

Northwest Atlantic Fisheries Organization



**Report of the NAFO Commission Ad hoc Working Group to Reflect on the
Rules Governing Bycatches, Discards and Selectivity (WG-BDS) in the
NAFO Regulatory Area Meeting**

12-13 July 2021
via WebEx

NAFO
Halifax, Nova Scotia, Canada
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1. Opening by Chair, Temur Tairov (Russian Federation)

The meeting was opened at 10:05 hours (Atlantic Daylight Time in Halifax, Nova Scotia) on Monday, 12 July 2021 by the Chair, Temur Tairov (Russian Federation). He welcomed representatives from Canada, Denmark (in respect of Faroe Islands and Greenland), European Union, Iceland, Japan, Norway, United Kingdom, and the United States of America. The SC Chair and the STACTIC vice Chair were also in attendance (Annex 1).

The Chair gave the summary of the results of the previous meeting (COM Doc. 20-04) and recalled that subsequent guidance and instructions were given to the Secretariat with regards to the spatio-temporal re-analysis of the Haul by Haul data. The Secretariat presented the update on this in agenda item 4.

2. Appointment of Rapporteur

The NAFO Secretariat (Ricardo Federizon, Senior Fisheries Management Coordinator) was appointed as Rapporteur.

3. Adoption of Agenda

The provisional agenda previously circulated was amended with the following insertions (Annex 2):

- Sub-agenda item 5.c – *“Greenland sharks bycatch and discards (Request #9 in COM Doc. 20-16)”*
- Agenda item 8.a – *“Implementation of 2018 Performance Review Panel recommendations – Input regarding data classification and access rights of the NAFO websites.”*

4. Update on the complementary analysis conducted by the Secretariat of the HxH in further support of Tasks 2.1 and 2.2 of the Action Plan

The Secretariat presented the update on the complementary analysis conducted by the Secretariat of the Haul by Haul data in COM BDS-WP 21-01.

At the April 2020 meeting of the WG, the Secretariat presented the preliminary results of spatio-temporal analysis (COM Doc. 20-04). The methodology of the analysis, including the concepts of directed fishery (NAFO CEM Article 5.2), directed stock-moratorium stock interaction (Article 6.2.b), bycatch thresholds (Article 6.3), as well as other preliminary results are explained in COM BDS-WP 20-01 (Rev.). An update was requested regarding if any additional direction had been received following the May 2021 meeting of STACTIC on the bycatch definition application as this interpretation had previously been identified by the Secretariat as a stumbling block in completing the analysis.

Following the subsequent guidance from this WG which was provided during an informal WebEx meeting in September 2020, a re-analysis was done using the general methodology and the concepts applied in the 2020 analysis by mapping the incidence of the eleven (11) directed fishery-bycatch interactions on a monthly basis (See Figures 1–11 of COM BDS-WP 21-01). Also, in the 2020 analysis, bycatch thresholds were considered exceeded if either the percentage value or the absolute value (kg) condition was satisfied (represented by a red dot on the map). In this 2021 re-analysis both the percentage and absolute value conditions must be satisfied. This resulted to fewer incidence of bycatch threshold exceedance (TE) in this 2021 analysis than in the 2020 analysis. The change in interpretation of *“whichever is greater”* in Article 6.3 was applied after an informal consultation with some members of STACTIC who are also regular participants in this WG. While the WG agreed with this approach for the purposes of the analysis, one Contracting Party noted that the NAFO CEM specifies

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“*whichever is greater*” not both. This re-analysis includes the submissions of the 2019 Haul by Haul reports received after the first analysis, making the data set for that year complete. Thus, the following serve as the data material for the re-analysis:

- 2016 data set: 7655 hauls from all fisheries, 107 of the 119 identified fishing trips, performed by 46 vessels;
- 2017 data set: 6745 hauls from all fisheries, 93 of the 112 identified fishing trips, performed by 38 vessels.
- 2018 data set: 8831 hauls from all fisheries, 101 of the 105 fishing trips, performed by 39 vessels,
- 2019 data set: 12 395 hauls from all fisheries, 131 of the 131 fishing trips, performed by 47 vessels.

The data set was limited to the hauls only in the Regulatory Area. In the spatio-temporal analysis, the data set was limited to bottom trawl hauls only.

