should only be a "housecleaning" task removing outdated articles and doing editorial changes. It was noted that STACTIC was doing a similar task for the whole NCEM, except Chapter Ibis. In revising Chapter Ibis, no substantive changes will be made. This task should complement the task of STACTIC, thus covering the update of the entire NCEM.

The document FCWGFMS WP 10/4 Rev represents the changes and update of Chapter Ibis. It was noted that the proposed change in Article 2bis is conditional to the adoption of the footprint (see item 5). It was **agreed** that the proposed changes in Chapter Ibis, as shown in FCWGFMS WP 10/4 Rev (Annex 6) be forwarded to the FC for adoption.

8. Recommendations to be forwarded to the Fisheries Commission

From the discussions on items 4 – 7, the following recommendations will be forwarded to the Fisheries Commission:

- The WGFMS recommends to the FC the adoption of the proposal to revise Article 5bis paragraph 1b first indent and Article 5bis paragraph 2b first indent concerning data collection requirements in existing and new fishing areas. The proposed revisions are contained in FCWGFMS WP 10/5, Rev. 3 and presented in Annex 3.
- The WGFMS recommends to the FC the adoption of the footprint as described in Annex 4. The WGFMS further recommends the adoption of the proposed changes in Article 2bis consequent to the adoption of the footprint (see Annex 6).
- The WGFMS recommends to the FC the consideration of the issues raised in FCWGFMS WP 10/2, Rev. 2 and presented in Annex 5.

Article 4bis concerns the assessment of bottom fishing. There is currently no guiding document to inform Contracting Parties as to what needs to be included in an assessment. This proposal clarifies the assessment process and what should be addressed in an assessment.

- The WGFMS recommends to the FC the adoption of the proposed editorial changes in Chapter Ibis. The proposed changes are indicated in FCWGFMS WP 10/4, Rev. 1 and presented in Annex 6.

9. Other Matters

a) Update on SC work on VMEs.

The Chair updated this WG on the activities of the Scientific Council's WGEAFM, noting that the most recent meeting was February 1-5, 2010 in Vigo, Spain. At that meeting, WGEAFM addressed several Terms of Reference, including one on the distribution of corals and sponges in relation to the proposed fishing footprint in the NRA. WGEAFM also considered ToRs on data collection protocols, encounter thresholds, seamounts, and on a broad ecosystem approach. The report of the WGEAFM, which is not yet complete, is expected to be presented to SC at the June 2010 meeting.

b) Update on Spanish-led research survey of VMEs in the NAFO Area.

Enrique de Cardenas (EU-Spain) made an update-presentation on the research survey project coordinated by EU-Spain in collaboration with other Contracting Parties. This project was first announced at the 2008 NAFO Annual Meeting. The main objectives of the project are: 1) to map the potential VMEs which may occur in the NRA at depths less than 2000 m, 2) to study the distribution of the fishing effort in the NRA, and 3) to identify sensitive areas which may be closed to bottom fisheries.

This project is now identified as NERIEDA (NAFO Potential Vulnerable Marine Ecosystems: Impacts of Deep-sea Fisheries). Since its inception, three major research cruise surveys have been undertaken by the vessel *Miguel Oliver*, and three more are planned for summer of 2010. A total area of more than 38 000 km² has been covered thus far by this research vessel. In October 2010, there will be a workshop in Vigo, Spain to discuss data analysis and reporting by different partners, as well as publication plans. A second workshop is also scheduled in March 2011.

c) Discussion on the future of this Working Group.

The commitment of NAFO in protecting the VMEs in response to the UNGA Resolution 61/105 is a continuing endeavour. This WG has been tasked by the FC to make recommendations on the effective implementation of measures to prevent significant adverse impacts on VMEs.

According to the ToRs in the establishment of this WG, the Fisheries Commission will in 2010 consider the continuation or dissolution of this WG. The Secretariat informed this WG that an item on this issue would be included in the FC agenda at the 2010 Annual Meeting in September. Although this WG considers that it has made significant recommendations which were adopted by the FC and that the continued existence of this WG is justified, the WG decided not to make a specific recommendation concerning its existence.

10. Adoption of Report

This report was adopted through correspondence after the meeting.

11. Adjournment

The Chair thanked the participants from all Contracting Parties for their work over the course of the meeting and the NAFO Secretariat staff for its usual excellent meeting support.

The meeting was adjourned at 10:10 AM on May 7, 2010.

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Annex 2. Agenda

1. Opening of the Meeting
2. Appointment of Rapporteur
3. Adoption of the Agenda
4. Further Review of Data Collection Requirements in Exploratory and Existing Fishing Areas
5. Further Examination of the Delineation of the Fishing Footprint based on the work undertaken by the Secretariat (FC Working Paper 09/01, Revised)
6. Further Review of Fishery Assessment Guidelines (Article 4bis of NCEM)
7. Review and Update of Chapter Ibis of the NAFO Conservation and Enforcement Measures (NCEM)
8. Recommendations to be forwarded to the Fisheries Commission
9. Other Matters
 - a. Update on SC work on VMEs
 - b. Update on Spanish-led research survey of VMEs in the NAFO Area
 - c. Discussion on the future of this WG
10. Adoption of Report
11. Adjournment

**Annex 3. Data Collection Requirements in Existing and New fishing Areas
(FCWGFMS WP 10/5, Rev. 3)**

Article 5bis. Para 1b, First indent:

- The vessel master shall report the incident to the flag state, which without delay shall forward the information to the Executive Secretary, including the position that is provided by the vessel, either the end point of the tow or set or another position that is closest to the exact encounter location, the VME indicator species encountered, and the quantity (kg) of VME indicator species encountered. Contracting Parties may if they so wish require their vessels to also report the incident directly to the Executive Secretary. The Executive Secretary shall archive the information and report it to all Contracting Parties. The Contracting Parties shall immediately alert all fishing vessels flying their flag.

Article 5bis, Para 2b, first indent:

- The vessel master shall report the incident without delay to its flag state, which shall forward the information to the Executive Secretary, including the position that is provided by the vessel, either the end point of the tow or set or another position that is closest to the exact encounter location, the VME indicator species encountered, and the quantity (kg) of VME indicator species encountered. Contracting Parties may if they so wish require their vessels to also report the incident directly to the Executive Secretary. The Executive Secretary shall archive the information and without delay transmit it to all Contracting Parties. The Contracting Parties shall issue an immediate alert to all vessels flying their flag.

Annex 4. Footprint map (extraction of Figure 4b and Table 2 from FC WP 09/01 Rev).

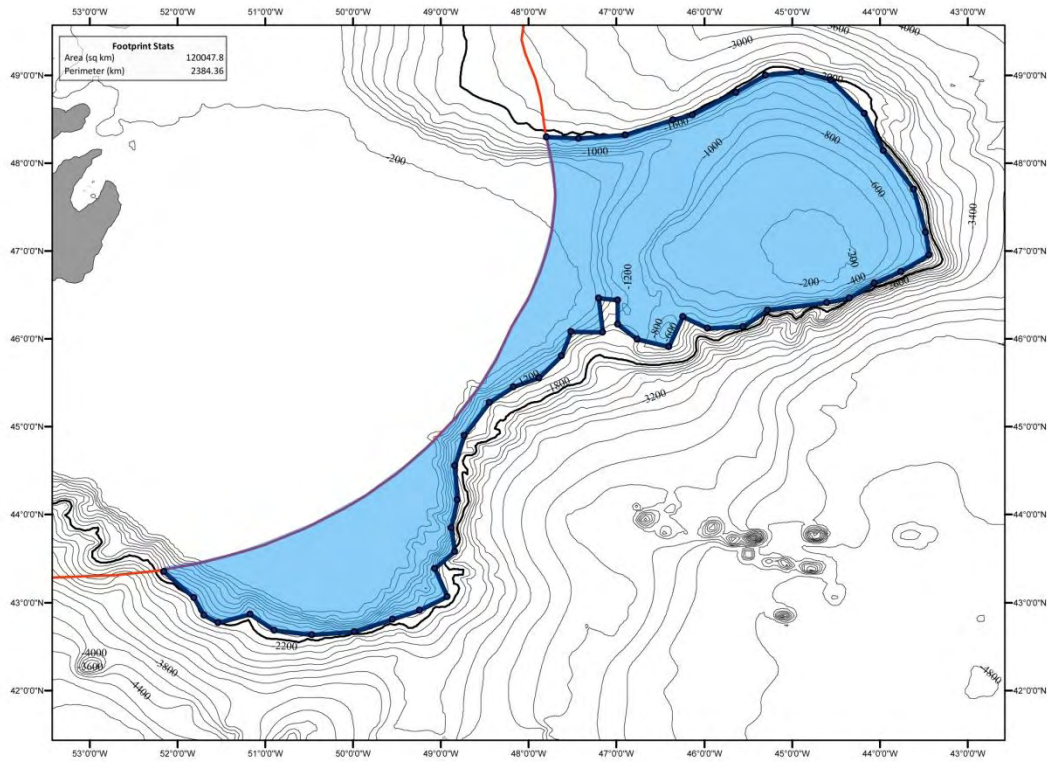


Figure1: NAFO Regulatory Area footprint map (shaded) (Figure 4b of FC WP 09/01 Rev).

Point No.	Latitude	Longitude
1	48°17'39"N	EEZ boundary ¹
2	48°16'51"N	47°25'37"W
3	48°19'15"N	46°53'48"W
4	48°29'21"N	46°21'17"W
5	48°32'43"N	46°08'04"W
6	48°48'10"N	45°37'59"W
7	48°59'54"N	45°17'46"W
8	49°02'20"N	44°53'17"W
9	48°56'46"N	44°33'18"W
10	48°33'53"N	44°10'25"W
11	48°08'29"N	43°57'28"W
12	47°42'00"N	43°36'44"W
13	47°12'44"N	43°28'36"W
14	46°57'14"N	43°26'15"W
15	46°46'02"N	43°45'27"W
16	46°38'10"N	44°03'37"W
17	46°27'43"N	44°20'38"W
18	46°24'41"N	44°36'01"W
19	46°19'28"N	45°16'34"W
20	46°08'16"N	45°33'27"W
21	46°07'13"N	45°57'44"W
22	46°15'06"N	46°14'21"W
23	45°54'33"N	46°24'03"W
24	45°59'36"N	46°45'33"W
25	46°09'58"N	46°58'53"W

Point No.	Latitude	Longitude
26	46°26'32"N	46°58'53"W
27	46°27'40"N	47°12'01"W
28	46°04'15"N	47°09'10"W
29	46°04'53"N	47°31'01"W
30	45°48'17"N	47°37'16"W
31	45°33'14"N	47°52'41"W
32	45°27'14"N	48°10'15"W
33	45°16'17"N	48°26'50"W
34	44°54'01"N	48°43'58"W
35	44°33'10"N	48°50'25"W
36	44°09'57"N	48°48'49"W
37	43°50'44"N	48°52'49"W
38	43°34'34"N	48°50'12"W
39	43°23'13"N	49°03'57"W
40	43°03'48"N	48°55'23"W
41	42°54'42"N	49°14'26"W
42	42°48'18"N	49°32'51"W
43	42°39'49"N	49°58'46"W
44	42°37'54"N	50°28'04"W
45	42°40'57"N	50°53'36"W
46	42°51'48"N	51°10'09"W
47	42°45'59"N	51°31'58"W
48	42°51'06"N	51°41'50"W
49	43°03'56"N	51°48'21"W
50	43°22'12"N	EEZ boundary ²

¹ approximately 47°47'45"W

² approximately 52°09'46"W

Table 1: Boundary points delineating the eastern side of the footprint in the NRA. The Canadian EEZ boundary delineates the western side of the footprint map (Table 2 of FC WP 09/01 Rev).

