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Northwest Atlantic Fisheries Organization



Report of the Fisheries Commission

30th Annual Meeting, 22 - 26 September 2008
Vigo, Spain

NAFO
Dartmouth, N.S., Canada
2008

Report of the Fisheries Commission and its Subsidiary Body (STACTIC)
30th Annual Meeting, September 22-26, 2008
Vigo, Spain

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

1. Opening Remarks by the Chairman, V. Shibanov (Russia)

The meeting was opened by the Chair, Vladimir Shibanov (Russia), at 11:00 hrs on Monday, September 22, 2008. Representatives from the following Contracting Parties (CPs) were in attendance: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland) (DFG), 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), Ecology Action Centre (EAC) and the World Wildlife Fund–Canada (WWF) were also present as Observers. The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and South-East Atlantic Fisheries Organisation (SEAFO) were represented by the European Union, the North Atlantic Marine Mammal Commission (NAMMCO) was represented by Iceland, and the North East Atlantic Fisheries Commission (NEAFC) was represented by DFG.

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 taken by the Fisheries Commission (FC) (Annex 2).

3. Adoption of Agenda

Three new items were added to the provisional agenda previously circulated: Cod Management Policy and Quota Transfers, as suggested by the EU, and Conduct of Fisheries regarding Bycatch of Recovering Moratorium Species, as suggested by Canada. The adopted agenda reflecting these additions 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 July 2008 meeting (FC Doc 08/5). He outlined the pending proposals which would be further discussed in this meeting. The Fisheries Commission commended STACTIC for the great strides it has made at the intersessional meeting and encouraged STACTIC to continue its work and finalize the recommendations on Port State Measures. It was decided that the recommendations from the intersessional meeting would be forwarded to the Fisheries Commission together with the recommendations from this Annual Meeting (see item 16).

II. Administrative (*Agenda item 5*)

5. Review of Commission Membership

It was noted that the membership of the Fisheries Commission is currently twelve (12). All Contracting Parties have voting rights in 2008.

III. Scientific Advice (Agenda items 6 -7)

6. Consideration of the scientific assessments (Monday)

a) Presentation of scientific advice by the Scientific Council (SC) Chair

- Scientific Advice on fish stocks

The SC Chair, Don Power (Canada), presented a summary of scientific advice to the Fisheries Commission. The SC Chair indicated that the scientific advice of particular stocks include comments and caveats. He urged FC to consult the relevant SCS documents when considering management and conservation measures of the fish stocks. Details of the scientific advice for shrimp stocks are contained in SCS Doc 07/24 from the November 2007 meeting and confirmed at this meeting (FC WP 08/28). Details of the scientific advice for other fish stocks are contained in SCS Doc 08/19 from the June 2008 SC meeting.

The following stocks were fully assessed including elaboration of scientific advice and recommendations for 2009:

- **Shrimp in Division 3M.** Exploitation level for 2009 should not exceed the 2005 and 2006 levels. This corresponds to catches in the range of 17 000 to 32 000 t.
- **Shrimp in Divisions 3LNO.** The current TAC of 25 000 t, corresponding to 13.6% exploitation level, should be maintained. Current restriction of fishery to 3L and use of sorting grates be continued.
- **Cod in Division 3M.** In order to allow spawning biomass to grow above B_{lim} with a high probability in the near future, SC recommended no directed fishery in 2009. Bycatch on the Flemish Cap should be kept at a low level.
- **Greenland halibut in Subarea 2 + Divisions 3KLMNO.** To provide a consistent increase of the 5+ exploitable biomass, it is recommended that fishing mortality should be reduced to a level not higher than $F_{0.1}$. Projection of the 5+ biomass and yield at $F_{0.1}$ level is presented in Table 1. In this projection calculations, it is assumed that the catch for 2008 corresponds to status quo fishing mortality (24 150 t). There are concerns regarding the young age-structure of the stock.

F0.1			
Year	5+ Biomass (t)	Yield (t)	Fbar (5-10)
2008	79050	24154	0.432
2009	67937	10471	0.180
2010	71477	10652	0.180
2011	80184	10389	0.180
2012	90180	10755	0.180
2013	100757		

Table 1- Projection of the 5+ biomass and yield at $F_{0.1}$ level.

- **Redfish in Divisions 3LN.** The total catch in 2009 should not exceed 3 500 t. This total catch should include any directed catches and all bycatches taken in other fisheries. (*Note: Scientific advice was provided in 2007 applicable in years 2008, 2009, 2010. At the request of FC at the 2007 Annual Meeting, SC provided a full assessment of this stock in June 2008. Before making a recommendation for 2010, SC will review this in 2009 when the catch in 2008 is known.*)

The following stock was assessed on the basis of an interim monitoring report owing to difficulties in identifying a designated expert:

- **Northern shortfin squid (*Illex*) in Subareas 3 and 4.** The advised TAC for 2009 should be in the range of 19 000 t and 34 000 t.

The following stocks were fully assessed including elaboration of scientific advice for 2009 and 2010:

- **Thorny skate in Divisions 3LNOPs.** Catches should not exceed 6 000 t (the average catch during the past three years) in Divisions 3LNOPs.
- **Yellowtail flounder in Divisions 3LNO.** The SC noted that this stock is well above B_{msy} , and recommended any TAC option up to 85% F_{msy} .

The following stocks were fully assessed including elaboration of scientific advice for 2009, 2010, and 2011:

- **Witch flounder in Divisions 3NO.** No directed fishing to allow stock rebuilding. Bycatch in fisheries targeting other species should be kept at the lowest possible level.
- **American plaice in Division 3M.** No directed fishing. Bycatch in fisheries targeting other species should be kept at the lowest possible level.

On the following stocks, scientific advice was provided in 2007 (for 2008 and 2009). The Scientific Council reviewed the status of these stocks at the June 2008 meeting, and found no significant change to alter the advice:

- **American plaice in Divisions 3LNO.** No directed fishery. Efforts should be made to reduce current levels of bycatch.
- **Redfish in Division 3M.** TAC should not exceed 5 000 t in order to maintain low fishing mortality so as to promote female spawning stock recovery.
- **White hake in Divisions 3NOPs.** Current TAC of 8 500 t is not sustainable. Catches should not exceed current level.
- **Capelin in Divisions 3NO.** No directed fishery.

On the following stocks, scientific advice was provided in 2007 (for 2008, 2009, and 2010). The Scientific Council reviewed the status of these stocks at the June 2008 meeting, and found no significant change to alter the advice:

- **Redfish in Division 3O.** SC is unable to give TAC advice for years 2008-2010 due to insufficient information on which to base predictions of annual yield potential.
- **Cod in Divisions 3NO.** No directed fishery. Efforts should be made to reduce current levels of bycatch.
- **Witch flounder in Divisions 2J + 3KL.** No directed fishery. Efforts should be made to reduce current levels of bycatch.

The SC Chair also presented recommendations and comments on the following topics as requested by FC (see pp. 24-25 and pp. 29-30 of SCS Doc. 08/19 for details):

- **The Precautionary Approach.** The reference points indicated in the FC request, and the analyses of risk and associated projections were being applied to individual stock assessments where possible.
- **Evaluation of Recovery Plans.** “This request for advice is addressed for Greenland halibut in Subarea 2 and Divisions 3KLMNO under agenda item X.3 *Report of the SC Study Group on Evaluation Strategies for Greenland Halibut* and also under agenda item VII.1.a in the Scientific Council summary sheet *Greenland Halibut in Subarea 2 and Divisions 3KLMNO.*”
- **Review of pelagic redfish distribution and stock affinities.** “Scientific Council notes that no new information was analyzed on the spatial distribution and stock affinities of pelagic redfish since this request was last reviewed by Scientific Council in June 2006 (*NAFO Sci. Coun. Rep.*, 2006, p. 22-24). The lack of understanding of the biology and stock affinities

leads to difficulties in the stock assessment and uncertainties associated with the catch advice. Because of this, ICES has noted that a review of the most recent information on stock identification of redfish will be carried out by an expert group in early 2009. Scientific Council noted the importance of improving our understanding of the stock structure and biology of *S. mentella*.”

- **Cod bycatch reduction measure.** SC had conducted a scenario analysis of cod bycatch from the yellowtail fishery in Divisions 3NO. One scenario is: If fishing did not occur in months 6-11 and the total annual catch (current level) was concentrated in the other months, cod bycatch would be reduced by 85%. The SC Chair also presented other scenarios where fishing is reduced or stopped in certain months of the year and re-distributed in other months. Other scenarios gave lower bycatch reductions. It was noted that there may be other measures, such as gear modification, that could be effective at avoiding bycatch. The SC will discuss this with ICES for inclusion in the ICES-FAO Working Group on Fishing Technology and Fish Behaviour (WGFTFB) agenda at their next meeting.
- **Ecosystem Considerations**

- **Porbeagle shark** SC considered that there is no current threat to porbeagle from trawler bycatch in NAFO regulated fisheries. However, increases in porbeagle catch by pelagic longlines in the NAFO Regulatory Area was of considerable concern (see pp. 26-28 of SCS Doc. 08/19 for details).
- **Vulnerable Marine Ecosystems (VMEs).** The SC Chair indicated that the SC response on the FC request concerning VMEs was first presented at the inaugural meeting of the FC-Ad Hoc Working Group of Fishery Managers and Scientists (WGFMS) in September 2008 in Montreal, Canada (see item 12). He referred to the SC June 2008 meeting report (pp. 30-42 of the SCS Doc 08/19) as well as the report of the SC Working Group on Ecosystem Approach to Fisheries Management (WGEAFM) which met in May 2008 (SCS Doc 08/10).

Drawing on the criteria given by FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas (hereafter referred to as FAO Guidelines) on the identification of VMEs, as well as the best scientific data available (e.g. research surveys, observer data), the SC identified eight areas as potential candidates for VMEs. It was noted that the VME boundaries identified so far are preliminary, based on broad-scale distribution information, and that high resolution habitat mapping would be required to identify VME boundaries with greater certainty. It was also clarified that the SC had not discussed closures for the candidate VMEs but that it left open what type of mitigation measures might be appropriate for VMEs within each of these areas.

- **Other issues (as determined by SC Chair)**

The concept of “Management Strategy Evaluation (MSE)” was introduced. This concept describes a novel approach in the understanding and evaluating the interactions among various management strategies against a background of uncertainty and trade-offs. This required a multi-stakeholder approach and hence collaboration among the user groups. Details of MSE, including the mechanism, are contained in NAFO SCS Doc. 08/13.

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

Questions and enquiries for further clarification arose in response to the SC Chair’s presentation, to which the SC prepared responses during the meeting. The questions and responses concerning shrimps in Divisions 3LNO on TAC, exploitation levels, and distribution were compiled in FC WP 08/30 presented in Annex 4. Enquiries concerning the robustness of models used in the Greenland halibut evaluation and biomass trajectories were included as item 10 of the FC Request to the SC for Scientific Advice (FC WP 08/41 Revision 2 presented in Annex 5, see also item 7 of this report). The enquiry on the consequences of

decreasing mesh size in the midwater trawl redfish fishery in Division 3M (FC WP 08/38) was also included as item 13 of the FC Request.

7. Formulation of Request to the Scientific Council for Scientific Advice on the Management of Fish Stocks in 2010

FC **adopted** FC WP 08/41 Revision 2 containing its request to the SC for scientific advice and information. The request contained, among others, scientific information on VMEs (Annex 5).

IV. Conservation of Fish Stocks in the Regulatory Area (*Agenda items 8-11*)

The Quota Table for 2009 and the Effort Allocation Scheme for the Shrimp Fishery in NAFO Division 3M can be found in Annex 7 of this Report.

8. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2009

8.1 Cod in Division 3M

It was decided that there will be no directed fishery of this stock. FC **adopted** FC WP 08/45 which stipulates bycatch provisions concerning this stock (Annex 6). This provision was inserted as footnote 22 in the Quota Table (Annex 7).

8.2 American plaice in Division 3M

There will be no directed fishery applicable in years 2009, 2010, and 2011. Bycatch provisions as stipulated in Article 11, paragraph 1.b) in the NAFO Conservation and Enforcement Measures (CEM) shall apply.

8.3 Shrimp in Division 3M

It was decided that the management regime of effort allocation in place for 2008 will continue to be applied in 2009. There was no agreement regarding the management of this stock. Iceland maintained its previous position that the provisions and measures in the NAFO CEM concerning this stock do not ensure that the effort catch limit will be in line with the scientific advice if countries will fully utilize their fishing days. The Fisheries Commission noted Iceland's reservation.

The Fisheries Commission requested STACTIC to review, at its next intersessional meeting, the relevant provisions of Chapter III (Monitoring of Fisheries), including Annex VIII (Recording of Catch) of the CEM related to measures for reporting in shrimp fisheries and to recommend any necessary improvements (FC WP 08/39, Annex 8). This request is also applicable to shrimp in Divisions 3LNO.

9. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits, 2009

9.1 Witch flounder in Divisions 3NO

Following the SC advice, there will be no directed fishery applicable in years 2009, 2010, and 2011. Bycatch provisions as stipulated in Article 11, paragraph 1.b) in the NAFO CEM shall apply.

9.2 Yellowtail flounder in Divisions 3LNO (PA Framework)

The TAC is set at 17 000 t for 2009 with the same allocation formula (percentages used in determining quotas) as in 2008. Two new footnotes were inserted in the 2009 Quota Table (Annex 7): footnote 23 regarding bycatch provisions (FC WP 08/44, Annex 9), and footnote 24 regarding the quota transfer (FC WP 08/43, Annex 10).

9.3 Redfish in Divisions 3LN

It was decided that the moratorium shall continue in 2009. The **adopted** FC WP 08/45 (Annex 6) amending Article 11.1.(a) of the CEM and specifying bycatch provisions to be applicable in years 2009 and 2010.

Footnote 25 of the 2009 Quota Table was inserted: By-catch of Redfish 3LN in other fisheries is limited to 10%.

9.4 Redfish in Division 3O

It was decided that the TAC of 20 000 t and the allocation scheme of 2008 be continued in 2009.

9.5 Thorny skate in Divisions 3LNO

It was decided that the TAC of 13 500 t and the allocation scheme of 2008 be continued in 2009.

The Fisheries Commission considered the advice of the Scientific Council for a “not to exceed 6 000 t TAC” for 2009 and 2010. Noting that the nominal catches in recent years have been at this level and that the biomass was increasing, the Fisheries Commission decided to rollover the 2008 TAC of 13 500 t for 2009. The conservation and management measures for 2010 will be discussed at the Fisheries Commission 2009 Annual Meeting in the light of the scientific information and advice on the stock and development in the fishery.

9.6 Greenland halibut in Subarea 2 and Divisions 3KLMNO

The Greenland halibut TAC is set at 16 000 t (11 856 t in Divisions 3LMNO), the same as in 2008. In making the decision, the Fisheries Commission acknowledged the information and advice received from the Scientific Council. The Fisheries Commission requested that in the next assessment of this stock, the Scientific Council complete an evaluation of alternate assessment models for this stock. This evaluation will enable the determination of the robustness of the assessment currently used (see also item 10, Annex 5).

9.7 Squid (*Illex*) in Subareas 3 and 4

The TAC is set at 34 000 and the allocation scheme is maintained. The provisions are applicable in years 2009, 2010, and 2011.

9.8 Shrimp in Divisions 3LNO

It was decided to fix the TAC at a level of 30 000 t for 2009, an increase from 25 000 t in 2008. The allocation formula of 2008 will apply also in 2009. There was no agreement on the allocation for 2009. A reservation by Denmark (in respect of Faroes and Greenland) on the allocation, as in previous years, was noted.

The Fisheries Commission **adopted** FC WP 08/11 amending Article 14. The amendment relates to the abolition of the fishing prohibition during the period 1 April – 30 June and to the “one vessel per each flag State Contracting Party” limitation (Annex 11).

STACTIC was requested to re-evaluate the existing management measures concerning shrimp, particularly in relation to the problem of misreporting of shrimp catches in Division 3M and Divisions 3LNO (see item 8.3).

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

It was decided to fix the TAC at a level of 12 516 t for 2009. The 2008 allocation scheme will apply also in 2009.

9.10 Porbeagle shark

Noting the concern of longline fishery bycatches threatening the stock in the North Atlantic, it was agreed that this matter be brought to the attention of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The NAFO President was asked to write to ICCAT urging ICCAT to take necessary conservation measures to protect this stock.