Part of the guidance was to conduct two sets of TE calculations for each of the two differing interpretations of NAFO CEM Article 6.9 in the determination of TE – the denominator is the sum of Annex I stocks, and the denominator is the total weight of the haul. (In the 2020 analysis, the first interpretation – sum of Annex I stocks – was applied.) The Secretariat conducted the comparison calculations using the 2019 data in STACTIC WP 21-16, that showed there is little to no difference in the final calculations based on the different interpretations. Thus, in the re-analysis, the first interpretation – the sum of Annex I stocks in the haul – was applied throughout the 2016-2019 data set.

The spatio-temporal re-analysis yields the same “*takeaways*” from the 2020 spatial-temporal analysis and reiterated here (COM BDS-WP 21-01):

General:

- There is no remarkable spatial and interannual variability within each fishery, *i.e.*, their respective behaviours have not changed.
- Cod (COD) and American plaice (PLA) are the major bycatch species of the ground fish fisheries in the NAFO Regulatory Area. They comprise the moratorium stocks 3L COD, 3NO COD, 3M PLA, and 3LNO PLA.

Fishery-specific:

- In COD and redfish (RED) fisheries in the Flemish Cap (3M), PLA is the most common bycatch among the Annex I species.
- The RED fisheries hotspots in the Nose and Tail of the Grand Banks (3LNO) are located near the slopes of the bank.
- Similar bycatch species of COD and PLA occur both in Yellowtail (YEL) and Skate (SKA) fisheries in 3LNO
- In 3LN RED fishery, two stocks of COD were observed to be significant bycatch, 3NO and 3L Cod. In case of the latter, the 3LN RED fishery in Division 3L was limited to the last 3 quarters of 2019.

Major observations that may merit further scrutiny:

- Bottom fishing gears requirement for 3LNO YEL and 3LNO SKA fisheries is the minimum mesh size 130 mm and 280 mm, respectively. The similar bycatch profile of these fisheries may be attributed to either one or both of the following factors – gear selectivity and compliance to minimum mesh size requirements.
- 3LN Redfish fishery occurring in both Divisions has primary bycatch of two stock of cod – 3L Cod and 3NO Cod

Due to data processing issues from one CP, there is a large quantity of discard data covering 2016-2019 in the database that cannot be attributed to an individual haul. In 2019 for instance, out of the 12 395 hauls identified, 9024 hauls (73%) come from the CP concerned. This issue was already identified in September 2020 when the WG gave the further guidance for the re-analysis and identified as a stumbling block in proceeding with the re-analysis since calculating the total catch in an individual haul is not possible for much of the data at this point.

One CP expressed that with this discard data issue, the spatio-temporal re-analysis might not give a fully accurate description of the bycatch situation (as defined in Article 6.2.b) in the NAFO Regulatory Area (NRA) and noted the identification of data gaps was identified as a task in Section 1.3 of the Action Plan.

The Secretariat explained that this will always be a caveat in the spatio-temporal analysis when dealing with discard data. The Secretariat recalled that the focus of the analysis is the directed stocks and their interactions with the moratorium stocks, and the frequency of bycatch occurrence and of bycatch TE. Both require information of the total catch which comprises the retained and the rejected catch. The total catch is used as the denominator in the percentage calculations. (In the case of the latter, instead of the total catch of the haul, it is the sum of Annex I species in the haul in an alternative interpretation of Article 6.9).

In any Haul by Haul report compliant to Annex II.N without discard, it is indistinguishable whether it is a non-event or an unrecorded discard. Examination of the hauls with both retained and rejected catches reveals that the latter were of much lesser quantity and therefore the percentage calculation results would remain practically unchanged. It is for this reason that the Secretariat proceeded with the re-analysis.

A particular scenario could distort the picture derived from the analysis of the directed stock-moratorium stock interactions: when a moratorium stock (*e.g.*, 3NO Cod) comprises the largest percentage by weight in a haul and hence considered a directed stock by virtue of Article 5.2. Such scenario is extremely rare. From thousands of hauls from 2016-2019, only one haul was detected where the directed stock was a moratorium stock.

The Secretariat informed the WG that it has been working with the CP concerned in resolving the discard reporting issue. The CP concerned reported that in 2021 all the discard data are now attributable to the respective hauls. The Secretariat indicated it will continue to work with the CP concerned and report to this WG the progress in addressing the discard issue. The Secretariat indicated it continues to monitor Haul by Haul reports, as well as the observer reports to ensure that the discard information are reported in accordance with the reporting templates prescribed in the NAFO CEM.