Annex 5. Requirements for bottom fishing assessment
(FCWGFMS WP 10/2, Rev. 2)

Proposal for Amendment of Article 4bis of Chapter Ibis
(Proposed by the United States)

Proposal

Article 4bis, paragraph 3.i. would read as follows:

3i. If proposed bottom fishing has not been covered by a previous assessment, or if there are significant changes to the fishery, or in light of new scientific information, the Contracting Party proposing to participate in bottom fishing shall submit to the Executive Secretary information and a preliminary assessment of the known and anticipated impacts of its bottom fishing activities on vulnerable marine ecosystems no less than two weeks in advance of the opening of the annual meeting in June of the Scientific Council. Assessments should address the elements as set forth in Annex XXVbis. The Executive Secretary shall promptly forward these submissions to the Scientific Council and the Fisheries Commission.

Annex XXVbis Assessment of Bottom Fishing Activities

Assessments should address, *inter alia*:

1. Type(s) of fishing conducted or contemplated, including vessels and gear types, fishing areas, target and potential bycatch species, fishing effort levels and duration of fishing (harvesting plan);
2. Best available scientific and technical information on the current state of fishery resources and baseline information on the ecosystems, habitats and communities in the fishing area, against which future changes are to be compared;
3. Identification, description and mapping of VMEs known or likely to occur in the fishing area;
4. Identification, description and evaluation of the occurrence, scale and duration of likely impacts, including cumulative impacts of activities covered by the assessment on VMEs;
5. Data and methods used to identify, describe and assess the impacts of the activity, the identification of gaps in knowledge, and an evaluation of uncertainties in the information presented in the assessment;
6. Risk assessment of likely impacts by the fishing operations to determine which impacts on VMEs are likely to be significant adverse impacts; and
7. The proposed mitigation and management measures to be used to prevent significant adverse impacts on VMEs, and the measures to be used to monitor effects of the fishing operations.

**Annex 6. Review and update of Chapter Ibis of the NAFO CEM
(FCWGFMS WP 10/4, Rev. 1)**

Review and update of Chapter Ibis of the NAFO CEM

(Proposal by the USA and the EU)

Changes proposed without taking into consideration the work carried out by STACTIC in relation to revision of the NAFO CEM control provisions.

Track changes: House cleaning, with reference to point 3 in the proposal adopted by FC at the annual meeting in 2009, Doc. 09/19

Highlighted in yellow: Text to be updated only in the event that the FC adopts the fishing footprint at the NAFO annual meeting 2010

Chapter Ibis

**BOTTOM FISHERIES IN THE NAFO
REGULATORY AREA**

Article 1bis – Purpose and definitions

1. The purpose of this chapter is to ensure the implementation by NAFO of effective measures to prevent significant adverse impacts of bottom fishing activities on vulnerable marine ecosystems known to occur or likely to occur in the Regulatory Area based on the best available scientific information. For the purposes of this Chapter, NAFO will take into account the guidance provided by the FAO in the framework of the Code of Conduct for Responsible Fisheries and any other internationally agreed standards, as appropriate.
2. The term ‘bottom fishing activities’ means bottom fishing activities where the fishing gear is likely to contact the seafloor during the normal course of fishing operations.
3. The term "existing bottom fishing areas" initially means areas where VMS data and/or other available geo-reference data indicating bottom fishing activities have been conducted at least in two years within a reference period of 1987 to 2007. This shall be revised regularly in accordance with Article 2bis-4.
4. The term "new bottom fishing areas" means all other areas within the Regulatory Area which are not defined as existing bottom fishing areas, including waters deeper than 2000 metres.
5. The term “vulnerable marine ecosystems” has the same meaning and characteristics as those contained in paragraphs 42 and 43 of the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas.
6. The term “significant adverse impacts” has the same meaning and characteristics as those described in paragraphs 17-20 of the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas.

Article 2bis - Identification Map of existing bottom fishing areas (footprint)

~~1. In 2008, NAFO shall proceed to map existing bottom fishing areas within the Regulatory Area for bottom fishing activities. Mapping of trawling activity shall be given priority.~~

~~2. Contracting Parties with vessels involved in bottom fishing activities in the period of 1987-2007 shall, for the purpose of paragraph 1, submit during 2008 comprehensive maps of existing fishing areas to the Executive Secretary. Maps shall be based on VMS data and/or other available geo-reference data and expressed in as precise spatial and temporal resolution as possible. Contracting Parties may, in the future, consider the possibility of refining these maps on the basis of haul by haul information, if available.~~

~~3. The Executive Secretary shall compile maps submitted by Contracting Parties pursuant to paragraph 2. The Executive Secretary shall on that basis, as well as on any data available to it, produce a comprehensive map of~~

~~existing fishing areas. The Executive Secretary shall forward this map to the Scientific Council for review and comment at its meeting in September 2008 and thereafter to the Fisheries Commission.~~

~~(a) The comprehensive map of existing bottom fishing areas referred to in paragraph 3 produced by the Executive Secretary (reference to ANNEX), based on information submitted by Contracting Parties, shall be revised regularly to incorporate any new relevant information. Contracting Parties may, in the future, consider the possibility of refining the comprehensive map on the basis of haul by haul information, if available. (existing text from paragraph 2)~~

Article 3bis - Bottom fishing activities in new fishing areas

1. ~~From 1 January 2009, a~~All bottom fishing activities in new fishing areas or with bottom gear not previously used in the area concerned, shall be considered as exploratory fisheries and shall be conducted in accordance with ~~an the~~ exploratory fisheries protocol set out in Part IV of Annex XXV ~~to be adopted by the Fisheries Commission in 2008.~~
2. The exploratory bottom fishing shall be subject to the assessment procedure set forth in Article 4bis, with the understanding that particular care will be taken in the evaluation of risks of the significant adverse impact on vulnerable marine ecosystems, in line with the precautionary approach.
3. Contracting Parties shall communicate the exploratory fisheries protocol referred to in paragraph 1 to the Executive Secretary for forwarding to the Scientific Council for review and to all Contracting Parties for information, together with the information or preliminary impact assessment referred to in Article 4bis, paragraph ~~23~~ (i), below.
4. Contracting Parties shall provide promptly a report of the results of such activities to the Executive Secretary for circulation to the Scientific Council and all Contracting Parties.
5. Prior to commencing new bottom fishing activities based upon the results of exploratory fisheries conducted in the prior two years, the Fisheries Commission shall review the assessments undertaken in accordance with Article 4bis below and the results of the fishing protocols implemented by the participating fleets, and shall:
 - i. establish conservation and management measures to prevent significant adverse impacts on vulnerable marine ecosystems from individual fishing activities and to ensure the long-term sustainability of deep sea fish stocks, or
 - ii. not authorize these fishing activities to proceed.
6. Contracting Parties shall ensure that vessels flying their flag conducting exploratory fisheries are equipped with a satellite monitoring device and have an observer on board.

Article 4bis - Assessment of bottom fishing

1. The Scientific Council, with the co-operation of Contracting Parties, shall identify, on the basis of best available scientific information, vulnerable marine ecosystems in the Regulatory Area and map sites where these vulnerable marine ecosystem are known to occur or likely to occur and provide such data and information to the Executive Secretary for circulation to all Contracting Parties.
- ~~2. Proposed bottom fishing activities in the Regulatory Area for 2009 shall be subject to assessment by the Scientific Council in 2008, based on the best available scientific information, to determine if such activities, taking account of the history of bottom fishing in the areas proposed, would have significant adverse impacts on vulnerable marine ecosystems.~~
- ~~23. Thereafter, a~~Assessments for proposed bottom fishing activities in the Regulatory Area shall follow the procedures below:
 - i. Each Contracting Party proposing to participate in bottom fishing shall submit to the Executive Secretary information and an initial assessment, where possible, of the known and anticipated impacts of its bottom fishing activities on vulnerable marine ecosystems, in advance of the next meeting of the Scientific Council. These submissions shall also include the mitigation measures proposed by the Contracting Party

to prevent such impacts. The Executive Secretary shall promptly forward these submissions to the Scientific Council and the Fisheries Commission.

- ii. The submission of such information shall be carried out in accordance with guidance developed by the Scientific Council, or, in the absence of such guidance, to the best of the Contracting Party's ability.
- iii. The Scientific Council shall undertake an assessment, according to procedures and standards it develops, and provide advice to the Fisheries Commission as to whether the proposed bottom fishing activity would have significant adverse impacts on vulnerable marine ecosystems and, if so, whether mitigation measures would prevent such impacts. The Scientific Council may use in its assessment additional information available to it, including information from other fisheries in the region or similar fisheries elsewhere.

| 34. The *ad hoc* Working Group of managers and scientists on VMEs, the terms of reference of which are attached, shall examine the advice of the Scientific Council and shall make recommendations to the Fisheries Commission in accordance with its mandate.

| 45. The Fisheries Commission shall, taking account of advice and recommendations provided by the Scientific Council and the *ad hoc* Working Group of scientists and managers, concerning bottom fishing activities, including data and information arising from reports pursuant to Article 5bis adopt conservation and management measures to prevent significant adverse impacts on vulnerable marine ecosystems, that may include:

- (a) allowing, prohibiting or restricting bottom fishing activities;
- (b) requiring specific mitigation measures for bottom fishing activities;
- (c) allowing, prohibiting or restricting bottom fishing with certain gear types, or changes in gear design and/or deployment; and/or
- (d) any other relevant requirements or restrictions to prevent significant adverse impacts to vulnerable marine ecosystems.

| 56. Fisheries Commission will periodically ask Scientific Council and the *ad hoc* working group of managers and scientists on vulnerable marine ecosystems to provide advice to Fisheries Commission on the timing and requirement for assessment of a previously assessed bottom fishery.

Article 5bis – Interim Encounter Provision

Definition of an Encounter – is an encounter, above threshold levels as set out in paragraph 3, with indicator species of coral identified as antipatharians, gorgonians, cerianthid anemone fields, lophelia, and sea pen fields or other VME elements. Any encounter with a VME indicator species or merely detecting the presence of an element itself is not sufficient to identify a VME. That identification should be made on a case-by-case basis through assessment by relevant bodies.

Contracting Parties shall require that vessels flying their flag and conducting bottom fishing activities within the Regulatory Area abide by the following rules, where, in the course of fishing operations, evidence of vulnerable marine ecosystems is encountered:

1) Existing fishing areas

- a) Vessels shall quantify catch of VME indicator species, i.e. coral and sponge.
- b) if the quantity of VME elements or indicator species caught in a fishing operation (such as trawl tow or set of a gillnet or longline) is beyond the threshold defined in paragraph 3 below, the following shall apply:
 - The vessel master shall report the incident to the flag state, which without delay shall forward the information to the Executive Secretary. Contracting Parties may if they so wish require their vessels to also report the incident directly to the Executive Secretary. The Executive Secretary shall archive the information and report it to all Contracting Parties. The Contracting Parties shall immediately alert all fishing vessels flying their flag.

- The vessel master shall cease fishing and move away at least 2 nautical miles from the endpoint of the tow/set in the direction least likely to result in further encounters. The captain shall use his best judgment based on all available sources of information.

- The Executive Secretary shall make an annual report on single and multiple encounters in discrete areas within existing fishing areas to the Scientific Council. The Scientific Council shall evaluate and, on a case-by-case basis the information and provide advice to the Fisheries Commission on whether a VME exists. The advice shall be based on annually updated assessments of the accumulated information on encounters and the Scientific Council's advice on the need for action, using FAO guidelines as a basis. The Fisheries Commission shall consider the advice in accordance with Article 4bis, paragraph 45.

