



39th ANNUAL MEETING OF NAFO - SEPTEMBER 2017

**Changes to the NAFO Conservation and Enforcement Measures for 2018
following the entry into force of the Amended NAFO Convention**

With the entry into force of the Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries on 18 May 2017, and the resulting merger of General Council and Fisheries Commission, it is necessary to amend the NAFO Conservation and Enforcement Measures (CEM) for 2018 to reflect this change. The editorial changes are reflected in this working paper. Please note that the references to the "*Fisheries Commission*" and the "*General Council*" in Article 53.2 and 53.3 of the NAFO CEM may require further review.

Foreword

This publication incorporates all NAFO Conservation and Enforcement Measures presently in force as adopted by the ~~Fisheries~~ Commission in accordance with provisions of Articles ~~VI and XIV XI, XII, and XXIII~~ of the Convention on ~~Future Multilateral~~ Cooperation in the Northwest Atlantic Fisheries.

Every year, the NAFO Conservation and Enforcement Measures (CEM) are revised by the ~~Fisheries~~ Commission. The amendments for 201~~8~~⁷, which were adopted at the 3~~8~~⁹th Annual Meeting in September 201~~6~~⁷, are listed on the following pages, along with the reference documents.

Article 1.3

3. "Convention" means the 1979 Convention on ~~Future Multilateral~~ Cooperation in the Northwest Atlantic Fisheries, as amended from time to time;

Article 5.4

4. When no agreement can be reached by the ~~Fisheries~~ Commission on a NAFO managed stock, through either consensus or vote, the ~~Fisheries~~ Commission shall maintain the existing relative percentage quota shares for that stock, as reflected in Annex I.A and I.B. This shall be deemed to be a proposal of the ~~Fisheries~~ Commission in accordance with Articles ~~VI and XIV XI and XII~~ of the Convention for the succeeding calendar year.

Article 5.7.a and 5.7.b

7. Catch in excess of a quota allocated to a Contracting Party may result in a deduction of allocations of that stock during a future quota period, if so decided by the ~~Fisheries~~ Commission. Such a deduction:

- (a) shall be considered independently from any quota adjustment that may be decided by the ~~Fisheries~~ Commission;
- (b) shall not increase the quota allocated on that stock to any other Contracting Party, unless the ~~Fisheries~~ Commission determines that the increase will not cause further harm to the stock; and



Article 5.8

8. Catch in excess of an "Others" quota may result in temporary or permanent adjustments to fishing opportunities of the relevant Contracting Party, if so decided by the ~~Fisheries~~ Commission, as appropriate measures to compensate for damage caused to the stock when a Contracting Party has:

Article 5.12

12. Any quota listed for squid may be increased by a transfer from any "~~c~~Coastal State" as defined in Article ~~11~~, paragraph ~~C3~~ of the Convention, provided that the TAC for squid is not exceeded.

Article 5.14

14. When the Executive Secretary provides the evidence submitted in accordance with paragraph 13(b) of this section to the ~~Fisheries~~-Commission for a mail vote as to whether an exceptional increase in the availability of white hake is occurring, the 3NO TAC for white hake for the remainder of the year shall:

Article 5.15.f and Article 5.15.h

- (f) reports without delay to the ~~Fisheries~~-Commission when the Contracting Party referred to under paragraph 15 (d) of this Article failed to either cease fishing on that stock or demonstrate that the quota has not been taken within 15 days in accordance with Article 5.5;
- (h) when notified in accordance with paragraph 13 of this section of a higher CPUE for 3NO white hake, provides the evidence submitted in accordance with paragraph 13(b) to the ~~Fisheries~~-Commission for a mail vote as to whether an exceptional increase in the availability of white hake is occurring; and

Article 7.1 and 7.2

1. The ~~Fisheries~~-Commission shall obtain annually the decision of Canada on the limit it has established for catches by Canadian fishers. This limit shall be 95% of the TAC for this stock.
2. The ~~Fisheries~~-Commission shall establish a catch limit in the Regulatory Area that shall apply to the other Contracting Parties. This limit shall be 5% of the TAC for this stock.

Article 7.7.a footnote 1

¹ The ~~Fisheries~~-Commission shall request the Scientific Council to review in detail the limit reference point when the Spawning Stock Biomass has reached 30 000 tonnes.

Article 7.9

9. Harvest Control Rules:

Noting the desire for relative TAC stability, the projections referred to in items (a) through (d) below should consider the effect of maintaining the proposed annual TAC over 3 years. Further, in its application of the Harvest Control Rules, ~~Fisheries~~-Commission may, based on Scientific Council analysis, consider scenarios which either mitigate decline in SSB or limit increases in TACs as a means to balance stability and growth objectives.