In addition to COM BDS-WP 21-01, the Secretariat also presented the following Working Papers which the WG have noted:

- COM BDS-WP 21-05 – *Bycatch in accordance with Article 6.2 (a) and 6.2 (c)*,
- COM BDS-WP 21-06 – *Probabilities of moratorium stocks occurring in trawl hauls*,
- COM BDS-WP 21-07 – *Reported Rejects (RJ) in the 2016-2019 Haul by Haul Data*,
- COM BDS-WP 21-09 – *Catch records of Greenland shark (GSK) in the Haul by Haul Reports, 2016-2019*.

Contracting Parties thanked the Secretariat for their extensive work on the catch data analysis.

5. Discussion of Scientific Council responses to Commission requests for advice relevant to the working group

In support of the Action Plan in the Management and Minimization of Bycatch and Discards (COM Doc. 17-26), the Commission requested SC for scientific advice. The SC Chair presented the response and advice. The summary of the advice is encapsulated in the grey box, taken from SCS Doc. 20-19 and SCS Doc. 21-14.

a. Species/stocks with high survivability rates (COM Doc. 19-29 and SCS Doc. 20-19) in support of Task 2.2 of the Action Plan

The Commission requested (COM Doc. 19-29):

The Commission requests the Scientific Council to implement the steps of the Action plan relevant to the SC and in particular the tasks identified under section 2.2 of the Action Plan, for progression in the management and minimization of Bycatch and discards (COM Doc. 17-26), giving priority in 2020 to the identification of discard species/ stocks listed in Annex I.A. and Annex I.B of the NAFO CEM with high survivability rates.

Scientific Council responded (SCS Doc. 20-19):

There are few discard survival rate studies involving NAFO fisheries and the species / stocks listed in Annex I.A. and Annex I.B of the NCEM. SC also notes that there is no clear definition of what is considered 'high survivability' rate.

The survival of discarded specimens depends on a multitude of factors related to both the biology and habitat of the species, as well as the conditions of their capture and subsequent release. As a consequence, discard survivability values from a given fishery can not be extrapolated to different fisheries. Furthermore, many of the existing discard survivability studies have been criticized for lacking appropriate experimental controls and/or for having experimental conditions that do not replicate real world conditions sufficiently well.

In order to know the survival of discards from NAFO fisheries, specific studies would need to be designed and carried out. SC notes that the design and development of these studies with the appropriate methodology would be quite complex and require considerable financial and technical means.

The following are selected highlights from her presentation:

- From literature review, discard mortality rates vary considerably according to species biology, environmental conditions, and fishing technical factors General characteristics of survivability.
 - Flatfish including American plaice, yellowtail flounder, witch flounder and Greenland halibut: Discard survival of flatfish is generally higher than of gadoids, due mainly to the absence of swim bladder in adults,
 - Gadoids including cod and white hake: generally significant mortality upon capture due to swim bladder,
 - Deep-water species, including alfonosinos: Little information on survivability. Species lacking swim bladders may be expected to have relatively high survival rates.
 - Skates and rays: Survival rates in the range 64-79% across all gears,
 - Redfish: Not much information. Attributed a mortality rate approaching 100%,
 - Crustaceans and molluscs, including shrimp and squid (*Illex*): Survival rate of crustaceans largely depends on the physical damage caused by fishing and sorting activities; molluscs tend to have higher survival if discarded in the same location of capture.
 - Small pelagics, including capelin: Mortalities related to crowding and slipping.
- Discard mortality studies only be undertaken for NAFO fisheries if a specific conservation concern is noted based on discard rates and/or stock trajectories.

b. Moratoria stocks where bycatch/discards maybe impeding recovery and have high rates of occurrence (COM Doc. 20-16 and SCS Doc. 21-14) in support of Tasks 3.1 and 3.2 of the Action Plan

The Commission requested (Request # 4 in COM Doc. 20-16):

The Commission requests the Scientific Council to implement the steps of the Action plan relevant to the Scientific Council and in particular the tasks identified under section 2.2 of the Action Plan, for progression in the management and minimization of Bycatch and discards (COM Doc. 17-26).

- Tasks outlined in Tasks 3.1 and 3.2 of the NAFO Action Plan in the Management and Minimization of Bycatch and Discards (COM Doc. 17-26).

Task 3.1. Moratoria species. Identify moratoria stocks where the level of bycatch/discards may be impeding recovery.

