

**44th ANNUAL MEETING OF NAFO - SEPTEMBER 2022****Research vessels (Article 4 of the NAFO CEM)****Background**

Article 4 of the NAFO CEM indicates that unless otherwise provided, research vessels shall not be restricted by conservation and management measures pertaining to the taking of fish in the Regulatory Area, in particular, mesh size, size limits, closed areas and seasons; but it does not provide clarity on the application of quota or effort limitations.

In order to differentiate between research activities carried out by vessels with and without commercial activity, the research plan should include information on whether the research activities will be carried out by commercial vessels marketing their catches.

Where a commercial interest is also present, the research vessels should be subject to the NAFO CEM requirements. In order for the catches obtained during research activities associated to a commercial interest to be compatible with existing management measures, they should be counted against the relevant catch and fishing effort limitations.

During the NAFO 2021 Annual Meeting, the Commission considered STACTIC Working Paper 21-40 concerning regulating the use of commercial vessels in research activities by amending Article 4 of the NAFO Control and Enforcement Measures (CEM). The Commission adopted provisional catch limitations for research activities in 3M cod and shrimp fisheries for 2022 and expressed that STACTIC should continue working on this issue.

In its Interessional Meeting held in May 2022, STACTIC agreed to forward the draft proposal (STACTIC WP 22-23) to amend Article 4 of the NAFO CEM to the NAFO Scientific Council (SC) for comments. The SC¹ expressed agreement on the need to have clarity in distinguishing research and commercial activities and noted that there are some research programs which can be executed in partnership with commercial activities on fishing vessels. The SC highlighted the following considerations to address current concerns and ensure that future activities are consistent with typical scientific practice:

- *For new proposals for survey/research activities in the NAFO Regulatory Area, the NCEM should treat such requests similar to Exploratory Bottom Fishing, including the requirement to submit advance notice of intent to conduct activities, similar to the protocols and requirements for Exploratory Bottom Fishing (NCEM Chapter II, Articles 18-21). A key element for new or proposed activities would be provision of a detailed protocol for the planned research, to be reviewed by SC during its next regularly scheduled meeting (i.e. June or September). STACREC would include an evaluation of the merits of the work in its report which would also be presented to the Commission.*

¹ Report of the Scientific Council Meeting, 03 -16 June 2022, Halifax, Nova Scotia



- *Retained catch from any research activity (new or existing) conducted by CPs must be included in STATLANT 21 data, and with appropriate accounting from relevant quota(s).*

Additionally, the SC noted that “Research Plans” as referenced in NCEM I.4 are presently undefined but some minimum requirements are given in Article 4.3(b), and that these details could become a self-standing clause in Article 4:

- *“CPs must provide the Executive Secretary [at some advance timing interval to be decided by STACTIC] a Research Plan for vessels engaging in scientific research which must include: Vessel Name, Purpose, Summary of Scientific Methods or Procedures, Location, Dates of Research Activity, and Principal Investigator. The Research Plan should also indicate the anticipated time frame for when research results would be presented to the Scientific Council.”*

The proposed changes should provide legal certainty for research activities in the future and therefore, the temporary measures decided for 2022 for 3M cod and shrimp should be deleted from Article 4 NAFO CEM.

The changes include an editorial revision by which the flag State Contracting Party obligations are placed together in one paragraph.

The proposal also integrates the request from the SC to assess non-recurrent new surveys and research activities.

Proposal

Considering the suggestions of the NAFO SC, it is proposed to amend Article 4 as follows:

Article 4 – Research Vessels

1. Unless otherwise provided, research vessels shall not be restricted by conservation and management measures pertaining to the taking of fish in the Regulatory Area, in particular, mesh size, size limits, closed areas and seasons.