Article 8.4

4. Harvest Control Rules:

Noting the desire for relative TAC stability, the projections referred to in items (a) through (d) below should consider the effect of maintaining the proposed annual TAC over 3 years. Further, in its application of the Harvest Control Rules, Fisheries-Commission may, based on Scientific Council analysis, consider scenarios which either mitigate decline in SSB or limit increases in TACs as a means to balance stability and growth objectives

Article 10.8.a

(a) places on the agenda of the Fisheries-Commission in the context of reviewing the implementation of this rebuilding plan, the issue of deciding on additional measures to ensure the effective attainment of its objective;

Article 10.10

10. When the TAC exceeds 30 000 tonnes the next 1300 tonnes beyond 30 000 tonnes will be allocated to the "Others" quota. In deciding the relevant contributions of Contracting Parties to the 1300 tonnes "Others" quota, the Fisheries-Commission will take into account the benefit that some Contracting Parties received from the assignment of the "Others" quota that occurred when the Greenland Halibut Rebuilding Plan was adopted.

Article 18.3.a

(a) promptly forward the documents referred to in paragraph 2(a) of this Article to the Scientific Council and to the Fisheries-Commission; and

Article 19.3 and 19.3.c

3. The Fisheries-Commission will request the Scientific Council to:

(c) in line with the precautionary approach, provide advice to the Fisheries-Commission on possible adverse impacts on VMEs and on the mitigation measures to prevent them.

Article 19.4 and 19.4.b

4. The Joint Fisheries-Commission-Scientific Council Working Group on Ecosystem Approach Framework to Fisheries Management shall:

(b) make recommendations to the Fisheries-Commission in accordance with its mandate.

Article 20.1

1. The Fisheries Commission shall adopt conservation and management measures to prevent significant adverse impacts of the exploratory fishing activities on VMEs, taking account of advice and recommendations provided by the Scientific Council and the Joint Fisheries Commission-Scientific Council Working Group on Ecosystem Approach Framework to Fisheries Management, including data and information arising from reports pursuant to Article 22. These measures may include:

Article 21.1 and 21.1.b

1. The Fisheries-Commission will request the Scientific Council to:

(b) in line with the precautionary approach, provide advice to the Fisheries-Commission on the decision to be taken in accordance with Article 21.3, taking account the risks of significant adverse impacts on VMEs.

Article 21.2 and 21.3

2. The Joint ~~Fisheries~~-Commission-Scientific Council Working Group on Ecosystem Approach Framework to Fisheries Management shall examine the advice of the Scientific Council delivered in accordance with Article 21.1 and shall make recommendations to the ~~Fisheries~~ Commission in accordance with its mandate.
3. The ~~Fisheries~~-Commission shall, taking account of advice and recommendations provided by the Scientific Council and the Joint ~~Fisheries~~-Commission-Scientific Council Working Group on Ecosystem Approach Framework to Fisheries Management either to:

Article 22.3.d

- (d) requests Contracting Parties to maintain the temporary closure until such time that the ~~Fisheries~~-Commission has adopted conservation and management measures in accordance with paragraph 5 of this Article if the Scientific Council concludes that the area covered by a temporary closure consists of a VME;

Article 22.4 and 22.4.c

4. The Scientific Council will be requested by the ~~Fisheries~~-Commission to:
 - (c) provide advice to the ~~Fisheries~~-Commission on whether a VME exists following encounters with VME indicator species on a case-by-case basis and on the appropriateness of the temporary closures or other measures. The advice shall be based on annually updated assessments of the accumulated information on encounters as well as other scientific information. The Scientific Council's advice on the need for action, using FAO guidelines as a basis.

Article 22.5 Title and Article 22.5

Duties of the ~~Fisheries~~-Commission

5. The ~~Fisheries~~-Commission shall:

Article 23.1

1. The ~~Fisheries~~-Commission will request the Scientific Council to:

Article 23.2 and 23.2.a

2. The ~~Fisheries~~-Commission shall:
 - (a) conduct a reassessment of bottom fishing activities in 2016 and every 5 years thereafter, or when there is new scientific information indicating a VME in a given area, in collaboration with the Scientific Council and the the Joint ~~Fisheries~~-Commission-Scientific Council Working Group on Ecosystem Approach Framework to Fisheries Management; and

Article 24

The provisions of this Chapter shall be reviewed by the ~~Fisheries~~-Commission at its Annual Meeting no later than 2020.

Article 26.15

15. By 15 August each year, the Executive Secretary submits a report to the ~~Fisheries~~-Commission detailing the chartering arrangements for the preceding calendar year to ensure that the ~~Fisheries~~-Commission has an opportunity to review compliance with the provisions of this Article at each Annual Meeting.