Scientific Council responded:

Evidence suggests that current stock dynamics in most moratoria stocks are being driven primarily by natural causes (high natural mortality, low ecosystem productivity). Under these conditions, SC noted that even the low levels of bycatch observed in recent years may be contributing to the lack of recovery of these stocks, particularly for American plaice in Div. 3LNO and cod in 3NO.

The following are selected highlights from her presentation:

- Shrimp in 3LNO, Capelin in 3NO and Alfonsino in 6G have zero or near-zero catch. The impact of this catch on stock recovery is considered negligible.
- Cod in 2J3KL: under moratorium since 1992. Biomass began to increase in 2007 and is now at 52% of B_{lim} , but has plateaued in recent years. F has been low for more than a decade. Levels of M are thought to be delaying stock recovery.
- Cod in 3NO: under moratorium since 1994. The Grand Bank Ecosystem is experiencing low productivity and, despite very low F for well over a decade, the stock is at only 12% of B_{lim} . Current stock dynamics are likely primarily driven by natural causes (high M , low ecosystem productivity). However, under these conditions even the low levels of bycatch observed in recent years may be contributing to the lack of stock recovery
- American plaice in 3LNO: under moratorium since 1995. Biomass remains well below B_{lim} . Despite problematic assessment issues, the information points towards a recent relative increase in mortality, although separating the impacts of M and F is difficult. While recruitment continues to be poor, current levels of bycatch may also be contributing to a lack of stock recovery.
- American plaice in 3M: under moratorium since 1996. Stock was at a minimum in 2007, after 15 years of consistent recruitment failure. Recruitment subsequently improved and stock biomass increased. Stock biomass recently reached the levels of mid 90s, when the fishery was closed. Both catches and F remain low, although slightly higher catches are observed since 2013. Bycatch may be delaying recovery, but the main factor is inconsistency of recruitment
- Witch flounder in 2J3KL: under moratorium since 1998. Although the stock is below B_{lim} , biomass indices have been steadily increasing since the early 2000s. Bycatch remains low, averaging 106 t annually from 2015-2019. Current levels of F do not appear to be limiting recovery of this stock.

Task 3.2. Areas where there is a risk of causing serious harm to by-catch species: Identify areas, times and fisheries where by-catch and discards, notably of moratoria species, that have a higher rate of occurrence.

Scientific Council responded:

In the NRA, the moratoria stocks with the highest levels of bycatch are American plaice 3LNO, Cod 3NO and American plaice 3M. The highest frequencies of hauls with bycatch occur in the fisheries that are being carried out at less than 200 meters: Yellowtail flounder 3LNO, Thorny Skate 3LNO and cod 3M. Differences in the distribution of bycatch were observed among quarters. However, there were no differences in the distribution of sets with and without bycatch within fisheries within quarters.

The following are selected highlights from her presentation:

- Cod and American plaice are the major bycatch species of NRA groundfish fisheries
- A temporal and spatial analysis aimed to identify “hotspots” of bycatch occurrence in fisheries.
 - No interannual spatial and temporal variation observed in the 11 interactions
 - Redfish fisheries hotspots in the Nose and Tail of the Grand Bank (Div. 3LN and 3O) are located near the slopes of the Bank.
 - Similar “Directed stock - Bycatch stock” interactions observed in the YEL and skate fisheries despite different minimum mesh size (130 & 280 mm, resp.)
 - YEL fishery: A. plaice bycatch generally bigger than cod bycatch (weight)
 - YEL fishery: A. plaice bycatch is prevalent in non-winter months.
 - Skate fishery: no monthly trend discerned regarding A. plaice or cod bycatch.
- 3M American plaice: The frequency of A. plaice bycatch occurrence in the cod fishery shows a clear increasing trend throughout the year, while it remains much more constant in the redfish fishery. The cod fishery moves to shallower areas of Flemish Cap in the second half of the year, increasing the frequency of A. plaice bycatch occurrence.
- 3LNO American plaice: Frequency of A. plaice bycatch occurrence in the YEL & skates fisheries increases throughout the year, whereas it is quite stable in the redfish fishery (except for a lower value in quarter 3). YEL and skates fisheries in the NRA Div. 3LNO are mainly at < 200 m depth, and it seems that A. plaice is caught much more frequently than at the greater depths of the redfish fishery
- 3NO Cod: Frequency of cod bycatch occurrence has no clear pattern throughout the year. The YEL and skates fisheries in the NRA Division 3NO are mainly conducted in similar areas, at < 200 m depth. Although the fisheries take place in similar areas, cod bycatch is more frequent in the skates than in the YEL fishery.

c. Greenland sharks bycatch and discards (Request #9 in COM Doc. 20-16)

The Commission requested (Request # 9 in COM Doc. 20-16):

The Commission requests that the Scientific Council work with WG-BDS to identify areas and times where bycatch and discards of Greenland sharks have a higher rate of occurrence in time for consideration by the Commission in 2021 to inform the development of measures to reduce bycatch in the NRA.