10. Cod Management Policy

In light of the positive indicators that some moratorium species, e.g. cod in Division 3M, are on the path of recovery, the EU initiated discussion on the need for a management framework that should guide the Fisheries Commission in making new decisions on management measures concerning moratoria stocks.

It was acknowledged that this is a complex issue and that more ideas and discussions are required to approach this matter in a cautious and prudent manner. In this regard, the Secretariat was instructed to gather the archives concerning the management measures on moratoria stocks and to present the information to the Fisheries Commission. Canada indicated that as a start, the existing bycatch provisions should be re-examined (see item 11).

11. Conduct of fisheries regarding bycatch of recovering moratorium species

Canada presented a proposal concerning bycatch requirements in a mixed fishery (FC WP 08/32 Rev). This proposal provided guiding principles to the Fisheries Commission in making decisions, e.g. development of bycatch strategy on a case-by-case basis. The proposal was **adopted** (Annex 12) and new bycatch provisions on the moratoria stocks cod in Division 3M, American plaice in Divisions 3LNO (as bycatch of yellowtail fishery in Divisions 3LNO), and redfish in Divisions 3LN were applied (see footnotes 22, 23, and 25 of the 2009 Quota Table).

V. Ecosystem Considerations (Agenda items 12 -14)

12. Report of the Ad Hoc Working Group of Fishery Managers and Scientists on VMEs

Bill Brodie (Canada), Chair of the Ad Hoc Working Group of Fishery Managers and Scientists on VMEs (WGFMS) presented the report of the working group which met in Montreal, Canada in September 2008 (FC Doc. 08/8). The report contains recommendations concerning the protection of VMEs towards NAFO's fulfillment of UNGA Resolution 61/105. The recommendations cover, among others, required scientific information, additional seamounts for closure, an Exploratory Fishing Protocol, and encounter protocols for new and existing fishing areas.

Deliberations on the recommendations center on the issue of time-constraints, scientific information and indicator species, quantification of thresholds, and "move-away" criteria during VME encounters.

The Fisheries Commission clarified that the Ad Hoc Working Group and the Scientific Council should work in tandem in their respective roles regarding VMEs, including review of each other's meeting reports. With respect to scientific information, the EU announced that it will start implementing a research program in the summer of 2009 on mapping the seabeds, and welcomed the cooperation of other Contracting Parties on this endeavour.

A working paper titled "Preliminary Assessment of the Risk of Significant Adverse Impact (SAI) of Fishing Activities in the NAFO Regulatory Area" (FC WP 08/37 Revision 3) was prepared encapsulating the recommendations and comments arising from the deliberation of the WGFMS. The proposals contained in this paper were **adopted** (Annex 13).

In adopting the recommendations, the Fisheries Commission echoed the affirmation of the working group in its strong commitment to implement the internationally agreed standards to protect VMEs from significant adverse impacts, as identified under UNGA 61/105 and the FAO guidelines. It was understood that this will be an

ongoing process and that the work in 2008 represents what can be done with the information and resources available. This work will continue beyond 2008 as information and experience expands.

Iceland gave the following statement: Iceland is of the opinion that including sponges in the encounter protocol at this stage is premature as we need to improve the scientific knowledge about them. The Fisheries Commission has made a request to the Scientific Council to do this during 2009. On the other hand Iceland considers it of uttermost importance to fulfill the UNGA Resolution 61/105 by the end of 2008. Therefore in the spirit of compromise Iceland is willing to drop the brackets around sponges and include them in this interim protocol. Iceland is also concerned about the figure of two (2) nautical miles move-away from the end tow when encountering VMEs in existing fishing areas. There is no basis for this figure and this clause is one of many elements that we might want to consider in the future.

13. Identification of existing bottom fishing areas (Footprint)

In compliance with Article 2 of Chapter I bis of the CEM, the Secretariat prepared a composite plot of the footprint based on the existing bottom fishing areas submission of Contracting Parties and flag States and on VMS records available to the Secretariat (FC WP 08/25). This was reviewed by the Scientific Council for comments (FC WP 08/36). It was observed that the preliminary map shows presence of anomalous bottom locations and this was likely due to errors in the data. For example, the areas of bottom fishing activity beyond 2 000 meters (considered as new bottom fishing areas) appeared on the map.

Based on this observation, it was suggested that the submissions be given in a standardized format, e.g. series of coordinate of points where vessels fished (FC WP 08/33). The Chair requested the Contracting Parties to submit or re-submit their respective footprint data in consideration of these observations and comments.

14. Other considerations (e.g. turtles, seals)

The Secretariat presented a progress report on the submission of turtle-fisheries interaction in the NAFO Convention Area from Contracting Parties (FC WP 08/24). According to the Resolution to Reduce Sea Turtle Mortality in NAFO Fishing Operations adopted in 2006, Contracting Parties should provide to the NAFO Secretariat information detailing sea turtle fishery interaction, including data collected by their respective national observer programs, in fisheries managed by NAFO in the NAFO Convention Area and any sea turtle-specific training provided to these observers.

The progress report was noted, and Contracting Parties were requested to diligently provide updates to the Secretariat. In accordance with the Resolution, it was agreed that the Secretariat will prepare a report and submit to FAO before 2009 on the progress of NAFO in applying the Resolution.

Concerning seals, the Secretariat informed FC that the symposium “The Role of Mammals in the Ecosystem in the 21st Century” will take place in Dartmouth, Nova Scotia right after this meeting. The symposium is co-sponsored by NAFO, International Council for the Exploration of the Sea (ICES), and North Atlantic Marine Mammal Commission (NAMMCO). Denmark (in respect of Faroes and Greenland) indicated that this is a timely symposium, considering the significant role of seals in the ecosystem of the Northwest Atlantic. In this regard, the outstanding request to the Scientific Council for an update of the overview of present knowledge of seals taking into account the proceedings of the symposium was reiterated (see item 14 of Annex 5).

VI. Conservation and Enforcement Measures (Agenda items 15 -17)

15. Review of Chartering Arrangements

A report on the chartering arrangements was presented by the NAFO Secretariat (FC WP 08/22). There were four (4) charter arrangements made in 2008. The requirement of reporting the actual termination date of the arrangement was not complied with. The requirements concerning documentation and catch reporting were complied with.

16. Report of STACTIC (from July 2008 intersessional meeting and current Annual Meeting)

The July 2008 intersessional meeting report was presented under item 4.

The STACTIC Chair presented the STACTIC Report (see Part II of this Report) with the following recommendations for adoption and acceptance:

- a) Port State Control Scheme (STACTIC WP 08/1 Revision 4, Annex 14);
- b) Product Labelling Requirements (STACTIC WP 08/8 Revised, Annex 15);
- c) Standardization of Terms used in the CEM (STACTIC WP 08/15, Annex 16);
- d) Obligations of Vessel Masters during Inspection (STACTIC WP 08/16 Revised, Annex 17);
- e) Large-mesh (modified Polish-type) Topside Chafers (STACTIC WP 08/17, Annex 18);
- f) Increased reporting frequency of VMS positional data (STACTIC WP 08/18);
- g) Annual Compliance Review 2008 (STACTIC WP 08/20 Revision 2, Annex 19).

The Fisheries Commission **adopted** all recommendations, except recommendation f). The EU indicated that it was not ready to enforce an increased reporting frequency of VMS positional data on its vessels. The matter of increased reporting frequency was deferred to the 2009 Annual Meeting of the FC.

During the deliberation on this item, the USA informed the Fisheries Commission that in June through August 2008, US Coast Guard officers joined Canadian Coast Guard vessels during patrols of the NAFO Regulatory Area. During four separate two-week patrols, a total of 24 joint inspections were conducted. These joint inspections have further strengthened the USA participation in NAFO and fostered a greater understanding of each others' enforcement methods. The USA thanked Canada for their assistance in arranging these joint efforts and indicated that it intends to continue with the joint inspection program in future years.

17. Quota Transfers

The Fisheries Commission **adopted** FC WP 08/31 (Annex 20) stipulating a new procedure for quota transfers between Contracting Parties, replacing the traditional procedure of finalizing the transfer through a mail vote. Although supportive of streamlining procedures, DFG reiterated its general reservation regarding the transfer of fishing shares that are not the result of an agreed allocation, such as 3L shrimp.

VII. Closing Procedure (*Agenda items 18 - 21*)

18. Election of Vice-Chair

Kate Sanderson (Denmark in respect of the Faroe Islands and Greenland) was re-elected Vice-Chair of the Fisheries Commission.

19. Time and Place of the Next Meeting

The decision was deferred to the General Council.

20. Other Business

The EU expressed displeasure that its position regarding VMEs in the middle of the negotiations was misrepresented outside the meeting by a Non-government Organization with observer status at this meeting. In view of this misrepresentation, it was recommended that current Rules of Procedure governing observers should be reviewed.

21. Adjournment

The meeting was adjourned at 11:00 hrs on Friday, 26 September 2008.

Annex 1. List of Participants

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**Annex 2. Record of Decisions by the Fisheries Commission
(Annual Meeting 2008)**

Substantive Issues (Agenda item):	Decision/Action:
6. Scientific Advice	Noted Scientific Council Chair's report.
7. Formulation of Request to the Scientific Council for Scientific Advice on the Management of Fish Stocks in 2010	Adopted FC WP 08/41 Rev.2.
8. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2008	(see 2009 Quota Table)
8.1 Cod in Division 3M	No directed fishery. Adopted FC WP 08/45 re bycatch limits of 10% by haul and 8% in landing.
8.2 American Plaice in Division 3M	No directed fishery. Applicable in years 2009, 2010, 2011
8.3 Shrimp in Division 3M	The 2008 provisions for this stock will be continued in 2009. The reservation of Iceland on this decision is noted. Adopted FC WP 08/39 re request to STACTIC to review relevant provisions of CEM related to catch reporting measures related to shrimp.
9. Management of Technical Measures for Fish Stocks Straddling National Fishing Limits, 2008	(see 2009 Quota Table)
9.1 Witch flounder in Divisions 3NO	No directed fishery. Applicable in years 2009, 2010, and 2011. By-catch provisions of Article 11 of the NAFO CEM apply.
9.2 Yellowtail flounder in Divisions 3LNO (PA framework)	TAC is 17000 t. Allocation scheme is maintained. Adopted FC WP 08/43 re quota transfer. Adopted FC WP 08/44 re increase of American plaice bycatch limit.
9.3 Redfish in Divisions 3LN	No directed fishery. Adopted FC WP 08/45 re applicability of Article 11.1.a in years 2009 and 2010.
9.4 Redfish in Divisions 3O	TAC of 20 000t and allocation scheme are maintained.
9.5 Thorny skate in Divisions 3LNO	TAC of 13 500 t and allocation scheme are maintained.
9.6 Greenland halibut in Subarea 2 and Divisions 3KLMNO	TAC of 16 000 t (11856 t in 3LMNO) and allocation scheme are maintained.

9.7 Squid (<i>Illex</i>) in Subareas 3 and 4	TAC of 34 000 t and allocation scheme are maintained. Applicable in years 2009, 2010, and 2011.
9.8 Shrimp in Divisions 3LNO	TAC is 30 000 t . Allocation scheme is maintained. The reservation of Denmark (in respect of Faroe Islands and Greenland) on the allocation scheme was noted. Adopted FC WP 08/11 re lifting of spring closure and one-vessel limitation. Adopted FC WP 08/39 re request to STACTIC to review relevant provisions of CEM related to catch reporting measures related to shrimp.
9.9 Pelagic <i>Sebastes mentella</i> (oceanic redfish) in the NAFO Convention Area	TAC of 12 516 t and allocation scheme is the same as in 2008.
9.10 Porbeagle	Noted the concern of longline fisheries bycatches threatening the stock in the North Atlantic. NAFO will contact ICCAT.
11. Conduct of fisheries regarding bycatch of recovering moratorium species	Adopted FC WP 8/32 Rev. re bycatch requirements in mixed fisheries.
12. Report of the Ad Hoc Working Group of Fishery Managers and Scientists on VMEs	Adopted FCWP 08/37 Rev. 3 re assessment of the risk of SAI of fishing activities in the NRA. <ul style="list-style-type: none"> • Amendment of Chapter 1 bis re Definitions • Inclusion of Fogo Seamounts as closed areas • Exploratory Protocol for New Fishing Areas • New Article 5 Chapter 1 bis re Interim Encounter Provision
15. Review of Chartering Arrangements	Noted FC WP 08/22.
16. Report of STACTIC (from July 2008 intersessional meeting and current Annual Meeting)	Adopted STACTIC WP 08/1 Rev.4 re Port State Control Adopted STACTIC WP 08/8 Rev. re Product Labelling Adopted STACTIC WP 08/15 re Standardization of Terms Adopted STACTIC WP 08/16 Rev. re Obligations of Vessel Masters during Inspection Adopted STACTIC WP 08/17 re Large-mesh (modified Polish-type) Topside Chafers Accepted STACTIC WP 08/20 Rev. 2 re Annual Compliance Review 2008.
17. Quota transfers	Adopted FC WP 08/31.
18. Election of Vice Chair	Re-elected Kate Sanderson (DFG) as Vice Chair.

Annex 3. Agenda

I. Opening Procedure

1. Opening by the Chair, Vladimir Shibanov (Russia)
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 (Monday)
 - a) Presentation of scientific advice by the SC Chair
 - Scientific advice on fish stocks
 - Ecosystem considerations
 - Porbeagle shark
 - VMEs
 - 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 2010

IV. Conservation of Fish Stocks in the Regulatory Area

8. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2009
 - 8.1 Cod in Div. 3M
 - 8.2 American plaice in Div. 3M
 - 8.3 Shrimp in Div. 3M
9. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits, 2009
 - 9.1 Witch flounder in Divs. 3NO
 - 9.2 Yellowtail flounder in Div. 3LNO (PA framework)
 - 9.3 Redfish in Div. 3LN
 - 9.4 Redfish in Div. 3O
 - 9.5 Thorny skate in Div. 3LNO
 - 9.6 Greenland halibut in Subarea 2 and Div. 3KLMNO
 - 9.7 Squid (*Illex*) in Subareas 3 and 4
 - 9.8 Shrimp in Div. 3LNO
 - 9.9 Pelagic *Sebastes mentella* (oceanic redfish) in the NAFO Convention Area
 - 9.10 Porbeagle shark
10. Cod Management Policy
11. Conduct of fisheries regarding by-catch of recovering moratorium species

V. Ecosystem Considerations

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

VI. Conservation and Enforcement Measures

15. Review of Chartering Arrangements
16. Reports of STACTIC (from July 2008 intersessional meeting and current Annual Meeting)
 - a) Compliance
 - b) IUU
 - c) Other CEM matters
17. Quota Transfers

VII. Closing Procedure

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

Annex 4. SC Response to FC Requests on 3LNO Shrimp
(FC WP 08/30)

- 1) What would be the recommended TAC level for 2009 and 2010 with a yearly exploitation rate of 20% of the last two surveys?

SC Response: SC does not yet have the fishable biomass estimates from the last two surveys, which would be needed for such a TAC calculation. A preliminary analysis of the results of the Canadian surveys from autumn 2007 and spring 2008 was presented to SC and indicated no significant change in the status of the stock. Based on the average fishable biomass index from the surveys from autumn 2005 to spring 2007, which is 184,000 t, a 20% exploitation rate equates to a catch of 36,800 t. SC does not recommend this as a TAC for 2009 or 2010. SC noted that an update of the 2009 TAC calculation, using the most recent survey information as requested, will be possible at the October 2008 SC meeting.

- 2) Elaborate on the rationale of setting TAC at 25,000 t.

SC Response: In SC's response to a FC request in September 2007 (FC WP 07/18), SC noted that a catch of 25,000 t in 2008 would correspond to an exploitation rate of 12% (of a preliminary estimate of fishable biomass that was available at that time). FC set the TAC for 2008 at 25,000 t. In October 2007, SC noted that a catch of 25,000 t in 2008 would correspond to an exploitation rate of 13.6% (the estimate of fishable biomass having been revised). SC advised "that the most recently implemented TAC at 25,000 t be maintained for 2008 and 2009 in order to monitor the impact on the stock."

- 3) What is the current distribution of 3LNO shrimp inside and outside the NRA based on the average of the last four years?