2) Unfished areas that are defined as 'New fishing areas'

a) Vessels shall quantify catch of VME indicator species, i.e. coral and sponge. Observers deployed shall identify corals, sponges and other organisms to the lowest possible taxonomical level. The sampling protocol found in Annex XXV shall be used (templates).

b) If the quantity of VME element or indicator species caught in a fishing operation (such as trawl tow or set of a gillnet or longline) is beyond the threshold defined in paragraph 3 below, the following shall apply:

- The vessel master shall report the incident without delay to its flag state, which shall forward the information to the Executive Secretary. Contracting Parties may if they so wish require their vessels to also report the incident directly to the Executive Secretary. The Executive Secretary shall archive the information and without delay transmit it to all Contracting Parties. The Contracting Parties shall issue an immediate alert to all vessels flying their flag.

- The Executive Secretary shall at the same time request Contracting Parties to implement a temporary closure of a two mile radius around the reporting position. The reporting position is that provided by the vessel, either the endpoint of the tow/set or another position that the evidence suggests is closest to the exact encounter location.

- The Scientific Council at its next meeting shall examine the temporary closure. If the Scientific Council advises that the area consists of a vulnerable marine ecosystem the Executive Secretary shall request Contracting Parties to maintain the temporary closure until such time that the Fisheries Commission has acted upon the advice from the Scientific Council in accordance with Article 4bis, paragraph 45 in Chapter Ibis. If the Scientific Council does not conclude that the proposed area is a VME, the Executive Secretary shall inform Contracting Parties which may re-open the area to their vessels.

- The vessel shall cease fishing and move away at least 2 nautical miles from the endpoint of the tow/set in the direction least likely to result in further encounters. The captain shall use his best judgment based on all available sources of information.

- The Executive Secretary shall make an annual report on archived reports from encounters in *new fishing areas* to the Scientific Council. This report shall also include reports from the exploratory fishing activities that were conducted in the last year. The Scientific Council shall evaluate the information and provide advice to the Fisheries Commission on the appropriateness of temporary closures and other measures. The advice should be based on annually updated assessments of the accumulated information on encounters as well as other scientific information. The Scientific Council's advice should reflect provisions outlined in the FAO guidelines. The Fisheries Commission shall consider the advice in accordance with Article 4bis, paragraph 45.

3) For both existing and new fishing areas, an encounter with primary VME indicator species is defined as a catch per set (e.g. trawl tow, longline set, or gillnet set) of more than 60 kg of live coral and/or 800 kg of live sponge. These thresholds are set on a provisional basis and may be adjusted as experience is gained in the application of this measure.

Article 6bis - Review

The provisions of this chapter shall be reviewed by the Fisheries Commission at its Annual Meeting in 2011. The Commission shall biannually thereafter examine the effectiveness of these provisions in protecting vulnerable marine ecosystems from significant adverse impacts.

ATTACHMENT:

Terms of Reference

Ad Hoc Working Group of Fishery Managers and Scientists on Vulnerable Marine Ecosystems

Structure:

~~An ad hoc Working Group of Fishery Managers and Scientists on Vulnerable Marine Ecosystems is established in 2008 which reports to the Fisheries Commission, consults with Scientific Council, and provides recommendations to Fisheries Commission.~~

~~The Working Group shall be comprised of fishery managers and scientists from Contracting Parties supported by advisors, as required, up to a maximum of three participants per Contracting Party. The Chair/Vice chair shall be selected from participating fishery managers and scientists with both a fishery manager and a scientist represented in the two positions.~~

~~Consideration shall be given by the Fisheries Commission in 2010 to the continuation or dissolution of the working group.~~

Objective:

~~The main objective of the Working Group is to make recommendations to Fisheries Commission on the effective implementation of measures to prevent significant adverse impacts on vulnerable marine ecosystems.~~

Specific Duties:

~~The Working Group shall:~~

- ~~• In examining the advice of Scientific Council to Fisheries Commission, evaluate risk and make recommendations on mitigation strategies and measures to avoid significant adverse impacts on vulnerable marine ecosystems, drawing on relevant international information[†].~~
- ~~• Develop operational procedures in 2008 in relation to encounters of vulnerable marine ecosystems to prevent significant adverse impacts.~~
- ~~• Review and finalize the attached Exploratory Fishery Protocol for new fishing areas including the development of templates for elements of the protocol for adoption by the Fisheries Commission in 2008.~~

Meetings:

~~The Working Group will meet at least once annually between the Meeting of Scientific Council and the Annual Meeting of NAFO and shall communicate regularly through teleconferences and electronically, as required.~~

[†]Including but not limited to the pending FAO International Guidelines for the Management of Deep Sea Fisheries in the High Seas

Annex XXV (contd)**IV. Exploratory Protocol for New Fishing Areas**

The Exploratory Fishery Protocol for New Fishing Areas shall **include** **consist of**:

- A harvesting plan which outlines target species, dates and areas. Area and effort restrictions should be considered to ensure fisheries occur on a gradual basis in a limited geographical area.
- A mitigation plan including measures to prevent significant adverse impact to vulnerable marine ecosystems that may be encountered during the fishery.
- A catch monitoring plan that includes recording/reporting of all species caught, 100% satellite tracking and 100% observer coverage. The recording/reporting of catch should be sufficiently detailed to conduct an assessment of activity, if required.
- A data collection plan to facilitate the identification of vulnerable marine ecosystems/species in area fished.

Exploratory fisheries shall not commence until this information has been provided to the Executive Secretary and forwarded to all Contracting Parties and the Scientific Council for information.

SECTION X
(pages 277 to 311)

Report of the Standing Committee on International Control (STACTIC)
18-20 May 2010
Torshavn, Faroe Islands

Report of of the Meeting	279
1. Opening by the Chair	279
2. Appointment of Rapporteur	279
3. Adoption of Agenda.....	279
4. Compilation of fisheries reports for compliance review (2004-2009), including review of Apparent Infringements	279
5. Review and evaluation of NAFO Compliance objectives.....	280
6. Review of current IUU list pursuant to NAFO CEM Article 57.3.....	281
7. Half-year review of the implementation of new NCEM measures	282
8. Joint Inspection and Surveillance Scheme	282
9. Editorial Drafting Group of the NAFO CEM (EDG)	282
10. Possible revisions of the NAFO Conservation and Enforcement Measures (NCEM)	285
11. NCEM Chapter VII – Electronic reporting, satellite tracking and observers, Article 65 – Evaluation	289
12. Concern on the quality of VMS reports as compiled for Compliance Review	289
13. Other matters	289
14. Time and Place of next meeting.....	290
15. Adoption of the Report	290
16. Adjournment	290
Annex 1. List of Participants	291
Annex 2. Agenda.....	294
Annex 3. NAFO 2009 Fisheries Profile and Trends (presented by the Secretariat).....	295
Annex 4. Discussion Paper – Outstanding NCEM Related Issues and Next Steps as Identified by the Editorial Drafting Group	305
Annex 5. Discussion Paper – Revisions to CEM Annexes as Suggested by the Editorial Drafting Group.....	307
Annex 6. Discussion Paper on "Inspection Party Composition": Article 33(4)	308
Annex 7. Discussion Paper on "Notification Requirements" – NAFO CEM Article 30.....	309
Annex 8. Discussion Paper on "Report on Infringements" – NAFO CEM Article 42	310
Annex 9. Discussion Paper on "Reports on Inspection and Surveillance Activities" – NAFO CEM Article 43.....	311

Report of the Standing Committee on International Control (STACTIC)
(FC Doc. 10/6)

18-20 May 2010
Torshavn, Faroe Islands

1. Opening by the Chair, Mads Nedergaard (Denmark in respect of the Faroe Islands and Greenland)

The Chair opened the meeting at 1000 hrs on Tuesday, 18 May 2010 at the Hotel Hafnia, Torshavn, Faroe Islands. He expressed thanks to the Faroese hosts and welcomed representatives of Canada, Denmark (in respect of the Faroe Islands and Greenland), the European Union (EU), France (in respect of St. Pierre-et-Miquelon), Iceland, Russia, the United States and the NAFO Secretariat to the STACTIC intersessional meeting (Annex 1). He acknowledged the travel problems caused by volcano ash which had prevented the attendance of the Norwegian delegation, and delayed the Icelandic delegation's arrival to the second day of the meeting.

The Faroese delegation welcomed all participants. The delegations of Canada and EU expressed, on behalf of the participants, their thanks and appreciation to the Faroese hosts.

2. Appointment of Rapporteur

Richard Thomasson (EU) was appointed rapporteur.

3. Adoption of Agenda

The representative of the EU requested the inclusion of STACTIC WPs 10/6 to 10/12 for discussion. The working papers touch on the various topics of the NCEM. The representative of the EU also requested a general discussion on the observer scheme vis-à-vis Chapter VII of CEM.

The Chair agreed to include the EU WP's under agenda item 10. He suggested that agenda item 10 would be renamed 'Possible revisions of the NCEM' to accommodate the working papers introduced by EU and Canada. The discussion on observer scheme would be considered under agenda item 11. The correspondence from the Secretariat (GFS/10-121) on chartering quotas allocated to "Others quota" would be considered under agenda item 13, Other matters.

The agenda was adopted, as amended (Annex 2).

**4. Compilation of fisheries reports for compliance review (2004-2009),
including review of Apparent Infringements**

The NAFO Secretariat made a presentation on the preliminary compilation of the fisheries reports 2009 which serves as the basis of the annual compliance review undertaken by STACTIC (Annex 3). In the presentation, the Secretariat explained the possible causes of "malformed" VMS reports and how they were determined and excluded in the analysis. It was also explained how "fishing trip" periods were determined from the VMS data. Fisheries vital statistics for 2009 were presented, as well as 6-year trend (2004-2009) on fishing effort and at-sea inspection activities. An overview of apparent infringements committed in 2009 was also presented.

Relevant extracts of the compilation tables were distributed to the respective CPs for verification on the submission of fishery reports. The compilation tables will be formally forwarded to STACTIC in June 2010 following the Rules of Procedure.

The following discussion points engendered from the presentation:

- As sought by the representative of EU, it was clarified that in the compilation the pelagic redfish in Subarea 2 and Div. 1F + 3K constitutes a separate fishery category or type. The other types are groundfish (which includes among others redfish in Division 3M) and shrimp fisheries.

- As pointed out by the representative of EU, the existence of the erroneous VMS reports could be attributed not only to technological issues but also to the lack of clarity in the requirements in transmitting hail reports. The COX and CAT (which can have three meanings) were cited as examples.
- The Chair indicated that the compliance report is a “work in progress” and there is a constant mandate to seek ways to improve this report. Further, the terms of reference concerning the Compliance Report in Rules of Procedure are broad, so there is room for flexibility in making improvement. He encouraged the representatives to continue the great cooperation they extend to the Secretariat in this review process.
- The representative from Canada suggested that in the compliance review, the analysis should be more operationally-based such as the consideration of fishing depths/species and unusual cross-boundary position changes.
- The representative of the USA noted the need to include analysis of compliance with VME provisions and Port State Measures. The Chair suggested the drafting group to brainstorm ways to include these into the compliance report, working with the Secretariat, based on the information they receive.
- The representatives of the USA and Denmark (in respect of the Faroe Islands and Greenland) commented that the compilation tables and report tables can be simplified without compromising the objectives of the compliance review.
- The representative of the EU supported the analysis of technical aspects but suggested that, for transparency, the annual Compliance report should be enlarged to include the coastal fisheries which have a direct impact on the resources inside the Regulatory area. The representative from Canada considered this was outside the scope of the Compliance report.