Scientific Council responded:

Greenland shark (*Somniosus microcephalus*) are caught as bycatch in fisheries throughout the Northwest Atlantic Fisheries Organization Convention Area (NCA). The highest levels are outside the NAFO Regulatory Area (NRA) in the Canadian and Greenland EEZs. Within the NRA, the slopes of the Flemish Cap and the shelf edge of Divs. 3LNO are areas of predicted Greenland shark bycatch. A higher occurrence of Greenland shark bycatch relative to the fishing effort was found during December to March, and August to September, for the Canadian fishery within the NRA.

Greenland shark bycatch within the NCA were analyzed using a variety of models. Given that not all fisheries have At-Sea Observers (ASOs) and that logbooks provide less precise data that are prone to bias, it is difficult to make definitive conclusions on the times/location of areas with higher rates of bycatch, which consequently affects inferences about the suitability of spatial or temporal fishing closures. SC reiterates that alternative management methods should also be considered (SCS Doc. 18/19). SC notes that management measures applied should be consistent across the NCA owing to the broad distribution of Greenland sharks.

SC reiterates its recommendation for reporting of all shark bycatch by species from all fisheries within the NCA as outlined in the current NCEM, and recommends including the collection of shark numbers, sex, measurements (when feasible without causing undue harm), and bycatch discard disposition (*i.e.*, dead or alive) in all fisheries.

The following are selected highlights from her presentation:

- In NRA, areas of modelled Greenland shark bycatch distribution are along the slopes of the Flemish Cap, and the shelf edge in Divisions 3LNO,
- Data from the Canadian fishery in the NRA suggest higher occurrence of Greenland shark bycatch relative to the fishing effort during December to March, and August to September,
- SC emphasized that for all observed hauls/sets that contain Greenland shark, record the number, estimated weight, length (estimated if measured length is not possible), sex, and catch disposition (alive, dead, unknown) of each individual Greenland shark per haul or set.

The following discussion points emerged after the scientific presentation in sub-items a, b and c:

- The Haul by Haul analysis conducted by the Secretariat are complementary. The Secretariat first identified the directed fishery and looked at the bycatch of moratorium stock; SC started with the examination of the moratorium stocks and identified at the directed fishery which contributes to the bycatch of the moratorium stocks.
- High shrimp survivability rate may be due to sorting grids installed in the experimental gear
- The results of the Haul by Haul analyses conducted by the Secretariat and SC for stocks in Division 3LNO are considered partial, *i.e.*, limited to NRA.
- In the spatial distribution analysis, the Greenland shark catch is higher in Canadian waters than in the NRA.

Canada noted its agreement with the need to protect this species with a large geographic range and is undertaking additional analysis of bycatch of Greenland shark in Canadian waters. Canada highlighted that it would prepare an updated analysis of reported catch of Greenland shark for the 2019-2021 period subject to domestic privacy requirements. Canada also noted its concern with Scientific Council advice that goes beyond the NRA and has implications on the jurisdiction and sovereignty of Coastal States.

6. Discussion on Development of management options in support of Tasks 4.1, 4.2, and 4.3 of the Action Plan

The WG thanked the Secretariat and SC for considerable efforts in compiling and analyzing all of the Haul by Haul data. It acknowledged that the new information emanating from the work of the Secretariat and SC be instrumental in developing of management options, specifically into Tasks 4.1 and 4.2 which pertain to time-area management and fishery-specific solution as outlined in the Action Plan.

According to the Action Plan, STACTIC is identified as one of the NAFO bodies engaged in performing Tasks 4.1 and 4.2. The STACTIC vice Chair informed that this matter discussed at its intersessional meeting in May 2021 and it was agreed that he would participate at this WG meeting to facilitate collaboration.