SC Response: In framing its response to this question, SC draws the attention of FC to the fact that the fishery on this stock is restricted to Div. 3L, and all surveys since 1999 show that over 95% of the total survey biomass index in Div. 3LNO is found in Div. 3L. Spring surveys in Div 3L, from 2005-2008, showed that, on average, 19.3% (range 10.7 to 27.7%) of the total survey biomass index in Div. 3L was in the NRA. Autumn surveys in Div 3L, from 2005-2007, showed that, on average, 14.6% (range 11.8 to 19.3%) of the total survey biomass index in Div. 3L was in the NRA. When all available spring and autumn surveys from 2005 to 2008 are examined together, they indicate that, on average, 17.3% of total survey biomass index in Div. 3L was in the NRA.

In Div 3LNO combined, 16.4% of the total survey biomass index was found in the NRA, on average over the last four years. Data from spring 2006 was not included in this averaging because the survey in Div. 3NO was incomplete, therefore this number is not comparable with that for Div. 3L given above. Excluding 2006 spring data from the calculation for Div. 3L results in a value of 16.2% of the total survey biomass index in the NRA.

Both spring and autumn time series show variation, but no long-term trends in the percentage of shrimp biomass in the NRA (see attached table summarized from SCR 08/54).

Year	Autumn		Spring	
	3L	3LNO	3L	3LNO
1995	14.29	20.00		
1996	17.47	19.03		
1997	12.67	13.64		
1998	15.89	17.96		
1999	14.68	15.12	21.47	24.04
2000	20.89	21.03	21.90	23.83
2001	19.09	19.50	13.78	13.94
2002	18.74	19.87	26.78	28.38
2003	19.05	20.15	18.08	20.28
2004	is	is	27.24	27.55
2005	11.79	12.03	10.66	11.24
2006	12.68	13.05	24.08	is
2007	19.30	19.31	27.72	27.93
2008			14.81	14.90

is = incomplete survey

Annex 5. Fisheries Commission's Request for Scientific Advice on Management in 2010 and Beyond of Certain Stocks in Subareas 2, 3 and 4 and Other Matters

(FC WP 08/41, Rev. 2 now FC Doc 08/19)

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 2009 Annual Meeting, provide advice on the scientific basis for the management of the following fish and invertebrate stocks or groups of stocks in 2010:

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

Noting that SC will meet in October of 2008, FC requests SC to update its advice for 2009, as well as to provide advice for 2010, 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 2009 Annual Meeting, provide advice on the scientific basis for the management of the following fish stocks according to the following assessment frequency:

Two year basis

American plaice in Div. 3LNO
Capelin in Div. 3NO
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
Cod in Div. 3M
Northern shortfin squid in SA 3+4
Redfish in Div 3LN
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 2009, advice should be provided for 2010 and 2011 for American plaice in Div. 3LNO, yellowtail flounder in Div. 3LNO, redfish in Div. 3M, cod in Div. 3M, white hake in Div. 3NO and capelin in Div. 3NO.

- In 2007, advice was provided for 2008, 2009 and 2010 for redfish in Div. 3LN, redfish in Div. 3O, cod in Div. 3NO and witch flounder in Div. 2J+3KL. These stocks will be next assessed in 2010.
- In 2008, advice was provided for 2009 and 2010 for yellowtail flounder in Div. 3LNO, and thorny skate in Div. 3LNOPs. These stocks will be next assessed in 2010.
- 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, redfish in Div. 3LN and northern shortfin squid in SA 3+4. These stocks will be next assessed in 2011. For redfish in Div. 3LN, the Scientific Council conducted full assessments and provided advice in 2007 and 2008 for this stock.

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_{2008} in 2010 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 2010 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 2009 Annual Meeting of the Fisheries Commission for all stocks under its responsibility requiring advice for 2010:
 - 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} , and F_{lim} and target F reference points selected by managers.
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.
7. Regarding pelagic *S. mentella* redfish in NAFO Subareas 1-3, the Scientific Council is requested to review the most recent information available on the distribution and abundance of this resource, as well as any new information on the affinity of this stock to the pelagic redfish resource found in the ICES Sub-area XII, parts of SA Va and XIV and to the shelf stocks of redfish found in ICES Sub-areas V, VI and XIV, and NAFO Subareas 1-3 for 2009.
8. 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.
9. Recognizing the initiatives on vulnerable marine ecosystems (VME), and with a view to completing fishery impact assessments at the earliest possible date, Fisheries Commission requests the Scientific Council to:
 - a) Provide, as soon as possible in 2008, delineations, if any, of significant concentrations of corals in the NAFO Regulatory Area, by species, for the identification of VMEs. This should include the size and catch characteristics of corals obtained respectively from commercial fishing vessels and fisheries research vessels and the assessment of significant adverse impacts, with a particular focus on those species which involve interactions with commercial fisheries. The data should include absence/presence of corals as well as density.

- b) Provide, by June 30, 2009, delineations, if any, of significant concentrations of sponges in the Regulatory Area by species, including the size and catch characteristics of sponges obtained respectively from commercial fishing vessels and fisheries research vessels, with a particular focus on those species which involve interactions with commercial fisheries. The data should include absence/presence of sponges as well as density.
- c) With respect to corals and sponges in canyons denoted in the Scientific Council's response on the area denoted as "Southern Flemish Pass to Eastern Canyons", provide detailed information as soon as practicable or at least a report on progress by June 30, 2009, with a particular focus on those species which involve interactions with commercial fisheries.
10. With respect to Greenland halibut in SA 2 + Div. 3KLMNO, Fisheries Commission requests Scientific Council, in its 2009 assessment of this stock, in addition to the information requested above:
- a) To complete an evaluation of alternate assessment models for this stock. This evaluation will enable the determination of the robustness of the assessment model currently used.
- b) To advise Fisheries Commission, if catches of this stock are 16,000 tons in 2009 and in subsequent years, what is the biomass trajectory over these years, based on the most recent assessment?
11. For stocks currently under moratorium, but showing recent increases as assessed by Scientific Council, such as 3M cod and 3LNO American plaice, Scientific Council is asked to 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_{2008} , in addition to any projections requested in the sections above.
12. Noting that the Scientific Council assessments of American plaice and yellowtail in Div. 3LNO are currently scheduled to be done in alternate years, Fisheries Commission requests that Scientific Council provide full assessments of both these stocks in the same year. Noting the schedule of assessments currently followed, this would require an additional assessment of yellowtail flounder to be conducted in 2009.
13. Fisheries Commission requests Scientific Council to examine the consequences resulting from a decrease in mesh size in the mid-water trawl fishery for redfish in Div. 3M, to 100 mm or lower.
14. Noting the desire of NAFO to apply ecosystem considerations in the conservation and management of fish stocks in the NAFO area, the Scientific Council is requested to provide the Fisheries Commission at its next annual meeting in 2009 with an overview of present knowledge related to role of seals in the marine ecosystem of the Northwest Atlantic and their impact on fish stocks in the NAFO area, taking into account the proceedings at the September 29 – October 1, 2008 Symposium in Dartmouth.

Annex 6. Bycatch provisions for Cod 3M and Redfish 3LN

Proposal for by-catch provisions in relation to Cod 3M (FC WP 08/45 now FC Doc 08/17)

The following by-catch provisions for Cod 3M shall apply:

Contracting Parties fishing for other species in Division 3M will be restricted to a cod by-catch limit of 10% by haul and an 8% limit on landings.

This by-catch percentage will be maintained in 2010 if the Scientific Council confirm that the upward trend in the growth of the cod 3M biomass is maintained.

Proposal to modify Article 11 of the NAFO Conservation and Enforcement Measures (FC WP 08/45 now FC Doc 08/18)

Article 11.1 (a), second sentence, is amended to read as follows:

These limitations shall also apply for redfish in Division 3LN in 2009 and 2010.

Annex 7. Quota Table 2009 and Effort Allocation Scheme 2009

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 2009 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	Witch	
	3L	3M	3NO	3LN	3M	3O	Sub-Area 2 and Div. 1F+3K	3LNO	3M	3LNO	3L	3NO
Canada		0	0	0	500	6000	385 ^{2,4}	0	0	16575 ⁵		0
Cuba		0	-	0	1750		385 ^{2,4}	-	-	-		-
Denmark (Faroe Islands and Greenland)		0	-	-	69 ¹⁹		9627 ^{2,3}	-	-	-		-
European Union		0 ¹¹	0 ¹¹	0 ¹¹	7813 ¹²	7000	9627 ^{2,3} 2503 ^{2,15}	0	0 ¹¹	-		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		0	-	-	-		9627 ^{2,3}	-	-	-		-
Russia		0	0	0	9137	6500	9627 ^{2,3}	-	0	-		0
Ukraine						150	385 ^{2,4}					
United States of America		-	-	-	69 ¹⁹		385 ^{2,4}	-	-	-		-
Others		0	0	0	124	100	-	0	0	85 ⁵		0
TOTAL ALLOWABLE CATCH	^{*9}	^{*22}	^{*16,9}	^{*25}	8500 ⁸	20000	12516 ^{10,17}	^{*23}	^{*9}	17000 ^{23,24}	^{*16,9}	^{*20,9}

Species	White hake	Capelin	Skates	Greenland halibut	Squid (Illex) ¹	Shrimp	
						3L	3NO
Division/Contracting Party	3NO	3NO	3LNO	3LMNO	Sub-areas 3+4	3L	3NO
Canada	2500	0	2250	1778	N.S. ⁶	24990	
Cuba		0		-	510	334	
Denmark (Faroe Islands and Greenland)		-		206	-	334	
European Union	5000	0 ¹¹	8500	6951 ¹⁸	<u>N.S.⁶</u> 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	500	0	2250	1512	749	334	
Ukraine				-		334	
United States of America		-		-	453	334	
Others	500	-	500	0 ⁷	794	0	
TOTAL ALLOWABLE CATCH	8500	*21,9	13500	11856	34000²⁰	30000	*9

* Ban on fishing in force.

1. 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.
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. 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.
3. 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.
4. Quota to be shared by vessels from Canada, Cuba, France (St. Pierre et Miquelon), Japan, Korea, Ukraine and USA.
5. Contracting Parties shall inform the Executive Secretary before 01 December 2008 of the measures to be taken to ensure that total catches do not exceed the levels indicated.
6. 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. 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. Not more than 4250 tons may be fished before 01 July 2009. 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 11, 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 2009 as compared to 2008, 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 2009 and 2010.
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 to 2009, 2010, and 2011.
21. Applicable until at least 2012.
22. Contracting Parties fishing for other species in Division 3M will be restricted to a cod by-catch limit of 10% by haul and an 8% limit on landings.
23. In lieu of Article 11.1 (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 11.1 (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”
24. 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.
25. By-catch of Redfish 3LN in other fisheries is limited to 10%.

**Annex I.B of the CEM
Effort Allocation Scheme for Shrimp Fishery in the
NAFO Regulatory Area Div. 3M, 2009**

CONTRACTING PARTY	NUMBER OF FISHING DAYS	NUMBER OF VESSELS
Canada	456	16
Cuba	100	1
Denmark		
Faroe Islands	1606	8
Greenland	515	14
European Union	3293 ¹	33 ¹
France (in respect of St Pierre et Miquelon)	100	1
Iceland	N/A	N/A
Japan	100	1
Korea	100	1
Norway	1985	32
Russia	2100	N/A
Ukraine	100	1
USA	100	1

¹Including fishing entitlements transferred from Poland (100 fishing days with one vessel), Estonia (1667 fishing days with 8 vessels), Latvia (490 fishing days with 4 vessels) and Lithuania (579 fishing days with 7 vessels) following their accession to the European Union.

Annex 8. Proposal from DFG – Request to STACTIC
(FC WP 08/39)

STACTIC is requested at its next intersessional meeting, to review the relevant provisions of Chapter III (Monitoring of Fisheries), including annex VIII (Recording of Catch (Logbook Entries)) of the CEM related to measures for reporting in shrimp fisheries and to recommend any necessary improvements.

Annex 9. Footnote to the Quota Table concerning 3LNO Yellowtail
(FC WP 08/44 now FC Doc 08/17)

To add footnote:

“In lieu of Article 11.1 (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 11.1 (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.”

Annex 10. Footnote to the Quota Table concerning 3LNO Yellowtail (2)
(FC WP 08/43 now FC Doc 08/17)

To add footnote:

“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.”

Annex 11. Modification to the CEM relating to Shrimp in Division 3L
(Proposal by the EC)
(FC WP 08/11 **now** FC Doc 08/14)

1. The provision in the Conservation and Enforcement Measures, Article 14 - Area and Time Restrictions, point 1, in relation to the fishing prohibition period in Area 3L, is hereby deleted.

2. The provision in the Conservation and Enforcement Measures, Article 14 - Area and Time Restrictions, point 2, relating to the limitation of "..at any one time to one vessel per each flag state Contracting Party's allocation", is hereby deleted.

Annex 12. By-catch Requirements in Mixed Fisheries
(FC WP 08/32 Revised **now** FC Doc 08/21)

After many years, some groundfish stocks that have been under long-term moratoria are showing positive signs of recovery. These stocks include 3LNO Am. Plaice, 3LN redfish, and 3M cod.

It is important that Fisheries Commission and Contracting Parties continue to promote positive growth in these stocks by maintaining by-catch at the lowest possible levels while also ensuring that directed fisheries for other stocks/species can continue in a sustainable and viable manner.

It is also important that Fisheries Commission and Contracting Parties find the balance between directed fisheries and by-catch of moratoria species, particularly in historically mixed fisheries.

For example, in the mixed yellowtail/Am. plaice fishery in Divisions 3LNO, the two species have recovered from low levels in the 1990s at differing rates. Yellowtail is fully recovered and above B_{msy} while Am. plaice is still recovering and moving toward B_{lim} .

Am. plaice is increasingly present on traditional yellowtail grounds and unavoidable. The level of Am. plaice by-catch taken by Canada is currently at the lowest possible level as reflected by requirements to avoid Am. plaice, however, these avoidance efforts undermine economic efficiency of the yellowtail fishery and may actually result in higher catch of other moratoria species.

Considerations

Promote viable and sustainable fisheries for quota species while keeping by-catch of moratoria species at the lowest possible and truly unavoidable levels through the application of a precautionary and eco-system-based approach to legitimate, historical, and proven mixed fisheries where the by-catch species is on a sustained upward trajectory towards or beyond B_{lim} by applying each of the following:

1. By-catch of moratoria species must be managed in a manner that would not prevent or undermine its recovery or cause an unreasonable delay in reaching B_{lim} for any moratoria stock.
2. By-catch of moratoria species should not unduly restrict the directed fishery for other stocks where intermixing is known to occur.
3. Vessels must employ avoidance techniques, selection devices, and/or other technology, as practical.

Fisheries Commission decisions on alternate by-catch management strategies will be made on a case-by-case basis.

**Annex 13. Preliminary Assessment of the Risk of Significant Adverse Impact (SAI)
of Fishing Activities in the NAFO Regulatory Area**
(FC WP 08/37 Revision 3 now FC Doc 08/16)

Background

At its 2005 annual meeting, NAFO agreed to launch a reform process which inter alia was intended to implement modern standards established by current international fisheries instruments, including the 1982 United Nations Convention on the Law of the Sea and the 1995 United Nations Fish Stocks Agreement.

In 2005, the United Nations (UN) Secretary-General published a report outlining actions taken by States and regional fisheries management organizations (RFMO) to address the impacts of fishing on vulnerable marine ecosystems in response to UN General Assembly (UNGA) Resolution 59/25.

As a part of this process, NAFO decided in 2006 to implement the precautionary closures of four seamount areas which included strict conditions under which exploratory fisheries could occur within these areas. In 2007, NAFO closed part of NAFO Subarea 3O to fishing where corals were identified.

The United Nations General Assembly adopted Resolution 61/105 in 2006 which called for an assessment of the risk of significant adverse impacts (SAI) of fishing activities on vulnerable marine ecosystems (VMEs) and the adoption of appropriate mitigating measures by 31 December 2008.

To this end, and given the shortness of time to realistically undertake the appropriate work required, NAFO adopted during an Extraordinary Meeting in May 2008 comprehensive measures to fulfill the recommendations of Resolution 61/105. According to those provisions, each Contracting Party will be required to assess any proposed bottom fishing for anticipated impacts on VMEs in 2009. At the same meeting, it was also agreed that every effort should be made to start the assessment process, including a preliminary risk assessment and adoption of resulting measures in 2008.