Article 28.9.e

(e) makes the catch reporting data specified in Article 28.6(c) available to the Scientific Council and Scientific Council/~~Fisheries~~ Commission Working Groups upon their request, without the vessel's and flag State identification, in line with the data confidentiality rules as specified in Annex II.B and for data transmitted to the NAFO Secretariat after 1 January 2013. In case the request includes VMS data under Article 29.10(d) a vessel codification should permit the cross analysis of both catch and VMS data by vessel and this way allow the Scientific Council and Scientific Council/~~Fisheries~~ Commission Working Groups to carry out their mandated responsibilities. Data made available shall be used only for the purpose of research within the functions of the Scientific Council or Scientific Council/~~Fisheries~~ Commission Working Groups and publication of scientific results should be in an aggregated format without any detailed information regarding individual vessels or flag States;

Article 30.A.2.g

(g) perform such scientific work as the ~~Fisheries~~ Commission may request; and

Article 41.3, 41.4, and 41.5

3. No later than 60 days following its special meeting, STACTIC shall transmit a report to all members of the ~~Fisheries~~-Commission setting out its findings and recommendations.
4. No later than 60 days after receiving the report referred to in paragraph 3, any member of the ~~Fisheries~~-Commission may, by request addressed to the Chair of the ~~Fisheries~~-Commission through the Executive Secretary, ask the ~~Fisheries~~-Commission to convene a special meeting to consider the report and to take appropriate action.
5. Following receipt of the request referred to in paragraph 4, the ~~Fisheries~~-Commission considers whether to convene a special meeting to consider the report.

Article 52.3.h

(h) advises the flag State of the NCP vessel of the dates STACTIC and the ~~Commission General Council~~ will consider listing the vessel in the IUU Vessel List, and invites the flag State to attend the meeting as an observer where it will be given the opportunity to respond to the report submitted in accordance with paragraph 3(e)(ii);

Article 53.1

1. STACTIC recommends to the ~~Fisheries~~-Commission whether each vessel listed in the Provisional IUU Vessel List should be:

Article 53.2

2. STACTIC may advise that the ~~Fisheries~~-Commission ~~recommend that General Council~~ delete a vessel from either the Provisional IUU Vessel List or the IUU Vessel List where it is satisfied that the flag State of a vessel concerned has provided sufficient evidence to establish that:

Article 53.3

3. The ~~Fisheries~~-Commission may ~~make recommend to the General Council~~ any changes to listings in the IUU Vessel List. The ~~Commission General Council~~ determines the final composition of the IUU Vessel List.

Article 55.2

2. The ~~Fisheries~~-Commission shall review annually the actions taken by the flag States referred to in paragraph 1 with a view to identifying for follow-up action any that has not taken action sufficient to prevent, deter and eliminate IUU activities by any vessel entitled to fly its flag listed in the IUU Vessel List.

Annex I.G, part 1, paragraph 2

Exceptional Circumstances provisions are intended to respond to an event or observation which is outside of the range of possibilities considered within the MSE. In such cases, ~~Fisheries- the~~ Commission may have reason to over-ride the TAC provided by the MS and/ or also require the MS to be reviewed/ revised. To this effect, Scientific Council (SC) will annually monitor the situation and provide advice to ~~Fisheries- the~~ Commission on whether or not 'exceptional circumstances' may be occurring.

Annex II.B, paragraph 2.5, 4.3, and 4.4

2.5 Notwithstanding the provisions in Article 29.10(b)-(d), the ~~Fisheries~~-Commission may instruct the Executive Secretary not to make available the reports and messages received under Article 28 and 29 to a Contracting Party, where it is established that the Contracting Party in question has not complied with these security and confidentiality provisions.

4.3 Data exchange protocols for electronic transmission of reports and messages between Contracting Parties and the Secretariat shall be duly tested by the Secretariat and approved by the ~~Fisheries~~-Commission. Electronic transmission is subject to security procedures laid down in this Annex.

4.4 Appropriate encryption protocols duly tested by the Secretariat and approved by the ~~Fisheries~~ Commission shall be applied to ensure confidentiality and authenticity. Key management policy shall be in place to support the use of cryptographic techniques. In particular, the integrity of the PKI (public key infrastructure) will be guaranteed by ensuring that digital certificates correctly identify and validate the party submitting the information.

Annex IV.D Document of Identity

2017 CEM:



The bearer of this document

is an **inspector** duly appointed under the terms of the Scheme of Joint International Inspection and Surveillance of the Fisheries Commission of the Northwest Atlantic Fisheries Organization, and has authority to act under the provisions of the NAFO Convention and Enforcement Measures.

Signature (Executive Secretary)

NAFO Member:

No.

2018 CEM:



The bearer of this document

is an **inspector** duly appointed under the terms of the Scheme of Joint International Inspection and Surveillance of the Commission of the Northwest Atlantic Fisheries Organization, and has authority to act under the provisions of the NAFO Conservation and Enforcement Measures.

Signature (Executive Secretary)

NAFO Member:

No.