The Secretariat was directed to continue working with the compliance report drafting group in preparation for the 2010 NAFO annual meeting when the compliance review will be completed.

5. Review and evaluation of NAFO Compliance objectives

a) In-Port/Land based Monitoring

The representative of the EU presented STACTIC WP 09/17, a discussion paper describing the landing procedure through a checklist. This paper was first presented at the September 2009 Annual Meeting. The overall objective is to increase the efficiency and of inspections both at sea and port, noting that control at sea is costly compared to land based inspection.

A complimentary system of controls at sea and on land should be considered. At-sea inspections should focus on issues verifiable at sea while port inspection should be a complementary tool, and not a parallel inspection with the repetition of the same issues already verified at sea. At-sea inspections should not assess issues that port inspections can verify more efficiently and at lower costs. Also, at-sea inspections should not be independent of port inspections and should provide relevant information for a risk based inspection program in port.

On the other hand, mandatory port inspections, even limited to species under a recovery plan can be counter productive, by increasing the demand on local fisheries authorities for any relevant vessel, whatever is the quantity of fish to be landed. The efficiency of port inspections would increase if a standardised methodology would be adopted, i.e. by following a checklist.

In port, a higher reliability of inspection can be achieved by using the check list like the one presented in STACTIC WP 09/17. This should not be considered mandatory, but as guidance to good practice. Some Contracting Parties may not have the facilities to follow all the elements on the check list.

The practice of joint inspections comprising of different Contracting Parties could also be considered as a point to increase reliability. The USA suggested developing minimum standards for at-sea and in-port inspections that could be attached as an annex to the NCEM. The FAO Technical Guidelines for in-port inspection procedures could be referred to in developing in-port inspection minimum standards.

The representative of Denmark (in respect of the Faroe Islands and Greenland) remarked that in light with the issue of high frequency of at-sea inspections which appears to single out particular vessel the utility of such checklist

applied at sea might be questionable. The representative of the EU suggested a separate check list could be developed for at-sea inspections.

The representative of Canada supported the EU initiative as long as the proposal does not intend to limit the role and duties of inspectors at sea. This proposal would require further reflection if it entails a reduction from the 100% coverage of port inspection involving vessels landing Greenland halibut.

The representative of the EU requested that this agenda item be carried over to the next STACTIC meeting with the view to define the issues that should be better developed during at sea inspections, to standardize and develop port inspections, and to abolish mandatory port inspections by developing a risk based method for port inspections. Furthermore it was desirable to align the NAFO port inspection measures with the FAO port state control scheme and the EU regulation on IUU fisheries. The Chair mentioned that NEAFC has started on bringing the Port State Control in line with the FAO agreement.

This item will be considered at the next meeting. EU will re-draft the working paper on this topic to be presented the next meeting.

b) At sea monitoring

Discussions on this item centered on the STACTIC WP 09/15 which was first presented at the 2009 Annual Meeting by Canada. The proposal suggests revisions to Chapter IV of the NCEM -- Joint Inspection and Surveillance Scheme by incorporating a protocol to facilitate the placement of inspectors from one Contracting Party onboard vessels or aircraft of another Contracting Party assigned to the Scheme.

It was noted that recently there were joint patrols carried out with the inspectors from EU and USA embarking on Canadian patrol vessels. The experience looked positive. The Contracting Parties which were involved were thanked for their cooperation on this joint endeavour.

It was encouraged that such collaboration be continued. Pending the results of the future exercise, this proposal would be further considered.

This item will be considered at the next meeting.

c) Aerial surveillance

No work had been carried out on this item so it was deferred to a later meeting.

This item will be considered at the next meeting.

6. Review of current IUU list pursuant to NAFO CEM Article 57.3

The NAFO Secretariat presented STACTIC WP 10/2 which presents the current NAFO IUU list. It was confirmed that all eleven (11) vessels on the list were drawn from the NEAFC list. The IUU list is accessible to the public at the NAFO website.

Discussions on the IUU focused on the need to harmonise the de-listing procedure. It was determined that Article 57 of the NCEM should be further reviewed. Under this article, de-listing of a vessel from the NAFO IUU list could be delayed if this vessel was originally listed and de-listed by NEAFC.

The representative of the EU agreed to work on a proposal on the harmonization of the delisting process.

This item will be considered at the next meeting.

7. Half-year review of the implementation of new NCEM measures

The NAFO Secretariat reported on its experience in the implementation of new measures or modification of existing measures introduced in the NCEM in 2010 (STACTIC WP 10/13).

Concerning Article 26 (VMS), there was no major problem in the communication of POS reports with vessel speed and course information in one-hour interval.

Concerning Article 27 (Communication of Catches), the daily and weekly catch reports (CAT) are being received largely from the FMCs. There are, however, some flag state FMCs that are not able to transmit automatically through their VMS application. CAT reports from these FMCs are sent by email by the FMCs and entered by the Secretariat in the VMS database manually.

Discussions on Article 27 centered on the confusion on the CAT which can have three meanings. The representative from the EU pointed out that the confusion is compounded by the lack of clarity in the definition of COX as well as by the daily catch reporting requirements under Chapter VII (Electronic Reporting, Satellite Tracking and Observers). The representative from Iceland indicated that these problems and issues identified by EU can be addressed by an introduction of an electronic logbook requirement (see item 10j).

Concerning Article 7.6.d (Greenland halibut in Subarea 2 and Division 3KLMNO), the Secretariat reported no major problem. The Secretariat forwards the information on the weekly catches to the CPs with inspection presence.

Issues on Communication of Catches were carried over to item 10j. The item was closed

8. Joint Inspection and Surveillance Scheme

The representative of Denmark (in respect of the Faroe Islands and Greenland) reiterated the comments and observations from the 2009 Annual Meeting of the Fisheries Commission concerning the trend of increased inspection rate on the fishing vessels. He cited an example of a Faeroese vessel which was inspected five times in July 2009 in a span of three weeks. The unusually high frequency of being inspected may contradict the intent of Article 29.6

The representative of Canada stated its at-sea inspection team always endeavour to be equitable with regards to inspections. However, there are vessels observed to have “unusual” behaviour and these would warrant a higher inspection rate. The representative of the EU shared this view. It was also noted that the risk in the shrimp fishery is higher and thus may require more attention by the inspectors. An idea of a centralized control management scheme was briefly discussed as it addresses the issue of equitable inspection. The representative of Canada stated they would welcome an idea that promotes effective inspection scheme. This idea would require more reflection. The representative of Denmark (in respect of the Faroe Islands and Greenland) supported Canada's view on this.

This item will be considered at the next meeting.

9. Editorial Drafting Group of the NAFO CEM (EDG)

The EDG was established at the 2009 Annual Meeting. Its mandate is to clean up and recognize the text of the NCEM, by removing redundant and outdated articles and make suggestions for further improvement. The EDG comprises representatives from Canada, EU and the USA. In the intervening months, the Group had a number of conference meetings followed by a 4-day face to face meeting in Boston, USA.

The representative of the United States reported on the progress of the work of the EDG by presenting working papers STACTIC WP 10/3 – 10/5. STACTIC WP 10/3 provides a detailed listing of the changes proposed by the EDG and an explanation of those changes. STACTIC WP 10/4 lists outstanding NCEM related issues and next steps, and STACTIC WP 10/5 suggests revisions to the NCEM Annexes. Following the input by Contracting Parties at the STACTIC intersessional the text would be re-drafted and then reorganized into a more logical structure. It should be noted that Article 3 - Quotas and Article 12 - By-catch requirements need further work, especially Article 12 which is more contentious and may have to be the subject of a separate working paper for STACTIC.

Also, it was noted that editorial changes to Chapter Ibis are to be reviewed by Fisheries Commission based on a working paper developed at the May 2010 meeting of the *ad hoc* Working Group of Fishery Managers and Scientists.

The representative of the EU thanked the representative of the United States for their work. It was agreed that Contracting Parties be asked for their reaction and if not forthcoming within a close deadline, the text would be taken forward as it is. This is necessary for the EDG to be able to go on with their workplan. A near final product should be available for the September 2010 Annual Meeting. The representative of Canada also thanked the representative of the United States and said that it was necessary to ensure the agreement of Contracting Parties.

A discussion followed on each detailed outstanding issue identified in STACTIC WP 10/4 (Annex 4).

- Article 5.2: Definition of a fishing day. DFG, EU and Canada confirmed it meant each fraction of a calendar day, consistent with the NEAFC definition. It was **agreed** that the EDG should attempt to clarify the language in this paragraph to be consistent with this definition.
- Article 5.3: Questioned signalling procedure referenced in this paragraph. The Secretariat and the Chair confirmed this means “reported”. After some discussion, it was **agreed** that this wording should be removed since this procedure has not been put into practice and no reporting procedures have been established to handle it
- Chapter Ibis. It was **agreed** that STACTIC would communicate with the WGFMS, encouraging collaboration on the development of enforcement measures based on the provisions of this Chapter. The results of this collaboration would constitute recommendations to the Fisheries Commission.
- Recommend establishing working procedures between Fisheries Commission, Scientific Council, other committees and STACTIC to more effectively communicate changes to the NCEM. This item is **flagged up**.
- Recommend establishment of a more permanent numbering convention for the NCEM. It was **agreed** to include as part of the work assigned to the EDG
- Article 18: Sought clarification of term “fishing authorization”. It was **agreed** that the EDG should clarify wording in this article to differentiate general authorization to fish and from Greenland halibut scheme under Article 7.6 (a).
- Article 21: Consider removing vessel size limits listed under this article and applying these provisions to all vessels. It was **agreed** that these size limits were no longer necessary and should be removed, applying provisions to all vessels.
- Article 23: Consider adding a definition for “processed fish” to NCEM. It was **agreed** to add new product codes for wet fish in Annex XX(c), and that the EDG should develop practical solutions to labelling wet fish
- It was **agreed** to merge Article 28 (observers) with Chapter VII (Electronic observer scheme)
- Article 32: Surveillance reports. The Secretariat confirmed none was received in recent times. It was **agreed** to retain the article. A redraft of the provision is necessary for clarity.
- On Serious Infringements, it was **agreed** to merge Articles 40 and 39 as proposed.
- On delisting procedure for IUU vessels, see item 6.
- STACTIC **agreed** with EDG recommendation to make violation of Electronic Observer Scheme a serious infringement.

- Article 62. This Article requires both master and observer (when deployed) have to make separate reports (CAX and OBR) under the Electronic Observer Scheme. EDG would **improve** the language to reflect this.
- Article 65: Evaluation of Electronic Observer Scheme, see agenda item 11.

The following points go beyond the scope of the drafting group. STACTIC **agreed** to consider or reflect these at the next meeting:

- Article 12: Application of by-catch rules.
- Article 18: Should reference to fishing vessels under this article include reefer vessels?
- Consider establishing a link between daily catches reported in logbook and labelling of catch (in relation to shrimp) to aid enforcement of catch reporting provisions in NCEM.
- Elaborate production log and stowage plan formats, and consider establishing minimum standards.
- Recommend adding conversion factors (CF) to NCEM. STACTIC agreed to reflect on this issue and possibly follow NEAFC scheme where Contracting Parties are required to submit their national conversion factors to the Secretariat.
- Article 26: In anticipation of the development of the electronic logbook reporting system, should the 24 hour VMS data reporting requirement under paragraph 6 should be retained?
- Article 29: Should the Objectivity Report requirement be dropped?
- Article 32: Are surveillance reports required under paragraph 5 of this article are obsolete? Should some elements of these reports be retained?
- Designating ports for landings by NCP vessels since required under FAO scheme for Port State Measures. The designation should harmonize with NEAFC's which is in the process updating its port state measures.