In June 2008, Scientific Council of NAFO initiated its work to identify areas in which features associated with VMEs may exist, but was neither able to make a detailed analysis nor conduct impact assessments of bottom fishing activities. In September 2008, the Ad Hoc Working Group of Fishery Managers and Scientists on VMEs concluded that further work by the Scientific Council was indeed required to either identify new VMEs, if any, or enable credible risk assessments.

In addition, this ad hoc working Group recommended, in light of limited resources and time, that focus be placed first (in 2008) on identifying areas with sensitive coral concentrations and seamounts and secondly (during 2009), on areas related to sponge concentrations.

The Fisheries Commission made the following observations based on the ad hoc Working Group report which may help inform preliminary assessments:

Based on historical information collected over decades, concentrations of corals had been found by survey trawls in a few localized areas in the Regulatory Area. However, based on preliminary information presented related to catch of corals by commercial vessels in areas currently fished, there appears to be little interaction between species of corals and fishing activity in the Regulatory Area. This situation reflects decades of sustained fishing.

- With respect to the South East Shoal relative to capelin spawning during June/July and bivalve populations, there is not a high risk of significant adverse impact on the capelin spawning grounds. It is noted that there is no directed capelin fishery, seasonal and low fishing levels generally exist from the yellowtail flounder and skate fisheries, the Canadian fishery for yellowtail has a closure during the summer season. In addition, the habitat comprises a sandy, gravel bottom, with limited or no presence of coral or sponge concentrations, and limited bottom perturbation associated with the capelin spawning period.

Considerations by the Fisheries Commission

In its comparison of the historic footprint in the NAFO Regulatory Area and preliminary assessments by the Scientific Council on possible areas where VMEs may exist, the Fisheries Commission observes a significant overlap between the aggregate footprint and these areas, and considerable specificity in individual fisheries footprints. The Fisheries Commission considers that this reinforces the observation of the ad hoc Working Group that there has been a long

history of fishing, including bottom contact fishing, in existing fishing areas and that this should be taken into account in determining whether VMEs in fact continue to exist within those areas.

The Fisheries Commission also observes that, on the one hand, during this long history of fishing there seems to have been little interaction between commercial fishing activities and species of corals. On the other hand, the Fisheries Commission considers that new fishing areas essentially consist of deep waters which may contain slow growing marine species. Against this background, the Fisheries Commission concludes that, in general, the probability of significant adverse impacts on VMEs is higher in new fishing areas rather than in existing fishing areas.

The Fisheries Commission reaffirms its strong commitment to implementing the internationally agreed standards to protect VMEs from significant adverse impact, as identified under Resolution 61/105 and FAO International Guidelines for the Management of Deep Sea Fisheries in the High Seas. The Fisheries Commission understands that this will be an ongoing process and that the work in 2008 represents what can be done with the information and resources available. The Fisheries Commission will continue its efforts beyond 2008 as information and experience expands.

In order to complete the preliminary assessment of fishing activities and adopt resulting mitigating measures, the Fisheries Commission agrees to:

- Request that the Scientific Council refine the information on coral concentrations as soon as possible in 2008 (it is understood that the work of the Working Group on Ecosystem Approach to Fisheries Management is ongoing and the Scientific Council is planning to review and adopt a report at the end of October, 2008.)
- Request that the Scientific Council provide, by 30 June 2009, information on sponge concentrations;
- Request that the Scientific Council provide the information on corals and sponges in canyons with a focus on those species which involve interactions with commercial fisheries as soon as practicable or at least provide a progress report by June 30, 2009;
- Hold a meeting of the ad hoc Working Group in the first quarter of 2009 to review the SC information on corals, review information by the Scientific Council regarding identification of VMEs and assessment of risk, and make recommendations to FC on any further mitigation measures that maybe required through processes to be established at that time.
- Adopt the proposal (Annex 1) to reference the definition and criteria for VMEs and Significant Adverse Impact to the NCEM, Chapter 1bis based on the FAO International Guidelines for the Management of Deep Sea Fisheries in the High Seas.

Implementation of Additional Mitigating Measures in 2009

Furthermore, the Fisheries Commission agrees to adopt the following additional mitigation measures as of 1 January 2009:

- Extension of the current seamount measures to include the Fogo Seamounts and the amendment of Article 14 of the NCEM accordingly (Annex 2)
- Adoption of Interim Exploratory Fishery Protocol (Annex 3)
- Adoption of interim Encounter Provisions for Deep Sea VMEs in both fished and unfished areas of the NAFO Regulatory Area (Annex 4) until there is a clear definition of areas of VMEs by geographical references done by a seabed mapping using the best available scientific analysis.

(Annex 13.1)

Proposal for Amendment of Article 1 of Chapter Ibis

Article 1 in Chapter Ibis be amended by adding the following:

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.

(Annex 13.2)

Inclusion of Fogo Seamounts in Closed Area Table for Seamounts

Amend Article 14, paragraph 5 as to include coordinates for the Fogo Seamounts as follows:

As of January 1, 2007, and until December 31, 2010, the following areas shall be closed to all bottom fishing activities. The closed areas are defined by connecting the following coordinates (in numerical order and back to coordinate 1).

Area	Coordinate 1	Coordinate 2	Coordinate 3	Coordinate 4
Fogo Seamounts 1	42 31 33 N 53 23 17 W	42 31 33 N 52 33 37 W	41 55 48 N 53 23 17 W	41 55 48 N 52 33 37 W
Fogo Seamounts 2	41 07 22 N 52 27 49 W	41 07 22 N 51 38 10 W	40 31 37 N 52 27 49 W	40 31 37 N 51 38 10 W

(Annex 13.3)

Exploratory Protocol for New Fishing Areas

The Exploratory Fishery Protocol for New Fishing Areas shall include:

- 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.

Proposed templates for the exploratory protocol for new fishing areas where fishing gear is likely to contact the seafloor

I. CONTRACTING PARTY SUBMITS NOTICE OF INTENT TO UNDERTAKE EXPLORATORY FISHING TO THE NAFO SECRETARIAT

**HARVESTING
PLAN**

- TARGET SPECIES
- FISHING DATES
- DESCRIPTION OF AREA
TO BE FISHED
- ANTICIPATED EFFORT
- BOTTOM FISHING GEAR-TYPE(S) USED

**MITIGATION
PLAN**

MEASURES TO
PREVENT SIGNIFICANT
ADVERSE IMPACTS TO VMEs

**CATCH
MONITORING
PLAN**

IDENTIFY AND RECORD
ALL SPECIES BROUGHT
ONBOARD TO THE LOWEST
POSSIBLE TAXONOMIC LEVEL

100% SATELLITE
COVERAGE

100% OBSERVER
COVERAGE

**DATA
COLLECTION
PLAN**

DATA WILL BE
COLLECTED AND
REPORTED IN A
STANDARDIZED
FORMAT

II. CONTRACTING PARTY SUBMITS TRIP REPORT TO THE NAFO SECRETARIAT

PROPOSED DRAFT TEMPLATE FOR THE EXPLORATORY FISHERY PROTOCOL FOR NEW FISHING AREAS WHERE FISHING GEAR IS LIKELY TO CONTACT THE SEAFLOOR

ADVANCED NOTICE OF INTENT TO UNDERTAKE EXPLORATORY FISHING¹

NAME OF VESSEL:

FLAG STATE OF VESSEL:

ANTICIPATED LOCATION(S) OF EXPLORATORY FISHING ACTIVITIES (INCLUDE LAT/LONG):

ANTICIPATED DATES OF EXPLORATORY FISHING ACTIVITIES:

HAS ANY PREVIOUS FISHING BEEN UNDERTAKEN IN ADJACENT AREAS (IF SO, IDENTIFY INFORMATION SOURCE):

DEPTHS EXPECTED TO BE ENCOUNTERED DURING EXPLORATORY FISHING ACTIVITIES:

DO HABITAT MAPS OF THE AREA EXIST (IF SO, PLEASE IDENTIFY SOURCE(S)):

ARE TAXONOMIC KEYS IDENTIFYING POTENTIALLY VULNERABLE SPECIES AVAILABLE (IF SO, IDENTIFY SOURCES(S)):

KNOWN VULNERABLE MARINE ECOSYSTEMS (VMEs)² IN THE LOCATION(S) TO BE FISHED:

MITIGATION MEASURES TO PREVENT SIGNIFICANT ADVERSE IMPACT TO VMEs, IF ENCOUNTERED:

DO BATHYMETRIC MAPS OF THE EXPLORATORY AREA EXIST (IF SO, PLEASE IDENTIFY SOURCE(S)):

DOES ANY FISHERIES SCIENTIFIC INFORMATION IN THE EXPLORATORY AREA EXIST (IF SO, IDENTIFY SOURCE(S)):

TARGET SPECIES BEING SOUGHT:

WHAT GEAR TYPE(S) ARE BEING PROPOSED TO BE USED (PLEASE IDENTIFY) IN WHAT AREAS (INCLUDE LAT/LONG):

¹EXPLORATORY FISHING IS DEFINED AS ALL BOTTOM FISHING ACTIVITIES IN NEW AREAS OR WITH BOTTOM GEAR NOT PREVIOUSLY USED IN THE AREA CONCERNED AND NOT IDENTIFIED IN ARTICLE 2 OF NEW CHAPTER I BIS (SEE NAFO/FC DOC. 08/3)

²REFER TO FAO INTERNATIONAL GUIDELINES FOR THE MANAGEMENT OF DEEP-SEA FISHERIES IN THE HIGH SEAS

PROPOSED DRAFT TEMPLATE FOR THE EXPLORATORY FISHERY PROTOCOL FOR NEW FISHING AREAS WHERE THE FISHING GEAR IS LIKELY TO CONTACT THE SEAFLOOR

CONTRACTING PARTY EXPLORATORY FISHING¹ TRIP REPORT SUBMITTED TO THE NAFO SCIENTIFIC COUNCIL

NAME OF VESSEL:

FLAG STATE OF VESSEL:

LOCATION(S) OF AREAS FISHED (INCLUDE LAT/LONG):

DATES OF FISHING ACTIVITIES:

DEPTHS ENCOUNTERED DURING FISHING (LIST FOR EACH HAUL INCLUDING LAT/LONG):

TOTAL HOURS/AREA FISHED (LIST FOR EACH HAUL INCLUDING LAT/LONG):

GEAR TYPE(S) USED (PLEASE IDENTIFY) IN WHAT AREAS (INCLUDE LAT/LONG):

VULNERABLE MARINE ECOSYSTEMS (VMEs)² ENCOUNTERED (LIST FOR EACH HAUL INCLUDE LAT/LONG):

MITIGATION MEASURES TAKEN TO PREVENT SIGNIFICANT ADVERSE IMPACT TO VMEs IF ENCOUNTERED:

LIST OF ALL ORGANISMS (RETAINED, BYCATCH) BROUGHT ONBOARD (IDENTIFIED TO THE LOWEST TAXONOMIC UNIT):

LIST OF POTENTIAL VULNERABLE INDICATOR SPECIES³ BROUGHT ONBOARD BY LOCATION (INCLUDE LAT/LONG):

LIST OF ORGANISMS RETAINED FOR BIOLOGICAL SAMPLING (E.G., LENGTH-WEIGHT, SEX, AGE), IF ANY:

¹ EXPLORATORY FISHING IS DEFINED AS ALL BOTTOM FISHING ACTIVITIES IN NEW AREAS OR WITH BOTTOM GEAR NOT PREVIOUSLY USED IN THE AREA CONCERNED AND NOT IDENTIFIED IN ARTICLE 2 OF NEW CHAPTER I BIS (SEE NAFO/FC DOC. 08/3)

² REFER TO FAO INTERNATIONAL GUIDELINES FOR THE MANAGEMENT OF DEEP-SEA FISHERIES IN THE HIGH SEAS

³ REFER TO ANNEX 1 FAO INTERNATIONAL GUIDELINES FOR THE MANAGEMENT OF DEEP-SEA FISHERIES IN THE HIGH SEAS

NOTE: DATA REPORTING SHOULD FOLLOW A STANDARDIZED SPECIFICATION, FOR EXAMPLE, AS ADOPTED BY SCIENTIFIC OBSERVER PROGRAMS.

(Annex 13.4)

New Article 5 Chapter 1bis: - 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 4, paragraph 5.

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 x 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 4, paragraph 5 in chapter 1 bis. 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 4, paragraph 5.

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 100 kg of live coral and/or 1000kg 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 14. STACTIC Recommendation on new NAFO Measures on Port State Control

(STACTIC WP 08/1 Revision 4 now FC Doc 08/9)

Introduction

A discussion paper for new NAFO Measures on Port State Control was presented by Norway at the intersessional meeting of STACTIC in June 2007. A revised version of the paper formed the basis for the discussions in STACTIC during the 2007 annual meeting in Lisbon. In the meeting it was decided that the next STACTIC intersessional meeting in July 2008 should focus primarily on the port State control. Norway undertook to present a second revision of the paper that would take into consideration comments provided by the Contracting Parties. At the July 2008 meeting numerous amendments, changes and bracketed text suggestions to the Norwegian draft working paper were made. STACTIC agreed that due to the complexity of the document it should be termed a STACTIC discussion paper to be considered for adoption at the 2008 NAFO Annual Meeting.

STACTIC has resolved all bracketed texts and agreed to submit a recommendation to the Fisheries Commission to adopt a new NAFO Measures on Port State Control.

Background and Explanation

The provisions in the recommendation are based on the following four basic principles that in our view are necessary to make a consistent Port State Control Scheme work:

1. Prior notification. The master of the vessel has to present a prior notification to the competent authorities.
2. Confirmation from the flag State. Released by the prior notification form which is sent by the port State to the flag State. The flag State confirms the legal status of the catch by answering yes or no to four questions. The form is then returned to the port State.
3. Authorisation to land or tranship. Such authorisation is given by the port State if the flag State has confirmed the legal status of the catch by answering yes to all four questions. No authorisations shall be given if this is not the case. By derogation an exception can be made, but the catch can not be released from storage before the required confirmation is given.
4. Transparency. The forms containing the prior notification, the confirmation and the authorisation are posted on the secure part of the website.

The North East Atlantic Fisheries Commission (NEAFC) introduced port State control on May 1, 2007 based on the above mentioned principles. The system is simple and has worked well since the introduction. Illegal landings have been stopped and the flow of information between the vessels, contact points and the NEAFC Secretariat is functioning well. The industry has welcomed the system since it provides the best guarantee possible at the time of landing that the catch is legally caught.

The level of inspection in the NEAFC Port State Control Scheme is set at 15 % of all landings. All inspections shall be documented by using a special form which is posted at the secure part of the website when completed.

By introducing the confirmation from the flag State, the system goes a bit beyond the provisions in the draft Global Agreement on Port State Measures currently being developed in Food and Agricultural Organisation of the United Nations (FAO). At the same time the system is simplified since the inspections can focus mainly on verifying the information provided in the prior notification. All other aspects, whether the vessel is authorised or not, what quota it has been allocated and so on, is dealt with by the flag State in the confirmation process.

Part I of the new port State Control measures contains amendments to the existing CEM that are necessary as a consequence of introducing the new Chapter V.

Part II contains a complete text for a new Chapter V to replace the existing Chapter V dealing with inspections in port.

Article 44 contains the scope of the port State Control measures relating to the port State, the flag State, the master, the receiver of the catch and finally the role of the Executive Secretary. The port State Control measures apply to landings and transshipments in ports of Contracting Parties by fishing vessels flying the flag of another Contracting Party. It covers all fish caught in the Regulatory Area and fish products originating from such fish, that have not been previously landed or transhipped at a port.

NAFO CEM already contains certain elements of port inspection. These elements are pursued in the text presented. At the same time the text is drafted with the aim to set up a system that is as similar to the one established in NEAFC as possible. The experiences gained during the last year indicates that the established NEAFC Port State Control Scheme is working well and that it is suited to be built on when developing new port State control regulations in other RFMOs.

All the Contracting Parties to NEAFC are also Contracting Parties to NAFO. A similar system in both organisations will simplify the operation of the systems in each Contracting Party. Vessels are operating in both areas, and may even do so on the same fishing trip. To have a similar system will be a real simplification for the masters since they can use the same prior notification form. The receivers of the fish would be provided with the same guarantee with respect to the legal status of the fish.