The STACTIC vice Chair informed the WG that during the intersessional meeting, a small working group was created to address issues relating to bycatch, discards, and selectivity (BDS), including among others, pending proposals pertaining to “*directed fishery*”, landing obligations and discards, and bycatch thresholds and move-away provisions.

One CP commented that the BDS agenda in STACTIC sounds ambitious. Some of the issues like the application and definition of bycatch is what this WG has been trying to address. An SC representative commented there should be a clear definition of “*bycatch*”. The Secretariat clarified that NAFO has precise description of what constitutes a bycatch situation. In Article 6.2.a) and c), the bycatch occurs depending on the availability of the fish stocks to Contracting Parties which are eligible to fish the said stocks. In Article 6.2.b, a moratorium stock appearing in a haul or set is considered bycatch. Corollary to these situations, any stock not listed in Annex I could not be considered bycatch. Bycatch thresholds are quantities agreed by the Commission.

Contracting Parties thanked the Secretariat and the Scientific Council for their considerable efforts in compiling and analyzing all of the Haul by Haul data and noted that it will be instrumental in developing management recommendations to the Commission under Action Plan Section 4. The United States noted that BDS now has a significant amount of information across several stocks, and that narrowing the focus at first would help in refining and exploring how the items under Action Plan Item 4, which include identifying management options for possible time-area management and fishery-specific solutions, can move forward. The United States recommended creating a pilot study by choosing one (or up to two) of the moratoria species as a starting point to go through this process. Based on the presentations given, the United States would recommend that BDS start with 3LNO American Plaice. The idea with starting with one species is not to hamstring the working group into only one species, but instead to give the group a starting point so that the process does not get overwhelmed and no progress is made.

Contracting Parties discussed that in 2022 a special meeting should be convened specifically to consider the management options for 3LNO American Plaice and other species suggested by Contracting Parties. This meeting could be co-chaired by BDS, SC, and STACTIC. The objective of this meeting would be to explore management options to address the bycatch of American Plaice and other priority stock(s) for consideration of the Commission at the 2022 Annual Meeting. Contracting Parties agreed that, prior to this joint meeting, a smaller group from BDS should meet to determine the scope of the study, including which species should be included, and the development of possible questions for SC.

An SC representative expressed that, on the basis of the new information from the Haul by Haul analysis and the quantity of bycatch reported in the Haul by Haul reports, the two moratorium stocks 3LNO American plaice and 3NO Cod should be analyzed more in depth.

Canada expressed that this WG is at the crossroads. It sees the merit of the creation of the small group. However, it should not be limited only to American plaice but it should consider a larger number if possible and could align with the priority stocks identified in the Action Plan which would provide a broader representation of Contracting Party activity *e.g.* 3NO Cod. Further, Canada agreed that this analysis should carefully consider the identified data gap in the Haul by Haul analysis. It recognized the challenges in moving forward as each stock has unique set of circumstances. Furthermore, all discard data have to be attributable to specific hauls in order

to have accurate calculations of bycatch thresholds, which is not currently the case (see also discussion on this issue in Section 4 of this report), recognizing that analysis to date indicated the difference may be quite small. It also expressed that, given these challenges, specific management recommendations cannot be developed in accordance with the timeline prescribed in the Action Plan. In moving forward, getting the three Bodies – this WG, STACTIC and SC – to comprise a small group seems like a sound approach.

The sentiment expressed by Canada was echoed by the European Union. Iceland also expressed its support in the creation of the small group.

Contracting Parties noted that given the summer holiday period, an upcoming meeting of WG-RBMS and a meeting of the new STACTIC Working Group as well as preparations for the Annual Meeting, it may be problematic for Contracting Parties to participate in a meeting of this smaller group prior to the NAFO Annual Meeting.

The Chair summarized the discussion: there is a general support of the creation of a smaller group which will coordinate with STACTIC and SC in furthering Task 4 of the Action Plan and may consider, among others, a pilot case of American plaice and possibly others (*e.g.*, 3NO COD) in the development of a fisheries-specific solution.

7. Discussion on policies to minimize or eliminate discards in NAFO (COM Doc. 17-23)

Some Contracting Parties reported on the domestic policies as a point of information.