STACTIC WP 10/5 (Annex 5) was discussed point by point with the following conclusions:

- Use of 'tonnes' to be consistent. **Agreed.**
- Provide more logical arrangement of annexes. **Agreed**
- Require research vessels to carry research plan on board and incorporate into main body of CEM as a separate article. **Agreed.**
- List all documents required to be carried in Annex VII and incorporate into main body of CEM as a separate article. **Agreed.**
- Record trial tow coordinates in Annex VIII. **Agreed** and additionally make reference to Articles 12 and 34.
- Create new annex on the format of the production log. **Deferred.**
- Insert "observed vessel activity" in Annex XII (Surveillance report) as a point 9. **Agreed.**
- Replace 'photograph' with 'image' in Annex XII. Agreed after assuring Russia that it includes all media including printed photographs. **Agreed.**
- Insert inspector's signature in PSC3. See item 10.6.

- Add reference to Omega gauge. **Deferred.** The representative of Iceland enquired about the status of the gauge and the Chair considered more work was required. The representative of EU asked to refer to an “electronic measurement device” because “Omega” is a trade and registered name.
- Add title to Annex XX and introductory text to explain purpose. **Agreed.**
- Update product codes to include “head off and tail off” and “wet fish” or “iced” product under Annex XX(c). **Deferred.** EU will provide separate a working paper on this issue and CP's are invited to submit suggested product forms.
- Merge Annexes XXI and XV (attachments to nets). **Agreed.**
- Add point of contact for vessel under part A of PSC1 and 2 forms. **Dropped.** The forms should harmonize with NEAFC's.

The representative of the United States explained the next steps, as outlined in STACTIC WP 10/4, will be to incorporate Contracting Parties comments, and then address the more contentious issues and finally re-organize the articles into a more logical layout. It was noted that Scientific Council sent the EDG a note on items that could be removed from the main body of the CEM into a supplement. This will be completed for the Annual meeting.

The representative of Canada proposed a further meeting of the EDG in Canada before the annual meeting.

It was **agreed** that a deadline of 15 June 2010 be set for Contracting Parties to comment on the work of the EDG. The Contracting Parties will be reminded by a letter from the Secretariat. The absence of comment by that date would mean that the STACTIC WP's 10/3, 10/4 and 10/5 modified in accordance with the current meeting will be considered as accepted, and the EDG allowed to proceed according to the next steps presented in STACTIC WP 10/4.

This item will be considered at the next meeting

10. Possible revisions of the NAFO Conservation and Enforcement Measures (NCEM)

Two sets of proposals – from Canada and from the EU, entailing changes on the NCEM were discussed. Some of these proposals were first presented at the 2009 Annual Meeting which were deferred to this meeting.

a. STACTIC WP 09/20 - Duration of an inspection

The proposal is to replace "three" with "four" hours in Article 33.9. The representative of Canada explained that an additional hour would be needed because of the intricate protocol required in inspections. Such duration harmonizes with NEAFC's. Inspections at sea are considered the most appropriate time for inspection and the powers of inspectors should not be restricted. The representatives of the United States and Iceland agreed with the proposal. The representative of the EU noted it was already possible to extend the inspection by one hour as stipulated Article 33.10. The issue should be reviewed under the overall review of inspection objectives for at sea and port inspections.

This proposal is deferred to the next meeting to allow further reflection.

b. STACTIC WP 09/21 - Inspection Party Composition

This proposal is to set a new maximum number of inspectors at three (3) and clarify the status of an inspector-trainee in Article 33.4. The representative of Canada said the limit of the number of inspectors needed to be increased to three persons to take account of the joint patrols. The representative of the EU said it was not consistent with the joint patrol protocol in STACTIC WP 09/15 which allows two inspectors per Contracting Party. The representative of Iceland said more inspectors would mean an inspection would take less time. The representative of Russia commented that it takes longer to embark four inspectors in the boarding craft.

The proposal was modified to read “...maximum four inspectors....” (STACTIC WP 09/21 Rev, **Annex 6**).

It was agreed to forward STACTIC WP 09/21, Revised to the Fisheries Commission with recommendation for adoption.

c. STACTIC WP 09/23 - Product Labelling

The representative of Canada explained the purpose of this proposal is to have a consistent approach in regard to the size and presentation of the product labels.

The representative of the EU agreed with the technical aspects but pointed out the labels should not go beyond the scope of Article 23, i.e. date of capture only for shrimp, and Division only for shrimp and Greenland halibut.

The representatives of Denmark (in respect of the Faroe Islands and Greenland), Iceland and the EU said the issue was readability but not a standard format for labels. The representative of the EU promoted the idea of a label produced on board at the moment of labelling and fixed in two opposite parts of the box, for better accessibility.

It was agreed that Canada will re-draft the proposal for the next STACTIC meeting taking into account the views of Contracting Parties.

d. STACTIC WP 09/24 - Verification of Authorization to Fish

The representative of Canada explained it was necessary to allow inspectors to know what the vessel could fish for. The representative of the United States noted it was to be incorporated into one of the documents in Annex VII under the EDG re-draft.

The representatives of Iceland and Denmark (in respect of the Faroe Islands and Greenland) stated the solution was to allow inspectors access to a NAFO database to see the latest information. There was no guarantee a document on board a vessel was up to date. The representatives of Iceland and the EU indicated that an electronic system similar to that currently implemented by NEAFC can be adopted by NAFO.

It was agreed that Iceland will draft a new working paper addressing the intent of the proposal and taking into account the views of the Contracting Parties. It will be presented at the next meeting.

e. STACTIC WP 09/25 - Shrimp Strengthening Bags

The representative of Canada explained that the purpose of this proposal is to document the legality of the use of the strengthening bags used in the shrimp fishery in the NCEM. The representative of Iceland agreed with this view. The representative of Denmark (in respect of the Faroe Islands and Greenland) indicated that it consulted with Nordic industry. There was no need for a minimum mesh size of the bag. The representative of the EU indicated that this matter would need consultations with gear experts and the industry. The Chair asked CPs to provide a description of the shrimp gear used by their vessels.

It was agreed that Canada will re-draft the proposal by including technical drawings and taking into account the views of Contracting Parties. It will be presented at the next meeting.

f. STACTIC WP 09/26 - Retrieval of the net

The representative of Canada explained that the current regulation of "...the net not retrieved for a period of 30 minutes..." as stipulated in Article 33 restricts the time available to inspectors for preparation and boarding. The proposal is to replace "30 minutes" with "1 hour". Canada also noted that this requirement is mainly linked to weather conditions. The representative of EU indicated that it would need consultation and reflection on this proposal.

This proposal is deferred to the next meeting to allow further reflection.

g. STACTIC WP 10/6 - PSC3 report form

The representative of the EU indicated that the current PSC3 does not include fields for Inspector's name, signature, and date and time of inspection. The proposal is to revise Annex XIII of the NCEM to include these fields. After discussion it was decided to simply adopt the Port State Control form used by NEAFC which has all the required elements of the EU proposal.

It was agreed to recommend to the Fisheries Commission that the NEAFC PSC-3 form is adopted for NAFO.

h. STACTIC WP 10/7 - By-catch requirements

The representative of the EU underlined that the management provision added by the Fisheries Commission under Article 12.1.d introduces confusion by mixing the rules for quota up-take and by-catch, without any added value. The normal existing rules for quota management should apply as for any other fishery. It is proposed to delete this paragraph from the NCEM. Some Contracting Parties were of the opinion that this matter deserves further consideration.

This proposal is deferred to the next meeting to allow further reflection.

i. STACTIC WP 10/8 – Chartering arrangements

The representative of the EU explained that the proposal requires vessels in a chartering arrangement carry the documentation on board so that inspectors are duly notified.

Several Contracting Parties considered that this kind of documentation should be centralised in the NAFO website. It was also recognized that this issue of availability of documentation is not be limited to chartering arrangements. It is also relevant to the "authorization to fish" (see item 10.d). The representative of the EU further indicated that the accessibility of the information should apply not only to charter arrangements but also to quota transfers.

It was agreed that Iceland will draft a new working paper addressing the intent of the proposal and taking into account the views of the Contracting Parties. It will be presented at the next meeting.

j. STACTIC WP 10/9 – Communication of Catches

The representative of the EU presented the paper proposing changes in Article 27 concerning communication of catches. The purpose is to address the lack of clarity in some technical issues related to communication of catches and to allow the automated process of monitoring quota uptake and control. The proposal entails 1) clarification of some technical presentation for COE and COX, 2) split of the current unique CAT reference by using different codes and formats for each specific scope, and 3) requirement of a weekly communication of catch by Division, instead of stock area.

While it was recognized that there is a need for improvement with regards to the communication catches, there was a general debate whether the better approach is to revise and improve the existing system or to develop a completely new system. The representative of Canada enquired on how the proposed changes would affect the existing observers scheme, particularly the Electronic Observer Scheme of Chapter VII.

The representative of Iceland indicated that the problems and issues on the current system of electronic communication of catches could be addressed by daily catch reporting and electronic logbook reporting requirements.

The representatives of the EU, Canada and Denmark (in respect of the Faroe Islands and Greenland) suggested that a group similar to NEAFC's Advisory Group for Data Communication (AGDC) be created in investigating this matter. Iceland is in the opinion that creation of a new advisory group is not necessary because it has been recognized for years that the best solution lies on the daily communication of catches for all species in NAFO. Instead, representatives from NAFO with technical background could be invited to the AGDC meeting of NEAFC.

The Chair should send a letter to the Chairman of NEAFC's Permanent Committee on Control and Enforcement (PECCOE) stating the intention of NAFO to participate in the next AGDC meeting.

The representative of the EU supported the idea of a systematic daily catch reporting, but stated that since we are far from achieving the daily catch reporting and electronic logbook requirements, there is an urgent need to clarify some technical items related to the definition of the various messages. He called again for the rapid adoption of the STACTIC WP 10/9.

The representative of Iceland pointed out that the current system is quite clear and works fine for those who use it properly. A new system would also need the same discipline as the current system and if the FMC's are not able to follow the current system there is no reason to expect any differences with a new system. The representative of Iceland further elaborated on few items highlighted as problematic and pointed out the misunderstanding commonly observed. For example, the reporting period that is explained in a footnote where it is clear that there is no choice of the period. The catches are always the catch taken from the last communication of catches. If the catch report is the first in the current fishing trip the catch reported is from commencement of fishing, otherwise since the last catch report. There is a system of return messages in place, which is meant to act as a quality control, but unfortunately is not used.

It was also pointed out by the representative of Iceland that changing the system is not only an issue for NAFO as there are other parties using the system and to even greater extent. Invention of a new system would need a careful scrutiny of the current system and its shortcomings as well as investigation of future additions such as electronic logbooks. This needs to be done in close cooperation between all parties concerned.

EU is requested to draft a working paper for the next meeting elaborating on the technical changes required and accommodating the issues discussed above.

The agenda item will be reviewed at the next meeting.

k. STACTIC WP 10/10 – Notification requirements

The representative of the EU presented the proposal to amend Article 40 (STACTIC WP 10/10, Annex 7) by replacing 1 November with 1 December in Article 30.1 and 30.3, and requiring the Secretariat to post the inspections plans received from the CPs on the secure part of the NAFO Web site.