Part III focuses on provisions that will include prior notification in respect of non-Contracting Party vessels entering a port of a Contracting Party. If such vessels intend to land or tranship they will have to present a flag state confirmation before the operation can commence. In the draft Article 49 nr.1 the obligation to present the confirmation is placed on the master, not the flag State. Thereby the port State Contracting party only exercises jurisdiction over vessels seeking access to its ports.

The scope of the draft FAO agreement also covers vessels targeted by Chapter VI. Therefore, amendments to these measures were made in order to make them consistent with the draft agreement.

Part IV contains the necessary forms. The NEAFC port State inspection form PSC 3 has been amended to incorporate rules that are in force in NAFO. The prior notification forms PSC 1 (fishing vessels landing or transhipping its own catch) and 2 (vessels landing or transhipping fish caught by other vessels) used in NEAFC has been amended so that they can be used by both NAFO and NEAFC.

The prior notifications contain estimated amounts of fish on board.

RECOMMENDATION

STACTIC recommends the adoption of the following measures on Port State Control to be included in the Conservation and Enforcement Measures

Part I – Amendments to Chapter I, Conservation and management measures, and to Chapter II, Control measures.

Article 17 – add new paragraph 5 (moving all text from the existing Article 44 (6)):

The competent authorities of Contracting Parties shall, every two years, check each of their vessels, notified in accordance with Article 19, to certify the correctness of the vessel's plans for fish rooms and other fish storage places. The master shall ensure that a copy of such certification remains on board to be shown to a NAFO inspector if requested.

Part II - CHAPTER V, INSPECTIONS IN PORT, to be deleted and replaced by:

CHAPTER V

PORT STATE CONTROL

Article 44 – Scope

Subject to the right of the port State Contracting Party to impose requirements of its own for access to its ports, the provisions in this chapter apply to landings or transhipments in ports of Contracting Parties by fishing vessels flying the flag of another Contracting Party. The provisions apply to landing or transhipment of fish caught in the Regulatory Area, or fish products originating from such fish, that have not been previously landed or offloaded at a port.

This chapter also sets out the respective duties of the flag State Contracting Party and obligations of the master of fishing vessels seeking to land catch in a port of a Contracting Party.

Article 45 – Duties of the Port State Contracting Party

1. The port State Contracting Party shall designate ports to which fishing vessels may be permitted access for the purpose of landing or transshipment. It shall transmit to the Executive Secretary a list of these ports. Any subsequent changes to the list shall be notified to the Executive Secretary no less than fifteen days before the change comes into effect.
2. The port State Contracting Party shall establish a minimum prior notification period. The prior notification period should be 3 working days before the estimated time of arrival. However the port State Contracting Party may make provisions for another prior notification Period, taking into account, inter alia, distance between fishing grounds and its ports. The port State Contracting Party shall advise the Executive Secretary of the prior notification period.
3. The port 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 47 (1, 2 and/or 3), receiving confirmations in accordance with Article 46 (2) and issuing authorizations in accordance with paragraph 6. The port State Contracting Party shall advise the Executive Secretary about the competent authority name and its contact information.
4. The requirements contained in paragraphs 1, 2 and 3 do not apply to a Contracting Party that does not permit any landings or transshipments in its ports by vessels flying the flag of another Contracting Party.
5. The port State Contracting Party shall forward a copy of the form as referred to in Article 47 (1 and 2) without delay to the flag State Contracting Party of the vessel and to the flag State Contracting Party of donor vessels where the vessel has engaged in transshipment operations.
6. Landing or transshipment operations may only commence after authorisation has been given by the competent authorities of the port State Contracting Party. Such authorisation shall only be given if the confirmation from the flag Contracting party as referred to in article 46 (2) has been received.
7. By way of derogation from paragraph 6 the port State Contracting Party may authorize all or part of a landing in the absence of the confirmation referred to in paragraph 6. In such cases the fish concerned shall be kept in storage under the control of the competent authorities. The fish shall only be released to be sold, taken over, produced or transported once the confirmation referred to in paragraph 6 has been received. If the confirmation has not been received within 14 days of the landing the port State Contracting Party may confiscate and dispose of the fish in accordance with national rules.
8. The port State Contracting Party shall without delay notify the master of the fishing vessel of its decision on whether to authorize the landing or transshipment by returning a copy of the form PSC 1 or 2 with Part C duly completed. This copy shall also be transmitted to the Executive Secretary without delay.
9. In case of cancellation of the prior notification referred to in Article 47, paragraph 2, the port State Contracting Party shall forward a copy of the cancelled PSC 1 or 2 to the flag state Contracting Party and the Executive Secretary.
10. Unless otherwise required in a recovery plan, the port State Contracting Party shall carry out inspections of at least 15 % of all such landings or transshipments during each reporting year.
11. Inspections shall be conducted by authorized Contracting Party inspectors who shall present credentials to the master of the vessel prior to the inspection.
12. The port State Contracting Party may invite inspectors of other Contracting Parties to accompany their own inspectors and observe the inspection of landings or transshipment operations.
13. An inspection shall involve the monitoring of the entire discharge or transshipment in that port and the port State Contracting Party shall as a minimum:
 - a) cross-check against the quantities of each species landed or transhipped,
 - i. the quantities by species recorded in the logbook
 - ii. catch and activity reports, and
 - iii. all information on catches provided in the prior notification (PSC 1 or 2)
 - b) verify and record the quantities by species of catch remaining on board upon completion of landing or transshipment;
 - c) verify any information from inspections carried out pursuant to Chapter IV;
 - d) verify all nets on board and record mesh size measurements;
 - e) verify fish size for compliance with minimum size requirements.

14. Each inspection shall be documented by completing form PSC 3 (port State Control inspection form) as set out in Annex XIII. The inspectors may insert any comments they consider relevant. They shall sign the report and request that the master sign the report. The master may insert any comment he considers relevant and shall be provided with a copy of the report.
15. The port State Contracting Party shall without delay transmit a copy of each port State Control inspection report and, upon request, an original or a certified copy thereof, to the flag State Contracting Party and to the flag State of any vessel that transhipped catch to the inspected fishing vessel. A copy shall also be sent to the Executive Secretary without delay.
16. The port State Contracting Party shall make all possible efforts to avoid unduly delaying the fishing vessel and ensure that the vessel suffers the minimum interference and inconvenience and that unnecessary degradation of the quality of the fish is avoided.

Article 46 - Duties of the Flag State Contracting Party

1. The flag State Contracting Party shall ensure that the master of any fishing vessel entitled to fly its flag complies with the obligations relating to masters set out in this Chapter.
2. The flag State Contracting Party of a fishing vessel intending to land or tranship, or where the vessel has engaged in transhipment operations outside a port, the flag State Contracting Party or parties, shall confirm by returning a copy of the form, PSC 1 or 2, transmitted pursuant to Article 45 (5) with part B duly completed, stating that:
 - a) the fishing vessel declared to have caught the fish had sufficient quota for the species declared;
 - b) the declared quantity of fish on board has been duly reported by species and taken into account for the calculation of any catch or effort limitations that may be applicable;
 - c) the fishing vessel declared to have caught the fish had authorization to fish in the areas declared; and
 - d) the presence of the vessel in the area in which it has declared to have taken its catch has been verified by VMS data.

Article 47 - Obligations of the Master of a Fishing Vessel

1. The master or the agent of any fishing vessel intending to make a port call shall notify the competent authorities of the port State Contracting Party within the notification period referred to in Article 45 (2). Such notification shall be accompanied by the form provided for in Annex XXIV with Part A duly completed as follows:
 - a) Form PSC 1, as referred to in Annex XXIV (A) shall be used where the vessel is landing or transshipping its own catch; and
 - b) Form PSC 2, as referred to in Annex XXIV (B), shall be used where the vessel has engaged in transhipment operations. A separate form shall be used for each donor vessel.
 - c) Both forms PSC 1 and PSC 2 shall be completed in cases where a vessel is intending to land both its own catch and catch that was received through transhipment.
2. A master or the agent may cancel a prior notification by notifying the competent authorities of the port they intended to use. The notification shall be accompanied by a copy of the original PSC 1 or 2 with the word "cancelled" written across it.
3. The master of a fishing vessel shall:
 - a) co-operate with and assist in the inspection of the fishing vessel conducted pursuant to these procedures and shall not obstruct, intimidate or interfere with the port State inspectors in the performance of their duties;
 - b) provide access to any areas, decks, rooms, catch, nets or other gear or equipment, and provide any relevant information which the port State inspectors request including copies of any relevant documents.

Article 48 - Duties of the Executive Secretary

1. The Executive Secretary shall without delay post on the NAFO website:
 - a) the list of designated ports;
 - b) the prior notification periods established by each Contracting Party;
 - c) the information about the designated competent authorities in each port State Contracting Party.

2. The Executive Secretary shall without delay post on the secure part of the NAFO website:
 - a) copies of all PSC 1 and 2 forms transmitted by port State Contracting Parties;
 - b) copies of all inspection reports, as referred to in Annex XIII (PSC 3 form), transmitted by port State Contracting Parties.
3. All forms related to a specific landing or transshipment shall be posted together.

Article 49 – Serious infringements

The following infringements shall be considered serious:

- a) preventing inspectors from carrying out their duties (Article 47 (3));
- b) landing or transshipping in a port not designated in accordance with the provisions of Article 45 (1);
- c) failure to comply with the provisions of Article 47 (1);
- d) landing or transshipping without authorization of the port State as referred to in Article 45 (6);

Such infringements shall be followed up according to appropriate national legislation.

The provisions in Article 41(1), (2) and (3) shall apply.

Part III – Amendments to Chapter VI, Scheme to promote compliance by non-Contracting Party vessels with recommendations established by NAFO.

(New) Article 46 (2) bis (before renumbering)

Nothing in this Scheme shall be interpreted to prevent a port State Contracting Party from allowing a non-Contracting Party vessel entry into its ports for the purpose of conducting an investigation of, or taking appropriate enforcement action against the vessel.

(New) *Article 49 (before renumbering) – Entry and inspection in port*

1. Masters of non-Contracting Party vessels intending to call into a port shall notify the competent authority of the port State Contracting Party in accordance with the provisions of Article 47. The port State Contracting Party shall forward without delay this information to the flag State of the vessel and to the Executive Secretary.
2. The port State Contracting Party shall prohibit the entry into its ports of vessels that have not given the required prior notice and provided the information referred to in paragraph 1. The vessel shall in any case not be allowed to enter the port unless a confirmation issued by the flag State in accordance with the provisions in Article 46 (2) is presented.
3. When a non-Contracting Party vessel referred to in Article 47 (1) enters a port of any Contracting Party, it shall be inspected by authorised Contracting Party officials knowledgeable of the Conservation and Enforcement measures (and this Scheme), and shall not be allowed to land or tranship until this inspection has taken place. Such inspections shall include the vessels documents, log books, fishing gear, catch on board any other matter relating to the vessels activities in the Regulatory Area. The inspection shall be documented by at least completing the inspection form provided in Annex XIII.
4. Information on the results of all inspections of non-Contracting Party vessels conducted in the ports of Contracting Parties, and any subsequent action, shall without delay be sent to the Executive Secretary who shall post the information on the secured part of the NAFO website and inform the flag State, relevant RFMOs and other Contracting Parties.

All Articles in Chapter VI and VII must be renumbered accordingly.

Part IV – New annex XIII and XXIV

ANNEX XIII to be deleted and replaced by:

Report on Port State Control inspection (PSC 3)

A. INSPECTION REFERENCE. Please use black ink					
Landing	Yes	No	Transhipment	Yes	No
Port State			Port of landing or transhipment		
Vessel name		Flag State		IMO Number ¹	
Landing/transhipment started		Date		Time	
Landing/transhipment ended		Date		Time	

B. INSPECTION DETAILS			
Name of donor vessel ²	IMO Number ¹	Radio call sign	Flag State

B 1. CATCH RECORDED IN THE LOGBOOK			
Species ³	Area of catch	Declared live weight kg	Conversion factor used

¹ Fishing vessels not assigned an IMO number shall provide their external registration number

² In case where a vessel has engaged in transhipment operations. A separate form shall be used for each donor vessel.

³ FAO Species Codes – NEAFC Annex V - NAFO Annex II

B 2. FISH LANDED OR TRANSHIPPED										
Species ⁴	Product ⁵	Area of catch	Product weight landed in kg	Con-version factor	Equivalent live weight kg	Diff (kg) between live weight declared in the logbook and the live weight landed	Diff (%) between live weight declared in the logbook and the live weight landed	Diff (kg) between Product weight landed and PSC 1/2	Diff (%) between Product weight landed and PSC 1/2	
B 3. INFORMATION ABOUT LANDINGS AUTHORISED WITHOUT CONFIRMATION FROM THE FLAG STATE										
Name of storage, name of competent authorities, deadline for receiving confirmation, ref. NEAFC art. 23.2 / NAFO art. 45.6										
B 4. FISH RETAINED ON BOARD										
Species ⁶	Product ⁷	Area of catch	Product weight in kg	Conversion factor	Live weight kg	Diff. (kg) between product weight on board and PSC 1/2	Diff. (%) between product weight on board and PSC 1/2			
C. GEAR INSPECTION IN PORT (NAFO only)										
C1. General data										
Number of gear inspected						Date gear inspection				
Has the vessel been cited ?			Yes		No	If yes, complete the full "verification of inspection in port form. If no, complete the form with the exception of the NAFO Seal Details				
C2. Otter Trawl details										
NAFO Seal number				Is seal undamaged ?			Yes		No	
Gear type										
Attachments										
Grate Bar Spacing mm.										
Mesh type										
Average mesh sizes (mm)										
Trawl part										
Wings										
Body										
Lengthening Piece										
Codend										
D. OBSERVATIONS BY THE MASTER										

⁴ FAO Species Codes – NEAFC Annex V - NAFO Annex II

⁵ Product presentations – NEAFC Appendix 1 to Annex IV – NAFO Annex XX (C)

⁶ FAO Species Codes – NEAFC Annex V - NAFO Annex II

⁷ Product presentations – NEAFC Appendix 1 to Annex IV – NAFO Annex XX (C)

I,the undersigned, Master of the vesselhereby confirm that a copy of this report have been delivered to me on this date. My signature does not constitute acceptance of any part of the contents of this report, except my own observations, if any.

Signature: _____ Date : _____

E. INFRINGEMENTS AND FOLLOW-UP

E.1 Sea Inspection

**Infringements resulting from
Inspections inside NAFO R.A.**

Inspection Party	Date of insp.	Division	NAFO CEM infringement legal reference

E.2 Port Inspection Infringements results

(a) - Confirmation of Infringements found at sea inspection

NAFO CEM infringement legal reference	National Infringement legal reference

(b) - Infringements found at sea inspection and not possible to be confirmed during the Port Inspection.