Canada indicated that its domestic policies do not include a ban on discards. Total catch must be accounted for and included into the established TAC. Whether species should be retained are not fisheries specific. US indicated that it has a very similar policy, *i.e.*, there is no blanket discard ban. The European Union reported that the updated state of play for its landing obligation was discussed at the STACTIC Intersessional Meeting in May 2021 following the mandate given by the Commission to STACTIC to discuss the landing obligations vis-à-vis the policy of a discard ban. Norway indicated that it has a general landing obligation in place for a number of years now. The landing obligation is supported by many measures, the most important part of which is to avoid unwanted bycatch.

The WG noted that it has performed the exercise of collecting the domestic policies pertaining the discards. US suggested that Contracting Parties should submit any updated policy and that the Secretariat share the documents to STACTIC in support of its mandate to discuss landing obligations of a discard ban policy.

8. Implementation of 2018 Performance Review Panel recommendations

a. Input regarding data classification and access rights of the NAFO websites

In response to Recommendation #26 of the 2018 NAFO Performance Review, the Ad Hoc virtual NAFO Website Re-Design Working Group: Data Classification was tasked with development of a formal policy regarding the posting and distribution of meeting documentation. This Ad Hoc Working Group will give its report to STACFAD.

At the 2020 Annual Meeting, STACFAD agreed that before a formal policy could be developed, feedback would be sought from NAFO Bodies, Standing Committees, and Working Groups during upcoming meetings in 2020/2021.

The Executive Secretary presented COM WP 21-04 and sought feedback of this WG on a policy of making working documents being made accessible to the public.

Contracting Parties expressed general support for transparency. However, given the sensitivity of the data contained in some working papers, a blanket policy of making the working documents be made available to the public would run counter to the domestic policy of some Contracting Parties. Some participants indicated they would need further consultations with their respective delegations.

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9. Other Matters

The Chair announced that he is stepping down from the position when his term ends in September 2021. Participants expressed thanks to the Chair for his leadership of this WG.

10. Recommendations

In relation to the development of management options in support of Tasks 4 of the Action Plan, the WG-BDS recommends that:

- 1. The Working Group creates a smaller group which will coordinate with STACTIC and SC in furthering Task 4 of the Action Plan and may consider a pilot case to examine bycatch of 3LNO American plaice and others in the development of potential fisheries-specific management options for further discussion by the full Working Group.**

In relation to bycatch and discard information, the WG-BDS recommends that:

- 2. The Commission request STACTIC to provide a single interpretation of the application of the term bycatch for the purpose of the spatial temporal analysis undertaken by the Secretariat according to the agreed methodology.**
- 3. The Secretariat monitor the discard data in the Haul by Haul reports and in observers reports, continue working with Contracting Parties to ensure that the discard information are reported in the Haul by Haul reports in accordance with Annex II.N and in the observer reports in accordance with Annex II.M, and report to this WG on the progress in resolving this discard data issue.**

In relation to discards in NAFO, the WG-BDS recommends that:

- 4. The Secretariat gather the updated domestic policies of Contracting Parties on discards and share them to STACTIC in support of STACTIC's mandate in discussing landing obligations of a discard ban policy.**

11. Adoption of Report

This report was adopted by correspondence after the adjournment.

12. Adjournment

The meeting adjourned at 11:11 hours (Atlantic Daylight Time in Halifax, Nova Scotia) on 13 July 2021.

Annex 1. List of Participants

WG-BDS CHAIR

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Annex 2. Agenda

1. Opening by Chair, Temur Tairov (Russian Federation)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Update on the complementary analysis conducted by the Secretariat of the HxH in further support of Tasks 2.1 and 2.2 of the Action Plan
5. Discussion of Scientific Council responses to Commission requests for advice relevant to the working group
 - a. Species/stocks with high survivability rates (COM Doc. 19-29 and SCS Doc. 20-19) in support of Task 2.2 of the Action Plan
 - b. Moratoria stocks where bycatch/discards maybe impeding recovery and have high rates of occurrence (COM Doc. 20-16 and SCS Doc. 21-14) in support of Tasks 3.1 and 3.2 of the Action Plan
 - c. Greenland sharks bycatch and discards (Request #9 in COM Doc. 20-16)
6. Discussion on Development of management options in support of Tasks 4.1, 4.2, and 4.3 of the Action Plan
7. Discussion on policies to minimize or eliminate discards in NAFO (COM Doc. 17-23)
8. Implementation of 2018 Performance Review Panel recommendations
 - a. Input regarding data classification and access rights of the NAFO websites
9. Other Matters
10. Recommendations
11. Adoption of Report
12. Adjournment