2. A research vessel shall not:

(a) conduct fishing activities inconsistent with its research plan; ~~or~~

(b) take 3L shrimp in excess of the allocation of the flag State Contracting Party;

(c) ~~in 2022~~ take 3M cod in excess of 15 tonnes. Should a research vessel's catch exceed this amount, the excess shall be counted against the allocation to the vessel's flag State Contracting Party. Furthermore, if the allocation to the Contracting Party for 3M cod is exhausted, it shall not authorize its vessels to undertake further research activities. Any research activities underway must be stopped as soon as 15 tonnes have been caught; or:

(d) ~~in 2022~~ take 3M shrimp in excess of 10 tonnes. ~~Given no directed fishery is authorized on 3M shrimp in 2022, a~~ Contracting Party must stop research activities on 3M shrimp once 10 tonnes have been caught.

3. No less than seven days prior to the commencement of a fishery research period, ~~t~~*The flag State Contracting Party shall:*

(a) by electronic transmission in the format prescribed in Annex II.C and prior to the commencement of the research, notify the Executive Secretary of all research vessels entitled to fly its flag it has authorized to conduct research activities in the Regulatory Area; ~~and~~

(b) provide to the Executive Secretary a Research Plan for all vessels entitled to fly its flag it has authorized to conduct research.

(c) The Research Plan and any changes thereof shall be provided no less than thirty days in advance of the opening of the June meeting of the Scientific Council for non-recurrent new surveys and research activities or if any catches retained on board during research activities will be marketed and, otherwise, no less than seven days prior to the commencement of the research. The Research Plan shall contain at a minimum the following information: including the purpose, location and, for vessels temporarily engaged in research, the dates during which the vessel will be engaged as a research vessel.

(i) vessel identification.

(ii) purpose.

(iii) summary of scientific methods or procedures.

(iv) location and dates of the research activity.

(v) the name of the principal investigator.

(vi) whether any catches retained on board will be marketed.

(vii) total estimated research catch of the survey target species and whether an observer with sufficient scientific expertise will be on board.

(viii) information on when the research results will be presented to the Scientific Council.

(ix) where relevant, any requests to derogate from the provisions in paragraph 3(c), and

(x) where relevant, indication that the activity constitutes a non-recurrent new survey or research.

(d) unless otherwise supported by the opinion of the Scientific Council pursuant to paragraph 4, ensure that its research vessels retaining on board catches obtained during research activities with the purpose of marketing these catches:

(i) comply with the recording and reporting requirements in Chapter IV.

(ii) have observer with sufficient expertise on board.

(iii) count these catches against the Contracting Party's quota and fishing effort limitations set out in Annex I.

(e) notify the Executive Secretary immediately upon the commencement and termination of research activities of vessels temporarily employed in research, including during fishing trips in which both commercial and research activities take place; and

(f) ensure that its research vessels:

(i) keep on board a copy of the Research Plan and any changes thereof in the English language at all times; and

(ii) stow catches taken in research activities separately with netting, plywood, boxes or other means from all other catches taken in fishing trips in which both commercial and research activities are carried out. The location of the catches taken in research activities shall be indicated in the stowage plan.

~~4. For vessels temporarily employed in research, the flag State Contracting Party shall immediately upon termination of research activities so notify the Executive Secretary.~~

~~5. The flag State Contracting Party shall notify the Executive Secretary not less than seven days before the effective date of any changes to the research plan. The research vessel shall maintain a record of the changes on board.~~

~~6. Vessels engaged in research shall at all times keep on board a copy of the Research Plan in the English language.~~

4. The measures in paragraph 3(c), (d) and (f)(ii) shall only apply to surveys conducted in the NAFO Regulatory Area targeting stocks included in Annex I.A and Annex I.B of the NAFO CEM.

Duties of the Scientific Council

53. The Scientific Council will provide its written opinion on the research plans in the cases referred to in paragraph 3(b)(ix) and (x).

Duties of the Executive Secretary

~~67. Following notification in accordance with paragraph 3(a),~~ The Executive Secretary:

(a) following notifications in accordance with paragraph 23, without delay:

(i) posts the names of all research vessels in the vessel registry to the NAFO website and includes in such posting any supporting documents provided by the flag State Contracting Party, including the Research Plan,

(ii) submits to the Scientific Council the Research Plan and any changes thereof;

(b) promptly informs the Contracting Parties and posts on the NAFO Website the opinion provided by the Scientific Council pursuant to paragraph 53.

7. NAFO will review these measures in 2023.