Comments :	
------------	--

(c) - Additional infringements found during the Port Inspection

NAFO CEM infringement legal reference	National Infringement legal reference

Observations :

F. DISTRIBUTION

Copy to flag State	Copy to NEAFC Secretary	Copy to NAFO Executive Secretary

ANNEX XXIV

PORT STATE CONTROL PRIOR NOTIFICATION FORMS

A – PSC 1

PORT STATE CONTROL FORM – PSC 1									
PART A: To be completed by the Master of the Vessel. Please use black ink									
Name of Vessel:		IMO Number: ¹		Radio Call Sign:		Flag State:			
Email Address:		Telephone Number:		Fax Number:		Inmarsat Number:			
Port of Landing or Transshipment:									
Estimated Time of Arrival:		Date:		Time UTC:					
Total catch on board – all areas							Catch to be landed ²		
Species ³	Product ⁴	Area of catch			Conversion factor	Product weight (kg)	Product weight (kg)		
		NEAFC CA (ICES subareas and divisions)	NAFO RA (Sub Division)	Other areas					
PART B: For official use only – to be completed by the Flag State									
The Flag State of the vessel must respond to the following questions by marking in the box "Yes" or "No"						NEAFC CA		NAFO RA	
						Yes	No	Yes	No
a) The fishing vessel declared to have caught the fish had sufficient quota for the species declared									
b) The quantities on board have been duly reported and taken into account for the calculation of any catch or effort limitations that may be applicable									
c) The fishing vessel declared to have caught the fish had authorisation to fish in the area declared									
d) The presence of the fishing vessel in the area of catch declared has been verified according to VMS data									
Flag State confirmation: I confirm that the above information is complete, true and correct to the best of my knowledge and belief.									
Name and Title:				Date:					
Signature:				Official Stamp:					
PART C: For official use only – to be completed by the Port State									
Name of Port State:									
Authorisation:		Yes:		No:		Date:			
Signature:		Official Stamp:							
1. Fishing vessels not assigned an IMO number shall provide their external registration number 2. If necessary an additional form or forms shall be used 3. FAO Species Codes – NEAFC Annex V - NAFO Annex II 4. Product presentations – NEAFC Appendix 1 to Annex IV – NAFO Annex XX (C)									

B – PSC 2

PORT STATE CONTROL FORM – PSC 2										
PART A: To be completed by the Master of the Vessel. A separate form shall be completed for each donor vessel. Please use black ink										
Name of Vessel:		IMO Number:¹		Radio Call Sign:		Flag State:				
Email Address:		Telephone Number:		Fax Number:		Inmarsat Number:				
Port of Landing or Transshipment:										
Estimated Time of Arrival:		Date:		Time UTC:						
Catch Information for Donor Vessels *A separate form shall be completed for each Donor Vessel*										
Name of Vessel		IMO Number¹		Radio Call Sign		Flag State				
Total catch on board – all areas							Catch to be landed²			
Species³	Product⁴	Area of catch			Conversion factor	Product weight (kg)	Product weight (kg)			
		NEAFC CA (ICES subareas and divisions)	NAFO RA (Sub Division)	Other areas						
PART B: For official use only - to be completed by the Flag State										
The Flag State of the vessel must respond to the following questions by marking in the "Yes" or "No"						NEAFC CA		NAFO RA		
						Yes	No	Yes	No	
a) The fishing vessel declared to have caught the fish had sufficient quota for the species declared										
b) The quantities on board have been duly reported and taken into account for the calculation of any catch or effort limitations that may be applicable										
c) The fishing vessel declared to have caught the fish had authorisation to fish in the area declared										
d) The presence of the fishing vessel in the area of catch declared has been verified according to VMS data										
Flag State confirmation: I confirm that the above information is complete, true and correct to the best of my knowledge and belief.										
Name and Title:						Date:				
Signature:				Official Stamp:						
PART C: For official use only - to be completed by the Port State										
Name of Port State:										
Authorisation:			Yes:			No:			Date:	
Signature:					Official Stamp:					
1. Fishing vessels not assigned an IMO number shall provide their external registration number										
2. If necessary an additional form or forms shall be used			3. FAO Species Codes – NEAFC Annex V - NAFO Annex II			4. Product presentations – NEAFC Appendix 1 to Annex IV – NAFO Annex XX (C)				

Annex 15. Product Labelling Requirements (Proposal by the EC)
(STACTIC WP 08/8 Revised **now** FC Doc 08/10)

Background:

The FC Doc 06/12, new Management Measures for Shrimp in Divisions 3L and 3M, was adopted at the 2006 Annual Meeting. The objective of this proposal, as specified in its title and explanatory memorandum, was to enhance the control tools in order to prevent misreporting of shrimps catches between Divisions 3L and 3M. The European Community fully shared that objective and supported this proposal.

The consolidated changes, in particular in relation to the Article 22, which read in isolation could give impression that boxes of not only shrimps but all other species should be marked with the date of capture can create new obligations for other fisheries than the shrimps fishery.

The EC cannot share that view.

In order to avoid all possible misunderstanding, the European Union wish to clarify the objective of Article 22 and the way it should be implemented.

PROPOSAL:

Article 22 – Product Labelling Requirements

When processed, all fish harvested in the Regulatory Area shall be labelled in such a way that each species and product category and , in the case of shrimps, the date of capture, is identifiable using respectively the 3-Alpha Code in Annex II and the product form code in Annex XX(c). It shall also be clearly marked as having been caught in the Regulatory Area.

Furthermore, all shrimps harvested in Divisions 3L and 3M and all Greenland halibut harvested in Subarea 2 and Divisions 3KLMNO shall be marked in accordance with the stock area.

**Annex 16. Standardization of Term used in the Conservation and Enforcement
Measures for Fishing Gear that comes into Contact with the Ocean Bottom
(Proposal by the US)
(STACTIC WP 08/15 now FC Doc 08/11)**

Background:

At the STACTIC meeting in Nuuk, Greenland 2-4, July, 2008, NAFO staff, in STACTIC Working Paper 08/05, noted the following different terms used in the NAFO Conservation and Enforcement Measures (CEM), Article 14 and 15, to identify fishing gear which comes into contact with the ocean bottom:

Article 14 - Area and Time Restriction

5. *As of January 1, 2007 and until December 31, 2010, the following areas shall be closed to all fishing activities involving **demersal fishing gear**. . . .*

Article 15 – Coral Protection Zone

1. *As of January 1, 2008, and until December 31, 2012, the following area in Division 30 shall be closed to all fishing activity involving **bottom contact gear**. . . .*

NAFO staff proposed that STACTIC should recommend to the Fishery Commission a standardized term for describing such gear. Several terms were identified as candidates for a standardized term based on staff recommendations and similar terms currently in use in other international texts. The United States proposed using terms consistent with the FAO draft technical guidelines on deep-sea fishing which describes bottom contact gear as fishing gear that “is likely to contact the seafloor during the normal course of fishing operations.” There was insufficient time at the STACTIC meeting for contracting parties to come to a consensus on the United States proposal. The Chair asked the U.S. if it would prepare a written proposal to recommend the use of a standardized term. After reviewing terms used in the FAO draft technical guidelines on deep-sea fishing and other international documents referring to bottom fishing activities, the U.S. proposes the following terms to describe fishing activities which interact with the ocean bottom.

Proposal

The NAFO CEM is proposed to be amended by adding the following term and its definition to the Article 2 Definition section:

“bottom fishing activities” means any fishing activity involving gear that contacts or is likely to contact the ocean bottom during the normal course of fishing operations.

AND

by amending Articles 14 and 15 as follows:

Article 14 - Area and Time Restriction

5. *As of January 1, 2007 and until December 31, 2010, the following areas shall be closed to all **bottom fishing activities**.*

Article 15 – Coral Protection Zone

1. *As of January 1, 2008, and until December 31, 2012, the following area in Division 30 shall be closed to all **bottom fishing activities**.*

Annex 17. Amendments to Chapter IV – CEM – Article 33
Obligations of Vessel Masters during Inspection (Proposal by Canada)
(STACTIC WP 08/16 Revised **now** FC Doc 08/12)

Explanatory Memorandum

The provisions found under Article 33 are intended to facilitate the work of an Inspector during inspections. Under the current Measures, masters do not have to provide inspectors with the start and end coordinates of fishing activity. This information is important as it assists inspectors with determining compliance with the NCEM's.

In order to ensure compliance with the NCEM's, additional obligations are required of the master which can be incorporated under Article 33.

Proposal

Make additional information available to Inspectors to ensure compliance with NCEM's
Amend Chapter IV - Article 33.1 - Obligations of Vessel Masters during Inspections, by adding a new sub paragraph:

The master of a fishing vessel shall:

a, b, c, and d unchanged

e) Record, and provide to an inspector upon request, coordinates pertaining to the start and end locations of any trial tow conducted in reference to Article 11 paragraph 3 c).

Annex 18. Large-mesh (modified Polish-type) Topside Chafers (Proposal by Canada)
(STACTIC WP 08/17 now FC Doc 08/13)

Explanatory Memorandum

The NAFO Conservation and Enforcement Measures (NAFO/FC Doc. 08/1), Chapter I, Article 12. 6 states the following:

“Vessels shall not use any means or device which would obstruct the mesh or diminish the size of the meshes. However, vessels may attach devices described in Annex XV to the upperside of the codend in such a manner that they will not obstruct the meshes of the codend inclusive of any lengthener(s).”

The use of the topside chafers permitted in Annex XV was originally conceived to allow for the protection of the top of a codend in the event that it turned over on the ocean floor or during retrieval and in cases where side-trawlers were employed that took codends onboard over the side of the vessel. The use of side-trawlers has declined to a point where there are no longer any operating in the NRA and rarely, if ever, do trawls towed by stern trawlers turn over.

In addition to the above noted factors, the advent of, and shift to, stronger and more buoyant man-made materials, coupled with trawl designs that taper away from the bottom, have all but eliminated the justification for topsider chafers.

PROPOSAL

Prohibiting the use of Large Mesh (modified Polish-Type) topside chafers in the NRA: effective January 1, 2009.

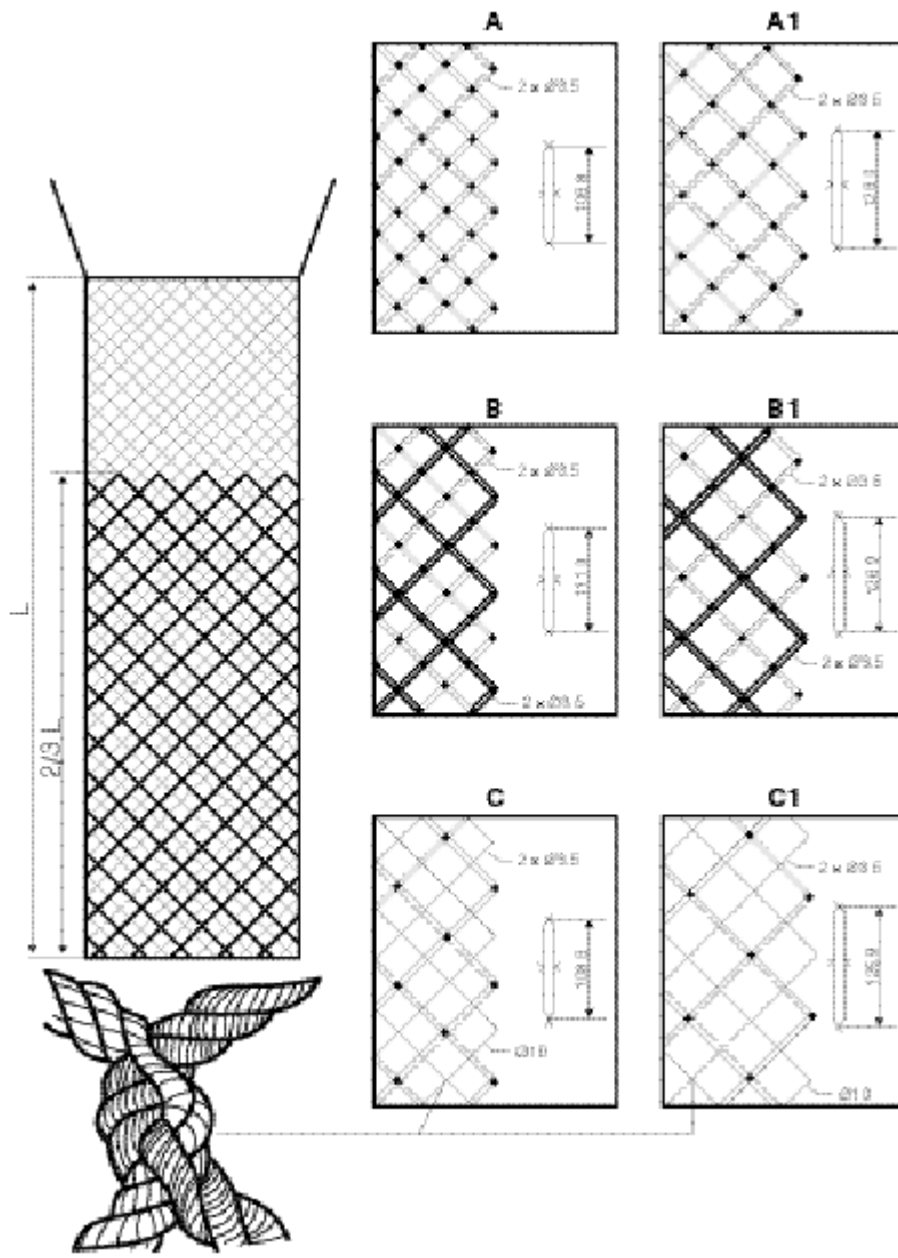
In order to eliminate unnecessary and potentially restrictive protective gear Canada would propose a prohibition on the use of Large Mesh (modified Polish-Type) topside chafers in the NRA, by way of the below amendment of the NCEM's, effective for the 2009 NAFO fishery.

Amend: Annex XV – Conservation and Management Measures as follows:

Delete the following from Annex XV;

3. Large-mesh (modified Polish-type) topside chafer

The large-mesh topside chafer consists of a rectangular piece of netting made of the same twine material as the codend, or of a single, thick, knotless twine material, attached to the rear portion of the upper side of the codend and extending over all or any part of the upper side of the codend and having in all its parts a mesh size twice that of the codend when measured wet and fastened to the codend along the forward, lateral and rear edges only of the netting in such a way that each mesh of the netting coincides with four meshes of the codend.



Annex 19. Annual Compliance Review 2008 (STACTIC WP 08/20 Revision 2 now FC Doc 08/20)

1. Introduction

In 2004, NAFO introduced its first compliance review (FC 04/13). This review uses information from diverse NAFO monitoring, control and surveillance (MCS) 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 monitoring and enforcement obligations.

The format of the compliance review is being continuously developed by the Standing Committee on International Control (STACTIC). The current 2008 NAFO compliance review compares information for the years 2004 to 2007 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. The data tables were compiled by the NAFO Secretariat and circulated to the Contracting Parties in June 2008 as Working Paper 08/3 for review and discussion.

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. By 2007 the number of active vessels had decreased to 76, representing a 43% decrease (Figure 1). This decrease is particularly pronounced in the pelagic redfish fishery where vessels dropped by almost 60%, from 48 in 2004 to only 20 in 2007.

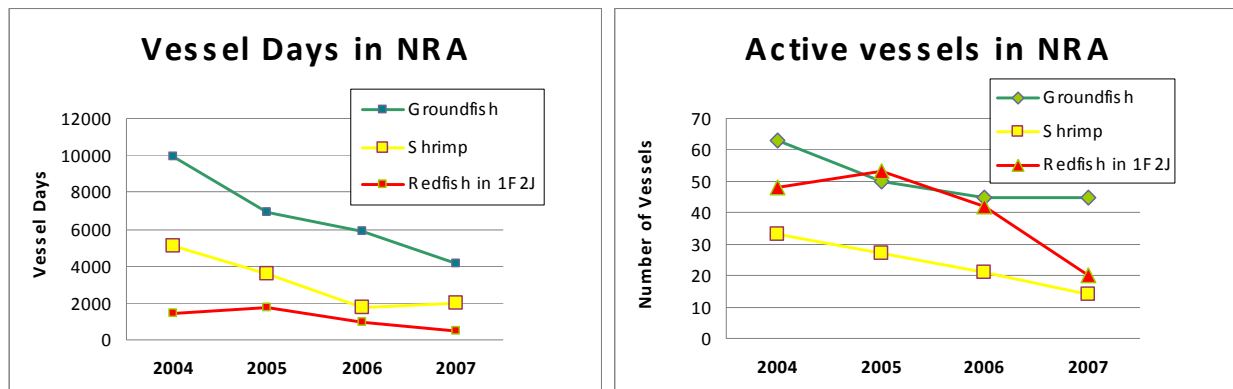


Figure 1. Number of vessels and vessel days in the NAFO Regulatory Area by fishery type

The fishing effort is measured in vessel-days per year in the NRA. Vessel-days are ascertained by the position reports transmitted by the vessels through their respective Fisheries Monitoring Centres via the VMS. Although the number of vessels decreased by 43%, from 2004 to 2007 total fishing effort diminished by 60%, i.e. from 16,480 days to 6,598 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, i.e. groundfish, shrimp and pelagic redfish fisheries. Almost two thirds of the fishing effort can be attributed to the groundfish fishery (62%) whereas the pelagic redfish fishery only accounts for a tenth of the effort (11%). It should be noted that the number of vessel days in the NRA for the pelagic redfish fishery declined by 65 percent, from 1,414 days in 2004 to 488 days in 2007, as compared to a 62 percent decline in the shrimp fishery and a 58 percent decline in the groundfish fishery.

3. Compliance by Fishing Vessels

To ensure that vessels fishing in the NAFO Regulatory Area adhere to the NAFO conservation and management measures, 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.

Although the total number of at-sea inspections decreased from 401 inspections in 2004 to 296 inspections in 2007, 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% in 2004 to 4.5% in 2007 (Figure 2). Inspection rates increased in all three fishery types.