It was agreed to forward STACTIC WP 10/10 to Fisheries Commission with recommendation for adoption.

l. STACTIC WP 10/11 – Report on Infringements

The representative of the EU presented the proposal to amend Article 42 (STACTIC WP 10/11). The proposal entails 1) a requirement of one annual report, instead of two, on the infringements detected in the previous year, and 2) dropping paragraph b of the Article since it is not used in practice. The proposal also instructs the Secretariat to develop a template or form for the CPs to use in electronically transmitting the Report on Infringement.

There was an agreement on the requirement of one annual report. The deadline for such report of 1 March, instead of 1 February, was deemed more practical. Concerning dropping paragraph b of Article 42, some CPs felt uncomfortable with it and requested further reflection on this part of the proposal.

The proposal was modified based on the considerations mentioned above (STACTIC WP 10/11 Rev. 2, Annex 8). The Secretariat was also instructed to proceed with the development of the template which will be presented at the next meeting.

It was agreed to forward STACTIC WP 10/11, Rev. 2, to Fisheries Commission with recommendation for adoption.

m. STACTIC WP 10/12 – Reports on Inspection and Surveillance activities

The representative of the EU presented the proposal to amending the deadline for the submission of reports as stipulated in Article 43 from 1 March to 1 February (STACTIC WP 10/12, Annex 9).

It was agreed to forward STACTIC WP 10/12 to Fisheries Commission with recommendation for adoption.

11. NCEM Chapter VII - Electronic reporting, satellite tracking and observers, Article 65- Evaluation

The Secretariat provided a background on Chapter VII of the NCEM. This chapter concerns electronic catch reporting requirements under this alternative observer scheme. This scheme has been under implementation since 2007. According to Article 65, STACTIC shall conduct an evaluation on the effectiveness of the implementation of the provisions of Chapter VII. It is however not indicated in the NCEM when the evaluation should be made. The Secretariat requested STACTIC to reflect on whether an evaluation should be conducted in time for the next meeting.

The representative of the EU indicated that any evaluation on Chapter VII should be conducted in a more general context to include the “traditional” observers program as stipulated in Article 28; and for that matter both Article 28 and Chapter VII be reviewed. The representative of the EU also expressed the opinion that the current observer programme must be reconsidered to clarify the tasks devoted to the observer by separating scientific and compliance tasks and by reducing the compulsory embarkment of an observer on each vessel in connection with the development of the use of new communication technologies.

The representative of Canada stated that the observer program in Article 28 must be maintained regardless of the evaluation of Chapter VII. It is the view of Canada that the concept of the “traditional” observer program remains valid. The representative of Iceland explained that some provisions of Chapter VII would be affected when it develops the paper on electronic logbook catch reporting (see item 10.j)

The Secretariat was instructed to conduct a preliminary evaluation in accordance with Article 65. The preliminary evaluation will be considered at the next meeting.

This item is deferred to the next meeting to allow further discussion.

12. Concern on the quality of VMS reports as compiled for Compliance Review

This item was covered in item 4 with the discussion on the causes of “malformed” reports and how they are handled in the compilation of fishery reports for Compliance Review.

This item is closed.

13. Other matters

a. Chartering shared quotas

The Secretariat sought clarification as to whether shared quotas, e.g. quotas under “Others” or quotas of Redfish in Sub-area 2 & Divisions 1F + 3K, can be chartered. STACTIC was of the view that chartering shared quotas should not be allowed. However, it was recognized that this is an issue for decision by the Fisheries Commission. It was also noted that at the 2009 Annual Meeting the Fisheries Commission already indicated that shared quotas can not be transferred.

It was agreed that this issue be forwarded to the Fisheries Commission for clarification.

b. Contingency plans in case of force majeure

The representative of Iceland mentioned that they almost missed this meeting and that other delegations were not able to attend due to airport disruptions caused by the volcanic eruption in Iceland. He enquired whether STACTIC should have a policy concerning contingency plans in dealing with similar situations. The Chair indicated that the Rules of Procedure allow STACTIC to develop such plans. He asked the delegations present for some ideas.

This topic will be considered further at the next meeting.

14. Time and Place of next meeting

The next meeting of STACTIC will take place at the 32nd NAFO Annual Meeting, 20-24 September 2010 in Halifax, Nova Scotia, Canada.

15. Adoption of the Report

This Report was adopted through correspondence after the meeting.

16. Adjournment

The meeting adjourned at 1210 hrs on Thursday, 20 May 2010.

Annex 1. List of Participants

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Annex 2. Agenda

1. Opening by the Chair, Mads Nedergaard Denmark (in respect of Faroe Islands and Greenland)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Compilation of fisheries reports for compliance review (2004-2009), including review of Apparent Infringements.
5. Review and evaluation of NAFO Compliance objectives
 - a) In-Port/Land based Monitoring
 - b) At sea monitoring
 - c) Aerial Surveillance
6. Review of current IUU list pursuant to NAFO CEM Article 57.3
7. Half-year review of the implementation of new NCEM measures
8. Joint Inspection and Surveillance Scheme
9. Editorial Drafting Group of the NAFO CEM (EDG)
10. Possible revisions of the NCEM
11. NCEM Chapter VII - Electronic reporting, satellite tracking and observers, Article 65 - Evaluation.
 - a) Observer Scheme
12. Concern on the quality of VMS reports as compiled for Compliance Review
13. Other matters
 - a) Chartering quotas allocated to "Others quota"
 - b) Contingency plans in case of force majeure
14. Time and Place of next meeting
15. Adoption of Report
16. Adjournment

Annex 3. NAFO 2009 Fisheries Profile and Trends (presented by NAFO Secretariat)

NAFO 2009 FISHERIES PROFILE and TRENDS

**(from the Compilation of NAFO
Fishing Reports for STACTIC
Compliance Review)**

STACTIC Intersessional Meeting -
Torshavn May 2010

1

In this presentation . . .

- **Getting friendly with Table 1**
- **How “fishing trips” are determined**
- **How erroneous and “malformed” VMS Reports are determined and excluded in the analysis**
- **Vital Statistics 2009**

STACTIC Intersessional Meeting -
Torshavn May 2010

2

In this presentation . . .

- Trends 2004 – 2009
 - Effort
 - Number of vessels
 - At-sea inspection
 - Inspection Rate
- Apparent Infringements in 2009
- Problems Encountered
- Compilation Tables to be submitted in June 2010
- Report Tables for re-consideration.

Compilation table from which missing reports can be identified and vital statistics on NAFO fisheries can be derived.

Vessel No.	Vessel Type			Timing of at-sea period			Annual Monitoring System				Port Inspection Coverage of Fishing Trip			Observed Coverage of Fishing Trip		
	SP	PL	NC	Start Date	End Date	# of Days	MS	MS	MS	ES	Port	Port/Inspection	Inspection Dates in book and PORT files	Inspection Dates in book and PORT files	Inspection Dates in book and PORT files	Inspection Dates in book and PORT files
11045	CAN			01-Apr-09	01-Apr-09	1	4-Apr-09	3-Apr-09	03-Apr-09	03-Apr-09						
11046	CAN			01-Apr-09	01-Apr-09	1	4-Apr-09	4-Apr-09	04-Apr-09	04-Apr-09						
11047	CAN			01-Apr-09	01-Apr-09	1	11-Apr-09	28-Apr-09	28-Apr-09	28-Apr-09						
11048	CAN			01-Apr-09	01-Apr-09	1	21-Mar-09	28-Mar-09	28-Mar-09	28-Mar-09						
11049	CAN			01-Apr-09	01-Apr-09	1	18-Apr-09	18-Apr-09	18-Apr-09	18-Apr-09						
11050	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11051	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11052	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11053	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11054	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11055	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11056	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11057	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11058	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11059	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11060	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11061	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11062	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11063	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11064	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11065	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11066	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11067	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11068	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11069	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11070	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11071	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11072	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11073	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11074	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11075	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11076	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11077	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11078	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11079	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11080	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11081	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11082	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11083	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11084	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11085	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11086	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11087	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11088	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11089	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11090	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11091	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11092	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11093	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11094	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11095	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11096	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11097	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11098	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11099	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						
11100	CAN			01-Apr-09	01-Apr-09	1	01-May-09	01-May-09	01-May-09	01-May-09						

How are “fishing trips” determined?

- Examination of the POS reports
- Start of trip defined by ENT (or COE)
- End of trip defined by EXI (or COX)
- When ENT/COE or EXI/COX reports are missing, the dates are cross-referenced with POS and with other reports, e.g. Port Inspection and Observers.

REFER to Row 55:
Start Date: 16-Nov-09
End Date: 13-Dec-09
of Days: 27

REFER to Row 55:

FISHING TRIP

Start Date: 16-Nov-09

End Date: 13-Dec-09

of Days: 27

Relevant Area: 3N

**Directed Fishery:
 Groundfish**

Total Catch: 513.0 t

Date	COE		ENT		POS		COX		EXI
	3N	3M	3M	3N	3M	3N	3M	3N	
27-Sep-09									
28-Sep-09									
29-Sep-09									
30-Sep-09					9	4	1		
1-Nov-09		1							
16-Nov-09			1		9				
17-Nov-09				2	10				
18-Nov-09									
19-Nov-09									
20-Nov-09									
21-Nov-09									
22-Nov-09									
23-Nov-09									
24-Nov-09									
25-Nov-09									
26-Nov-09									
27-Nov-09									
28-Nov-09									
29-Nov-09									
30-Nov-09									
1-Dec-09									
2-Dec-09									
3-Dec-09									
4-Dec-09									
5-Dec-09									
6-Dec-09									
7-Dec-09									
8-Dec-09									
9-Dec-09									
10-Dec-09									
11-Dec-09									
12-Dec-09									
13-Dec-09					9	3	1		
14-Dec-09									

141 Fishing trips, 5016 days, 51 vessels

Number of VMS Reports	Ideal (all used)	Actual	Used	Difference
COE	141	197	139	51
COX	141	195	138	57
ENT	141	733	129	604
EXI	141	558	95	463
POS and MAN	60192	91889	-	-

STACTIC Interseasonal Meeting -
Torshavn May 2010






VMS reports excluded in the analysis (malformed reports???)

- Duplicates --- mainly Hails, FMC and/or FS and/or vessel transmit identical reports
- Flooding --- mainly POS, technical issues with FMCs and vessels
- Unnecessary reports --- mainly ENT/ EXI, COE/COX
- Mis-directed reports – e.g. outside NRA, not shutting off VMS
- “Mis-typed” hail reports --- follow NAF but information are erroneous.