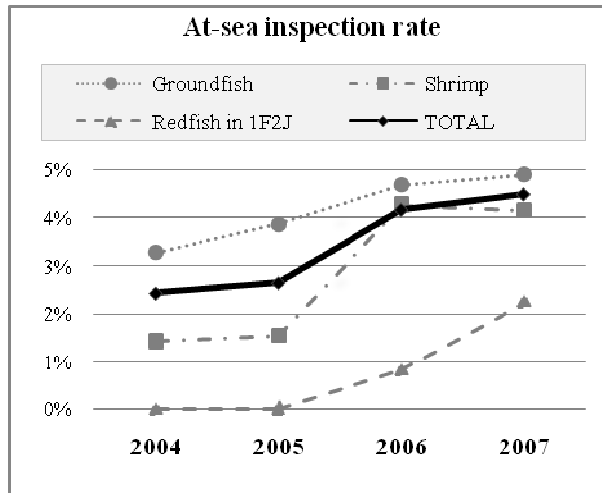


Figure 2. Inspection rates (number of at-sea inspection/vessel-days) in the NAFO Regulatory Area by fishery type.

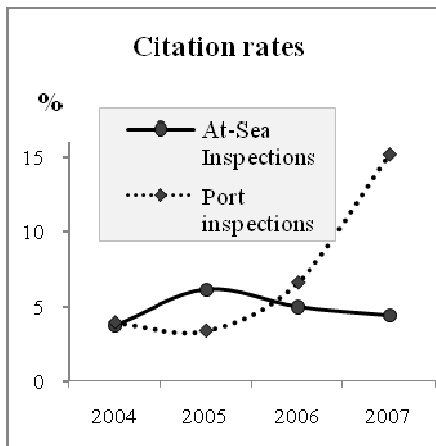


Figure 3. Percentage of inspections that resulted in a citation at sea and in ports

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 between 13 and 20 citations per year⁸ and the average citation rate (i.e. the percentage of inspections resulting in a citation) of about 5% of the at-sea inspections remained fairly constant during the review period. In contrast, for port inspections the citation rate more than doubled in 2007 compared to previous years (Figure 3, Table 6).

Each citation issued by NAFO inspectors can list one or more infringement. NAFO recognizes 10 serious infringements (CEM Article 36.1). 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 2007 is provided in Table 5. The most frequent infringement is inaccurate recording of catches, a serious offence that was particularly pronounced (59 %) in citations

issued in 2007 by port inspectors. In addition, based on the information presented in Table 5, it appears that mis-recording of catches on stowage plans is more detectable at sea, while inaccurate recording of catches is more detectable in port.

The percentage of infringements by fisheries type is displayed in Figure 5. More than half of the infringements come from groundfish vessels. This can be attributed to the fact that groundfish fishery effort constitutes more than half of the total fishing effort in the NAFO Regulatory Area in terms of vessel-days. It should be further noted that all of the infringements detected by port inspectors involved groundfish vessels (Table 5).

¹Inspections for the sole purpose of confirming a previous citation were not counted.

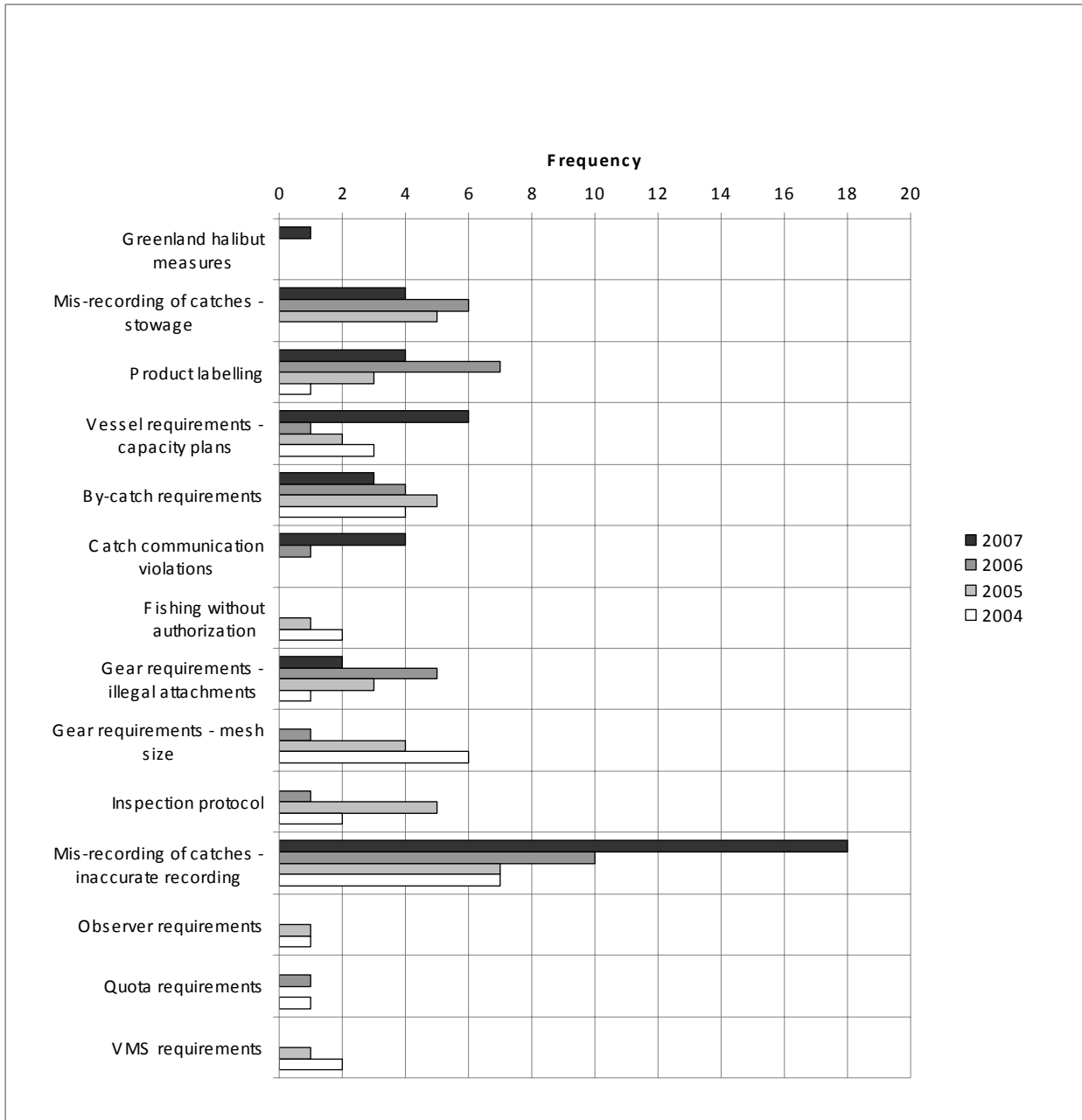


Figure 4. Apparent Infringements detected by NAFO at-sea and port inspectors. *Please note that the first 4 are non-serious infringements and the remaining 10 are serious infringements.

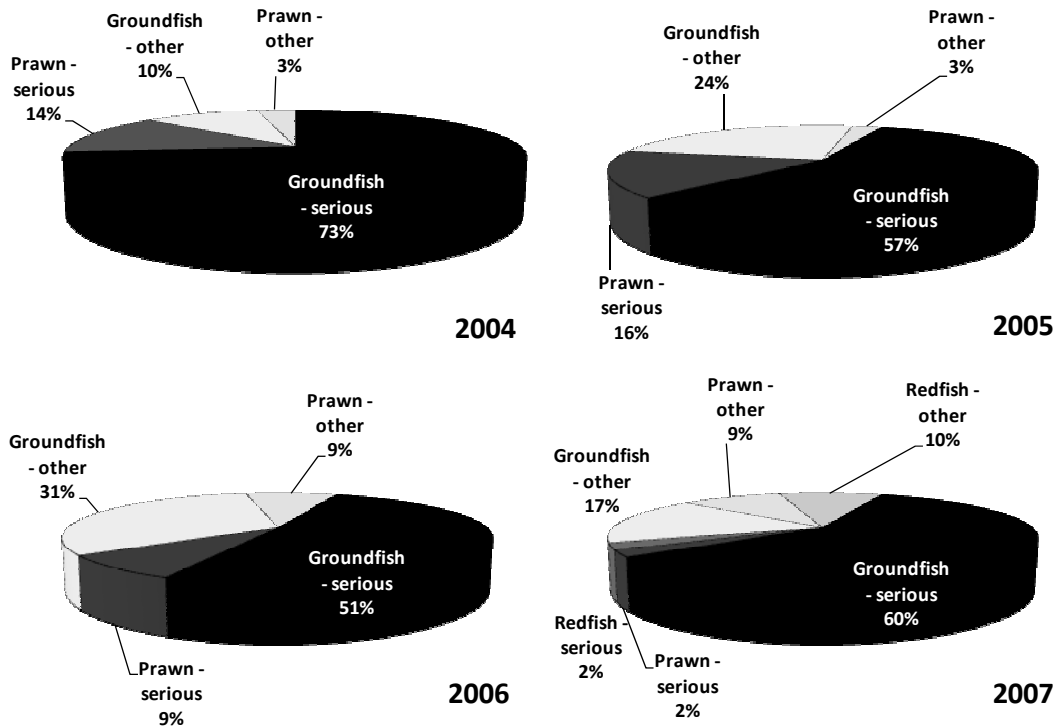


Figure 5. Percentages of serious (dark areas) and non-serious (light areas) infringements (by fishery type) detected by at-sea and port inspectors.

4. Reporting obligations by fishing vessels and NAFO Contracting Parties

Monitoring the NAFO fisheries includes submission of reports on catch and effort by vessel 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 Centres; port inspection reports by the port authorities; and observer reports⁹ by the flag state members. These reports from different sources allow a comparative analysis of catches; they should ideally cover 100% of the fishing trips and 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% 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 whereas the coverage by observers has recently decreased due to the implementation of the electronic catch reporting scheme.

²Vessels 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%.

³The 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). In the evaluation of observer reports coverage, vessel-days of vessels participating in the electronic catch reporting scheme are excluded.

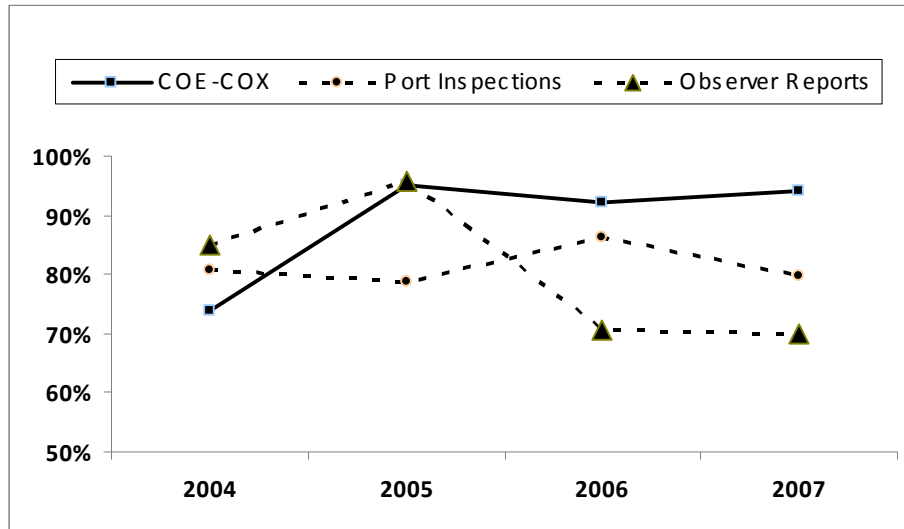


Figure 6. *Percentage coverage of fishing effort by VMS, Port Inspection and Observer Reports.*

Another issue is the timeliness of reports submitted by Contracting Parties to the NAFO Secretariat (as specified in NAFO CEM 2008 by Articles 27, 34, and 45). Figure 7 shows that with the exception of at-sea inspections most reports are not submitted within 30 days as required. Recently, at-sea inspection reports are also frequently delayed. It should be noted that timeliness of submission does not necessarily equate to a failure to submit the required reports.

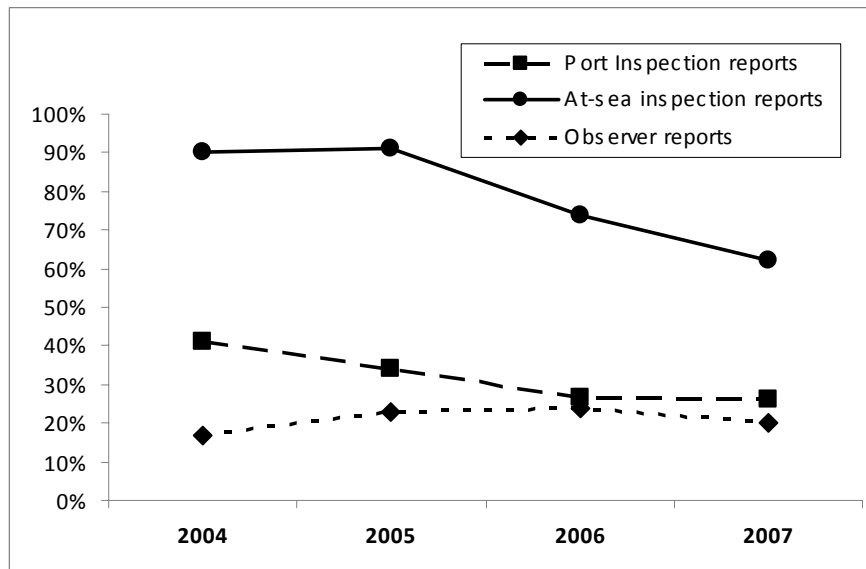


Figure 7. *Timeliness of submission of reports.*

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 of the previous years could be resolved. This information is reflected in Figure 8 and also in Table 6.

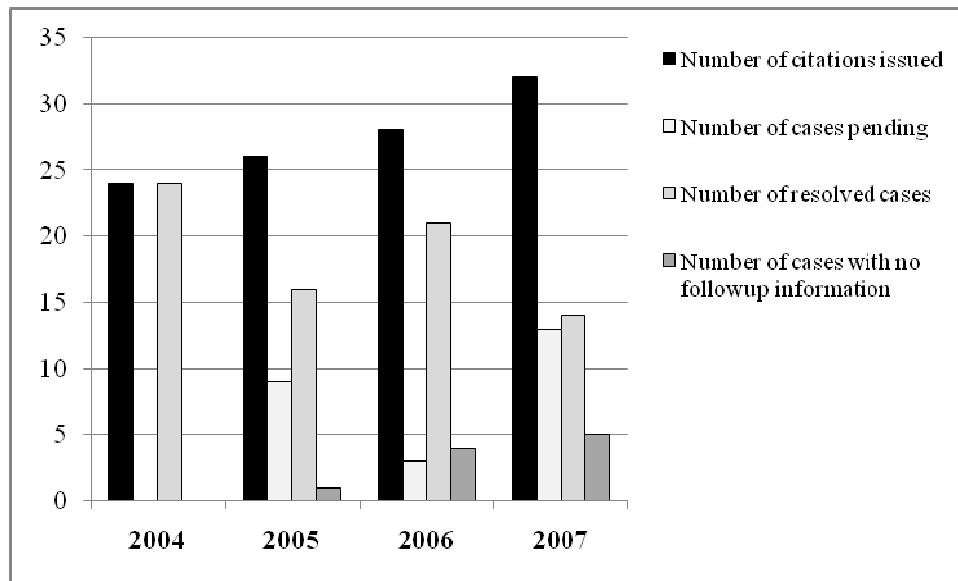


Figure 8. *Legal resolution of citations against vessels fishing in the NAFO Regulatory Area (as of 1st January 2008). A citation is an inspection report (from at-sea or port inspectors) that lists one or more infringements. Inspections carried out for confirming a previous citation are not counted.*

6. Observed trends (period 2004 to 2007)

- The total fishing effort in the NAFO area has declined both in terms of number of vessels in the NRA (43%) and the total number of fishing days (60%). In terms of active vessels, in the groundfish fisheries, effort has declined slightly overall since 2004, but remained stable over the past couple of years. Conversely, there has been a marked decline in the number of active vessels in the pelagic redfish and shrimp fisheries. In terms of vessel days, a 60 % decline in total fishing effort was observed across all 3 fishing types (groundfish, shrimp, and pelagic redfish), with pelagic redfish showing the largest decline of 65 %.
- There was a reduction of approximately 25% in the total number of at sea inspections between 2004 and 2007. The rate of at sea inspections per vessel fishing day increased from 2.4% in 2004 to 4.5% in 2007.
- The number of citations resulting from at sea inspections varied from 13 to 20 during the 4-year period. The citation rate decreased slightly since 2005, but has remained generally stable over the time period.
- There was a 29 % decline in port inspections from 2005 to 2007. The number of vessels cited by Port Authorities per year varied from a low of 6 in 2005 to a high of 16 in 2007. The number of apparent infringements issued ranged from 6 (2005) to 27 (2007), demonstrating a 48 % increase in 2007 in comparison to 2006.
- During the 4 year period, a total of 90 apparent infringements resulted from at sea inspections and 56 from port inspections. The apparent infringement category “Mis-recording of Catches” (Both Stowage and Inaccurate recording related) accounted for 28 of the apparent infringements issued at sea (31%) and 29 in port (52%). These infringements were issued more frequently in relation to groundfish fisheries.
- The follow-up on apparent infringements is of concern, with an increasing number of cases having no follow-up information from the Contracting Party. 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, but there is a notable decrease in the timeliness of at sea inspection reports. Missing observer reports also remain an issue.
- Catch by vessels reported through daily electronic communication has become the predominant way to receive catch information. In parallel, the coverage by observers has recently decreased under this recently implemented electronic catch reporting scheme, which allows Contracting Parties to reduce observer coverage on their vessels by up to 25 %.