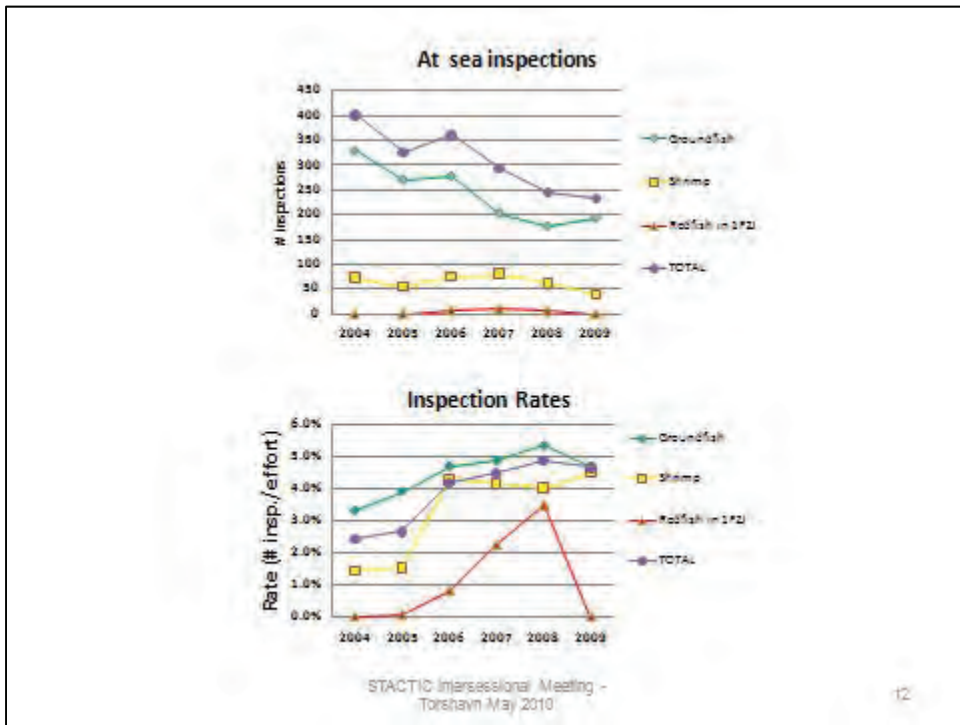
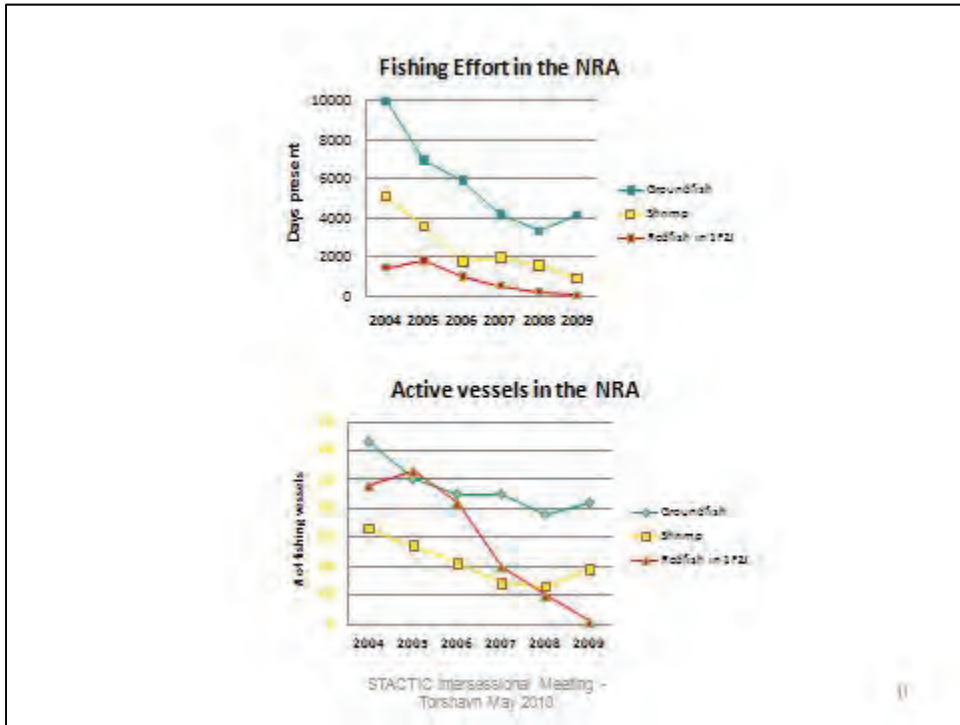
Secretariat does not correct or delete VMS reports unless advised by authorities. We also advise FMCs for any “mis-typed” reports we detect.

STACTIC Interseasonal Meeting -
Torshavn May 2010

2009 Fishing Effort Profile in NAFO Regulatory Area

	 Groundfish	 Shrimp	 Redfish	TOTAL
 Number of vessels	41	20	1	51
 Effort (Days present)	4122	889	5	5016

TRENDS 2004-2009



Apparent Infringements in 2009

ID	SP	INC	Code	Vessel Name	CP	PE	RegCP	RegDate	St. or Nat. Location	QPR	Location of Incident	Sanction / Infringement by Regulator	Date (2009)	Disposition/Status/Update	Outcome of May 2010
1	1	140					DN	20Dec08	2.L	DN	Illegal requirements - capacity plans	ALLB	01.0	Under Review, Part 2 of Annex and Annex CC 2009	Under investigation
2	1	100					DN	20Dec08	2.L	ALLB	Illegal requirements - capacity plans	ALLB	01.0	Under investigation - Part 2, Annex and Annex CC 2009	Under investigation
3	1	74					DN	21Jan09	2.L	DN	Illegal requirements - capacity plans	ALLB	01.0	Under investigation	Under investigation
4	1	74					DN	21Jan09	2.L	DN	Illegal requirements - capacity plans	ALLB	01.0	Under investigation	Under investigation
5	1	74					DN	21Jan09	2.L	DN	Illegal requirements - capacity plans	ALLB	01.0	Under investigation	Under investigation
6	1	10					DN	21Mar09	2.L	DN	Forfeiture of vessel's catch logs	ALLB	02.0	Sanctioned with fine 100,000 euros, Part 2 of Annex and Annex CC 2009	Under appeal
7	1	10					DN	21Mar09	2.L	DN	Forfeiture of vessel's catch logs	ALLB	02.0	Sanctioned with fine 100,000 euros, Part 2 of Annex and Annex CC 2009	Under appeal
8	1	4					BL	22Mar09	2.L	DN	Illegal requirements - capacity plans	ALLB	01.0	Under investigation	Under investigation
9	1	4					BL	22Mar09	2.L	DN	Illegal requirements - capacity plans	ALLB	01.0	Under investigation	Under investigation
10	1	10					DN	01Apr09	2.L	DN	Forfeiture of vessel's catch logs	ALLB	01.0	Sanctioned with fine 100,000 euros, Part 2 of Annex and Annex CC 2009. Under appeal. Also sent 1 mail to EU port inspection.	Under appeal
11	1	4					BL	02Apr09	2.L	DN	Forfeiture of vessel's catch logs	ALLB	01.0	Sanctioned with fine 100,000 euros, Part 2 of Annex and Annex CC 2009. Under appeal. Also sent 1 mail to EU port inspection.	Under appeal
12	1	110					DN	02Apr09	2.L	ALLB	Illegal requirements - capacity plans	ALLB	01.0	Under investigation	Under investigation
13	1	110					DN	02Apr09	2.L	DN	Illegal requirements - capacity plans	ALLB	01.0	Under investigation	Under investigation
14	1	110					DN	02Apr09	2.L	ALLB	Illegal requirements - capacity plans	ALLB	01.0	Under investigation	Under investigation
15	1	110					DN	02Apr09	2.L	ALLB	Illegal requirements - capacity plans	ALLB	01.0	Under investigation	Under investigation
16	1	110					DN	02Apr09	2.L	ALLB	Illegal requirements - capacity plans	ALLB	01.0	Under investigation	Under investigation
17	1	110					DN	02Apr09	2.L	DN	Forfeiture of vessel's catch logs	ALLB	01.0	Sanctioned with fine 100,000 euros, Part 2 of Annex and Annex CC 2009.	Sanctioned, Case closed
18	1	110					DN	02Apr09	2.L	DN	Forfeiture of vessel's catch logs	ALLB	01.0	Sanctioned with fine 100,000 euros, Part 2 of Annex and Annex CC 2009.	Sanctioned, Case closed
19	1	110					DN	02Apr09	2.L	DN	Forfeiture of vessel's catch logs	ALLB	01.0	Sanctioned with fine 100,000 euros, Part 2 of Annex and Annex CC 2009.	Sanctioned, Case closed
20	1	110					DN	02Apr09	2.L	ALLB	Illegal requirements - capacity plans	ALLB	01.0	Under investigation	Under investigation
21	1	110					BL	02Apr09	2.L	ALLB	Illegal requirements - capacity plans	ALLB	01.0	Under investigation	Under investigation

Torshavn May 2010

Some Problems Encountered during Data Compilation:

- COX catch information. Cumulative or not? Definition on Annex X should be clarified.
- PSC 3 (Port State Measures). Start and End fishing dates are not indicated.

Table 2. At-sea inspections by CP and fishery type

CP	Days inspections				Effort (Days on Trawler)	Effort (Days on Trawler) - FID	Effort (Days on Trawler) - FSE	Effort (Days on Trawler) - TOTAL	No. inspections by CP in 2002	No. inspections by CP in 2003	No. inspections by CP in 2004	No. inspections by CP in 2005	No. inspections by CP in 2006	No. inspections by CP in 2007	No. inspections by CP in 2008	No. inspections by CP in 2009	No. inspections by CP in 2010
	FID	FSE	Total														
CDN	120			120	27	0	27	27	4	0	0	0	0	0	0	0	0
CUB	10	10		20	0	0	0	0	0	0	0	0	0	0	0	0	0
EUR	0	120	0	120	172	0	172	172	0	0	0	0	0	0	0	0	0
FID-FSE	0			0	0	0	0	0	0	0	0	0	0	0	0	0	0
FSE	0	30		30	0	0	0	0	0	0	0	0	0	0	0	0	0
SPR	0	11		11	0	0	0	0	0	0	0	0	0	0	0	0	0
USA	100			100	0	0	0	0	0	0	0	0	0	0	0	0	0
UNCP	0	0		0	0	0	0	0	0	0	0	0	0	0	0	0	0
UNF	0	0		0	0	0	0	0	0	0	0	0	0	0	0	0	0
UNL	0	0		0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	230	141	0	371	199	0	199	199	4	0	0	0	0	0	0	0	0

STACTIS Interseasonal Meeting -
Torshavn May 2010

15

Table 3. Comparison of reported catches in the NRA.

Delimiting Area	Species	Advisory Division	No. Landings	Source			VMS
				Logbooks (From Port Inspections)	Monthly Reported Catch (No. & CP)	Observer Report (No. & CP)	
CDN	SPR				120	0	
CDN Total					120	0	
EUR	SPR			120	0	0	
EUR Total				120	0	0	
USA	SPR			0	100	0	
USA Total				0	100	0	
SPR	SPR			0	0	0	
SPR Total				0	0	0	
UNCP	SPR			0	0	0	
UNCP Total				0	0	0	
UNF	SPR			0	0	0	
UNF Total				0	0	0	
UNL	SPR			0	0	0	
UNL Total				0	0	0	
Total				120	100	0	
CDN	SPR			0	0	0	
EUR	SPR			120	0	0	
USA	SPR			0	100	0	
SPR	SPR			0	0	0	
UNCP	SPR			0	0	0	
UNF	SPR			0	0	0	
UNL	SPR			0	0	0	
Total				120	100	0	
CDN	SPR			0	0	0	
EUR	SPR			120	0	0	
USA	SPR			0	100	0	
SPR	SPR			0	0	0	
UNCP	SPR			0	0	0	
UNF	SPR			0	0	0	
UNL	SPR			0	0	0	
Total				120	100	0	

Torshavn May 2010

15

Table 4. Shrimp in 3M fishing effort and allocation.

CP	Allocation for 2005 (Fishing Days)	Reported Fishing Days effort	Shrimp fishing days in 3M exceeded?
Canada	486	0	no
Cuba	200	4	no
SU	222	224	no
Peru	1608	66	no
France (SPM)**	200	62	no
Greenland	812	0	no
Iceland	N/A	N/A	N/A
Japan	200	0	no
Korea	200		no
Norway	1928	0	no
Russia	2000	4	no
Ukraine	200	0	no
USA*	200	62	no

STACTIC Interseasonal Meeting -
Torshavn May 2010

Table 5. Number of VMS Reports by CPs.

CP	Number of Fishing Days identified as verified in Table C1	Days in 3M as also Table C1	Number of Calls on Entry Reports (COEs)	Number of Position Reports (PRs)	Number of Calls on Exit Reports (COEs)	Number of Position Reports (PRs)	Number of Border Transitions at TRs	Number of Position Reports (PRs)
Canada	15	125	15	13	11	13	0	1598
Cuba	2	50	2	0	2	0	0	115
SU	117	3380	116	89	111	75	0	41278
Peru	24	258	24	24	24	24	0	5574**
France (SPM)	4	87	4	0	4	0	0	1507
Greenland	1	12	1	1	1	1	0	321
Iceland								0
Japan	4	133	4	5	4	4	0	1804
Korea								0
Norway	2	39	2	1	2	1	0	830***
Russia	24	504	24	24	23	24	0	7150
Ukraine	0	0						0
USA	0	0						0
Total	181	5084	180	159	179	150	0	70603

STACTIC Interseasonal Meeting -
Torshavn May 2010

Fig. 3 in the Compliance Review – Citation Rates

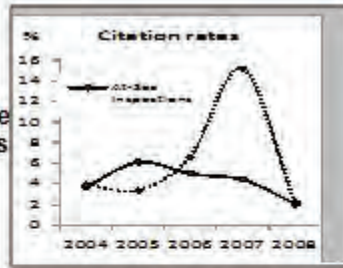
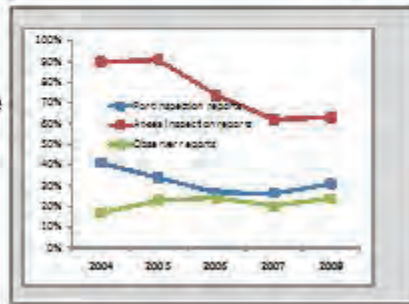


Fig. 8 in the Compliance Review – Timeliness of Submission of Reports



**Annex 4. Outstanding NCEM Related Issues
and Next Steps as Identified by the Editorial Drafting Group
(STACTIC WP 10/4)**

Outstanding Issues

- Need definition of “fishing day” in Article 5.2. Should it be considered (and charged to the vessel) as any fraction of a day present or fished in 3M should be considered one 24-hour day?
- What is signaling procedure referenced in Article 5.3?
- Consider concept of applying bycatch provisions to total catch (including discards) versus only what is retained on board.
- Need to clarify Article 14.3 based on scope of Canadian legislation.
- Need to send correspondence to Chair of WGFSM to encourage development of enforcement measures based on the provisions in Chapter 1bis (Bottom Fishing Provisions), and work with STACTIC on development of such measures.
- A procedure should be established for Fisheries Commission, Scientific Council, or any other Committee or Working Group to communicate necessary changes to NCEMs based on initiatives (e.g., VME initiative).
- Establishment of a more permanent numbering convention for NCEMs.
- Clarify of “authorization to fish” under Article 18 with specific authorization for GHL.
- Determine intent of reference to “fishing vessels” in Article 18. Does this reference actual catch vessels (as perceived based on current wording), or shall it include reefer vessels?
- Consider adding new article to NCEMs that lists all required documents that incorporates Annex VII.
- Investigate implications to domestic vessels (US and Canada) of applying Article 21.3 to all vessels.
- Consider defining term “processed fish” under NAFO since Contracting Parties have different interpretations of this term. For example, is intent of Article 23 to apply only to frozen and packaged fish?
- Need to establish link between daily catches reported in logbook and labeling of catch (in relation to shrimp) to aid enforcement of catch recording provisions.
- Need to establish either standard format or minimum standards for storage plans – see former Canadian proposal.
- Consider a standard format for the production logbook or list the required entries; similar to fishing log requirements.
- Determine whether 24-hour provision under Article 26.6 should be retained or should NAFO require real-time reporting of VMS data.
- Consider merging Article 28 (Observers) with Chapter VII (Electronic Observer Scheme) and possibly consolidating.
- Consider deleting last two sentences of Article 29.6 relating to objectivity report produced by Secretariat based on discussion by STACTIC at 2009 Annual Meeting. May want to eliminate objectivity report overall.
- Ask Secretariat where surveillance reports referenced in Article 32.5 are listed and how this process works in practice.
- Ask FC to reflect on establishing conversion factors guidelines.
- Consider broadening the scope of Article 40 to make applicable to all infringements (i.e., delete reference to Serious Infringements under Article 40.1), and then merging Article 40 with 39.
- Consider designating ports for NCP vessels (similar to what is required under Port State Measures provisions) since required under FAO scheme for Port State Measures.
- Need to look at NEAFC delisting procedures and potentially incorporate under Article 57 as appropriate (i.e., procedure for delisting scrapped vessels or “reassigned”...).
- Consider adding other RFMOs that now have established IUU listing process under Article 57.6.
- Consider adding violations of Electronic Observer Scheme to the list of Serious Infringements for clarity since already considered an SI.
- In Electronic Observer Scheme under Article 62, if there is an observer on board, determine if intent of this scheme is to have both master and observer submit daily reports for that vessel.

- Determine if evaluation of the Electronic Observer Scheme in Article 65 should be retained. There is currently no timing requirement, and a more effective means of reviewing compliance under this scheme is needed.

Next Steps

- Present agreed upon revisions to NCEMs to Fisheries Commission at 2010 Annual Meeting in Halifax, NS for consideration and approval, including any proposed changes to the Annexes.
- After editorial changes to NCEMs complete, suggest removing items of an administrative, procedural, decision making, or policy nature to a supplemental document. This may require additional language in the “Forward” to the NCEMs and introductory text in supplement that would address responsibilities of NAFO, Contracting Parties, inspectors, vessel masters, etc.
- Conduct larger-scale re-organization of NCEMs to make them flow more logically or easier to utilize in practice.
- Encourage Contracting Parties to take-up any of the outstanding issues identified by the EDG and present working papers for discussion by STACTIC at the 2010 Annual Meeting or the next STACTIC intersessional.

**Annex 5. Discussion Paper – Revisions to CEM Annexes
as Suggested by the Editorial Drafting Group
(STACTIC WP 10/5)**

1. Ensure consistent spelling of “tonnes” throughout Annexes.
2. Provide a more logical re-ordering of the Annexes (e.g., all data format annexes placed together and PSC forms placed together).
3. Update language in Annex IV, B, f to require all research vessels to carry a research plan on board, then move this text to body of the CEMs under a specific “research vessel” article.
4. Ensure that all required documents in CEMs are included in Annex VII. Consider incorporating Annex VII into the main body of the CEMs.
5. Incorporate start and end coordinates for trial tows into Annex VIII.
6. Insert new annex on production logbook minimum standards after Annex VIII – to be developed.
7. Add a point 9, “observed vessel activity” to Annex XII.
8. Replace “photographs” with “images” in point 8 of Annex XII.
9. Insert an appropriate space for the printed name and signature of an inspector on the PSC-3 form (Annex XIII).
10. Consider adding reference to OMEGA gauge to Annex XIV.
11. Suggest adding title to Annex XX and introductory text to explain purpose of Annex.
12. Explore why product form codes are included under Annex XX(c) versus listed as a separate Annex.
13. Add product form codes for “head off and tail off” and “wet fish” or “iced product” (e.g., gutted head off – iced, gutted head off – wet) under Annex XX(c).
14. Consider merging Annex XXI (shrimp toggle chains) with Annex XV (authorized topside chafers).
15. Consider adding point of contact for vessel under part A of PSC 1 and 2 forms in Annex XXIV.

**Annex 6. Discussion Paper on "Inspection Party Composition: Article 33(4)
(STACTIC WP 09/21, Rev.)**

The current NAFO Conservation and Enforcement Measures (NCEM's), Article 33, explicitly calls for an inspection party to consist of “*at a maximum two inspectors*”, with the possibility of a third member if it is an inspection trainee and only where vessel conditions permit.

Given that the measures already allow for the possibility of a three member inspection party and that allowing the third member, previously only an inspection trainee, to be a regular inspector would provide additional flexibility to those Contracting Parties that conduct inspections under the NCEMs, it would seem appropriate, especially in the context of tight inspection duration timeframes, to sanction the use of an additional inspector were warranted.

Furthermore, recent joint inspections, conducted with the USCG, also lend further credence to allow for an additional inspector to facilitate this type of joint activity and not force Contracting Parties with inspection vessels in the NRA to rotate between its own inspectors and that of a guest Contracting Party, but rather to allow a fully effective and multinational inspection party.

It should also be noted that the NEAFC *Scheme of Control and Enforcement*, Article 18.6, places no actual limit on the number of inspection party members, rather only limits the number of inspectors from each NEAFC Contracting Party, when inspecting the vessel of another Contracting Party.

Possible Amendment

Proposal – Amend Chapter IV – *Joint Inspection and Surveillance Scheme, Article 33, Inspection Procedure.*

Replace the current text of Article 33(4) with the following:

4. An inspection party shall consist of at maximum **four** inspectors. ~~Vessel conditions permitting,~~ An inspection trainee may accompany the inspection party for training purposes only, **however the inspection trainee counts against the inspection party maximum of three.** In such circumstances, the inspection party shall, upon arrival on board, identify the trainee to the master of the fishing vessel. This trainee shall simply observe the inspection operation conducted by the authorized inspectors and shall in no way interfere with the activities of the fishing vessel.

**Annex 7. Discussion Paper on "Notification Requirements" – NAFO CEM Article 30
(STACTIC WP 10/10)**

Article 30 requests CP to notify by 1 November the inspectors, inspection means and inspection plans related to their sea inspection programme.

Postponing by 1 month such notification would allow CP to better prepare the provisional plans for the inspection activities in the RA.

The availability of such information would be easier if posted on the secure part of the NAFO website.

It is requested to postpone the deadline from 1 November to 1 December and to invite the Secretariat to post the information on the secure part of the NAFO website.

Possible amendment

1. Replace 1 November by 1 December in paragraphs 1 and 3 of Article 30
2. Insert new paragraph 4 in Article 30

4. The Executive Secretary shall post the information received from the CP on the secure part of the NAFO website.

**Annex 8. Discussion Paper on "Report on Infringements" – NAFO CEM Article 42
(STACTIC WP 10/11, Rev. 2)**

Article 42(1) states that CP shall report twice a year on infringements detected on their vessels and the relative follow-up, and on significant differences in the recording of catches from logbooks and the inspector's estimation. No standardised reporting process is proposed.

The rationale for such a biannual reporting is not clear.

It is requested

- to deliver a report once a year (on 1 March), instead of twice
- to standardize the reporting process (unique e-format)

Possible amendment

Modify paragraph 1 in Article 42 in accordance with the following text

1. Contracting Parties shall report to the Executive Secretary by 1 March ~~(for the period 1 July – 31 December of the previous year) and 1 September (for the period 1 January – 30 June of the current year)~~ each year:

- a) **the action taken during the previous year** concerning infringements notified to it by a Contracting Party. The infringements shall continue to be listed on each subsequent report until the action is concluded under the laws of the Flag State; and
- b) differences that they consider significant between records of catches in the logbooks of vessels of the Contracting Party and inspectors' estimates of catches on board the vessels.

The Executive Secretary shall establish the form of the report for the electronic notification by Contracting Parties.

Annex 9. Discussion Paper on "Reports on Inspection and Surveillance Activities" – NAFO CEM Article 43 (STACTIC WP 10/12)

It is noted that the reporting deadlines in Article 42 (infringements) and Article 43 (inspection and surveillance activities) are different.

It is requested to harmonise the date for the delivery of the report on inspection and surveillance activities in Article 43 with the date for the delivery of the report on infringements in Article 42.

Possible amendment

Replace 1 March by 1 February in paragraph 1 of Article 43