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%

*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
Total Number of Port Inspection Reports received	228	177	151	125
Total Number of Port Inspection Reports received late	134	117	111	92
Percentage % of late Port Inspection Reports	59%	66%	74%	74%

NB: Article 45 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
Total Number of at-sea Inspections	401	326	361	296
Number of at-sea Inspections received late	40	30	95	112
Percentage % of late at-sea Inspection Reports	10%	9%	26%	38%

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
Total Number of Observers Reports	211	170	114	84
Number of Observers Reports received late	176	131	87	67
Percentage % of late Observers Reports	83%	77%	76%	80%

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
Mis-recording of catches -stowage				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
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
Mis-recording of catches -stowage				0
Product labeling				0
Vessel requirements - capacity plans				0
By-catch requirements	1	0	0	1
Catch communication violations				0
Fishing without authorization	1	0	0	1
Gear requirements - illegal attachments				0
Gear requirements - mesh size	1	0	0	1
Inspection protocol				0
Mis-recording of catches - inaccurate recording	6	0	0	6
Observer requirements				0
Quota requirements				0
VMS requirements				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
Mis-recording of catches -stowage	5	0	0	5
Product labeling	2	1	0	3
Vessel requirements - capacity plans	2	0	0	2
By-catch requirements	2	0	0	2
Catch communication violations				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
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
Mis-recording of catches -stowage				0
Product labeling				0
Vessel requirements - capacity plans				0
By-catch requirements	3	0	0	3
Catch communication violations				0
Fishing without authorization				0
Gear requirements - illegal attachments				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
Quota requirements				0
VMS requirements				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
Mis-recording of catches -stowage	5	1	0	6
Product labeling	1	2	0	3
Vessel requirements - capacity plans	1	0	0	1
By-catch requirements	2	0	0	2
Catch communication violations				0
Fishing without authorization				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
Quota requirements				0
VMS requirements				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
Mis-recording of catches -stowage				0
Product labeling	4	0	0	4
Vessel requirements - capacity plans				0
By-catch requirements	2	0	0	2
Catch communication violations	1	0	0	1
Fishing without authorization				0
Gear requirements - illegal attachments				0
Gear requirements - mesh size				0
Inspection protocol				0
Mis-recording of catches - inaccurate recording	6	0	0	6
Observer requirements				0
Quota requirements	1	0	0	1
VMS requirements				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
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
Catch communication violations				0
Fishing without authorization				0
Gear requirements - illegal attachments	0	1	1	2
Gear requirements - mesh size				0
Inspection protocol				0
Mis-recording of catches - inaccurate recording	2	0	0	2
Observer requirements				0
Quota requirements				0
VMS requirements				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
Product labeling	3	0	0	3
Vessel requirements - capacity plans				0
By-catch requirements	3	0	0	3
Catch communication violations	4	0	0	4
Fishing without authorization				0
Gear requirements - illegal attachments				0
Gear requirements - mesh size				0
Inspection protocol				0
Mis-recording of catches - inaccurate recording	16	0	0	16
Observer requirements				0
Quota requirements				0
VMS requirements				0
TOTAL	27	0	0	27

Table 6. Resolution of Apparent Infringement (AI) Cases (as of January 1, 2008)

	2004	2005	2006	2007
Number of citations issued*	24	26	28	32
Number of cases pending	0	9	3	13
Number of resolved cases	24	16	21	14
Number of cases with no follow-up information	0	1	4	5

* 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.

Annex 20. Quota Transfer (Proposal by the EC)
(FC WP 08/31 now FC Doc 08/15)

Explanatory memorandum

NAFO has traditionally allowed Contracting Parties to transfer among themselves fishing possibilities allocated to them.

Such quota transfers have traditionally, for rather unclear reasons, been subject to a mail vote for approval by the Fisheries Commission. There appears however not to be any NAFO rules for this process.

The current practice of submitting each transfer to a mail vote seems unnecessarily cumbersome and does not seem necessary. It would seem sufficient that such transfers be subject to a notification procedure.

Proposal

The following article 10 bis be introduced in the conservation and enforcement measures of NAFO:

1. A Contracting Party may partly or fully transfer fishing possibilities allocated to that Party under Annex I to another Contracting Party. Such transfers shall be subject to the consent of the receiving Contracting Party.
2. A Contracting Party intending to make a transfer in accordance with paragraph 1 shall make a prior notification of the transfer to the Executive Secretary. The Executive Secretary shall forward this notification to all Contracting Parties, for information.

PART II

Report of the Standing Committee on International Control (STACTIC)

22-26 September, 2008
Vigo, Spain

1. Opening of the Meeting (Chair: Mads Nedergaard, DFG)

The Chairman opened the meeting at 14:45 at the Maritime Station, Vigo, Spain 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, Russia, the United States and the NAFO Secretariat to the STACTIC annual meeting.

No opening statements were made.

2. Appointment of Rapporteur

Mr. Gregg Casad (United States) was appointed rapporteur.

3. Adoption of Agenda

The Chair introduced the agenda and opened the floor to comments.

Four additional items were proposed for inclusion under agenda item 8:

- The representative from Iceland proposed an item on sharing of NAFO vessel monitoring system data for the search and rescue cases. *8.i – Use of NAFO VMS information for search and rescue*
- The representative from the EU proposed an item to present additional information on Omega mesh gauges. *8.ii – Omega mesh gauge Working Paper*
- The representative from Canada proposed an item to reflect on the apparent misreporting of shrimp landing in area 3L/3M. *8.iii – Apparent misreporting of shrimp in 3L/3M*
- The representative from the EU proposed to add an agenda item for the next STACTIC meeting. *8.iv – New agenda item for next STACTIC meeting*

The agenda was adopted.

4. Compliance review 2007 including review of reports of apparent infringements

The Chair introduced the agenda item and sought concurrence to review the Working Group on Compliance's report and Working Papers: STACTIC W.P. 08/3, 08/10, 08/11, and FC W.P. 08/7.

For Working Paper 08/10, the Chair reflected on the Secretariat's recommendation to change the report required under Article 28.6 from a quarterly report to inclusion in the annual compliance report. The representative from the United States indicated support for the change given the inclusion of similar information. Canada requested more time to reflect on the issue and the potential impacts of the change.

On Working Paper 08/11, the representative from the EU requested the vessel MADRUS be stricken from the report as it was included in error.

Based on a draft provided in Nuuk, the Chair requested the Compliance Working Group prepare an observed trends section. The Contracting Parties provided input to the Compliance Working Group on the observed trends. Based on the feedback, the Chair for the Compliance Working Group presented STACTIC Working Paper 08/20, Annual Compliance Review 2008. The representative of Canada requested the inclusion of information on compliance within the shrimp fishery in NAFO Area 3L/3M. The representative of the EU expressed reservation, because the information in the report does not support concerns over compliance within the shrimp fishery. On the issue of VME's, the Compliance Working Group suggested that this should

eventually be included in the compliance review, but indicated that this may be premature at present as there was still a need for establish criteria. The Chair recommended Compliance Working Group consider other issues such as inclusion of an analysis of fishing effort in future reports. The Chair expressed concern about the timely submission of Contracting Party inspection and observer reports. STACTIC adopted the Working Paper by consensus for presentation to the Fisheries Commission.

It was agreed to adopt and submit STACTIC Working Paper 08/20, Rev 2 to the Fisheries Commission. The agenda item was closed.

5. Review of current IUU list pursuant to NAFO CEM Article 52.3

The Chair opened agenda item 5 and offered STACTIC Working Paper 08/12 for discussion. STACTIC reviewed the paper and agreed with the addition of four new vessels from the NEAFC IUU vessel list to Table 1 and the removal of three vessels from Table 2. Additionally, STACTIC reviewed the procedures for removal of the POLESTAR from the IUU list upon receipt of NEAFC's removal of the vessel from their IUU list as captured in Article 52.8.

Building on the proposal captured in STACTIC Working Paper 07/32 and 08/9, STACTIC discussed the Norwegian proposal to include the IUU-listed vessels from CCAMLR and SEAFO into NAFO's IUU vessel list. The representative of the United States reiterated their concerns that inclusion based on the IUU vessel list from RFMOs with little or no interaction with NAFO fisheries is not consistent with the Convention's current scope; however, the representative from the United States indicated that the revised Convention text would probably allow for such an action. The representative of the EU noted that any inclusions should consist solely of vessels on a RFMO's final versus interim vessel lists.

Based on the above comment and a review of the responses from CCAMLR and SEAFO to the Secretariat, the Chair recommended deferring the item to allow CCAMLR and SEAFO to determine if they adopt reciprocal agreements and requested the Secretariat track developments of an IUU vessel list within SEAFO.

The item was deferred pending ratification of the new Convention. The agenda item was closed.

6. Port State Control Scheme

The Chair introduced the agenda item and requested comments on the Port State Control proposal, STACTIC Working Paper 08/1. Building on the discussions from the July 2008 intersessional meeting, STACTIC engaged in substantial deliberations regarding the scope of the proposal and key issues such as limiting the scope to other Contracting Party fishing vessels, notification timeframes and inspection level coverage not to conflict with recovery plan inspection requirements. The representative of the EU provided editorial comments to the PSC forms to reflect changes within the Working Paper. The representative of the United States agreed, with concurrence from representatives of Canada, EU, Iceland, and Norway, to provide revised text to STACTIC for the section to incorporate the members' comments. STACTIC has completed review of the Working Paper 08/1, as captured in revision 4. The EU recommended the proposal undergo a review by the Secretariat and the Chair and in coordination with NEAFC. The Chair, supported by Iceland, Norway, and United States, recommended the proposal be forwarded to the Fisheries Commission for adoption.

It was agreed to adopt and submit STACTIC Working Paper 08/1, Rev 4 to the Fisheries Commission. The agenda item was closed.

7. Possible Amendments of Conservation and Enforcement Measures

i. Product labeling by species/stock area (Article 22)

The representative of the EU presented their proposal as captured in STACTIC Working Paper 08/8. The representative of Canada concurs with the first paragraph and offered an amendment to change "respective zones" to "respective stock area." The representative of the EU agreed to the representative of Canada's comment and recommended the text read, "...shall be marked in accordance with stock area." The representative of Canada captured the change and the proposal was adopted for submission to the Fisheries Commission.

It was agreed to adopt and submit STACTIC Working Paper 08/8 Rev to the Fisheries Commission. This agenda item was closed.

ii. Strengthening ropes, bags, topside chafers

Based on the input from the representative of the EU at the intersessional, Canada presented their proposal, as captured in STACTIC Working Paper 08/17. Based on Canada's changes to the proposal since the Nuuk intersessional, the representatives

from Denmark (in respect of the Faroe Islands and Greenland) and EU fully support the proposal. The proposal was approved for submission to the Fisheries Commission.

It was agreed to adopt and submit STACTIC Working Paper 08/17 to the Fisheries Commission. This agenda item was closed.

iii. Automated COE/COX comparison between NAFO and NEAFC reports

The Secretariat presented an update to the automated comparison of COE/COX reports, as captured in STACTIC Working Paper 08/13. The representative of Iceland provided an update on their efforts to coordinate with NEAFC. Further discussions within STACTIC should be based on the NEAFC's upcoming data communication workshop and the production of additional information on the quality of data.

This agenda is deferred to future meetings.

iv. Record of start/end coordinates for fishing activity

The representative of Canada presented their revised proposal on start/end coordinates for fishing activity, as captured in STACTIC Working Paper 08/16. The representative of the EU recommended changing the language to capture trial tows versus all tows. STACTIC reviewed the revised text and the Working Paper was adopted for submission to the Fisheries Commission.

It was agreed to adopt and submit STACTIC Working Paper 08/16 Rev to the Fisheries Commission.. This agenda item was closed.

v. Vessel Monitoring System (Article 25.1)

Building on previous discussions of STACTIC Working Paper 08/7, Canada presented their revised proposal as captured in STACTIC Working Paper 08/18. STACTIC noted support for Canada's proposal to change the reporting interval from two to one hour and include the course and speed information.

It was agreed to adopt and submit STACTIC Working Paper 08/18 to the Fisheries Commission. This agenda item was closed.

vi. Clarification of Article 12.1.e (Gear Requirements) and Annex I.A (Quota Table)

Based on discussions prior to STACTIC's meeting, the representative of Denmark (in respect of the Faroe Islands and Greenland) withdrew this agenda item from consideration.

This agenda item was closed.

vii. Inconsistency of Language in NAFO CEM Articles 14 and 15

Based on the discussions from the July intersessional meeting, the United States presented their proposal on the definition of bottom fishing gear or bottom fishing activity, as captured in STACTIC Working Paper 08/15. Norway asked if the use of the term "activity" extends to additional gear types beyond trawl. Japan recommended utilizing the term bottom contact gear. Canada indicated support for either activity or gear. Norway indicated that as currently proposed the definition would need to be included in Article 2. Denmark (in respect of the Faroe Islands and Greenland) and EU support the United States proposal.

It was agreed to adopt and submit STACTIC Working Paper 08/15 to the Fisheries Commission. This agenda item was closed.

viii. Editorial Changes to the CEM.

The NAFO Secretariat presented STACTIC Working Paper 08/14. The representative of Canada thanked Secretariat for their efforts and recognized the need for review of the measures. EU, joined by Denmark (in respect of the Faroe Islands and Greenland), extended their appreciation to the Secretariat for the efforts to provide this Working Paper. Both Parties foresee some issues of taking the efforts and implementing them in regulations. Additionally, the representative of the EU indicated there could be translation problems. The Chair requested the Contracting Parties reflect on the proposal for additional discussion at a future STACTIC meeting.

The agenda item was deferred for additional discussion at the next STACTIC intersessional meeting.

8. Other matters

i. Use of NAFO VMS information for search and rescue

The representative from Iceland provided a review of a joint Iceland/United States search and rescue operations. As part of the exercise, Iceland identified a question about NAFO's authority to release VMS information for the purpose of search and rescue operations. The representative of France (in respect of St. Pierre-et-Miquelon) indicated the impending adoption of requirement for inclusion of AIS systems onboard their fishing vessels. The representative from Iceland noted that AIS is effective within line of sight coverage, but VMS is valuable to locate vessels in remote locations. The representative of the United States commented that a regulatory process exists in the United States for the use of VMS for search and rescue purposes, and perhaps a provision could be added to Article 25 to allow for the use of VMS information for search and rescue purpose, consistent with privacy and confidentiality requirements. The representative from Canada noted they have a similar regime to the United States and search and rescue has access to VMS data. The general STACTIC consensus was that the release of NAFO VMS data to Contracting Parties in search and rescue cases would be consistent with current confidentiality provisions of NAFO. Iceland, in coordination with Canada and the United States, agreed to prepare a proposal to clarify this position in the CEM for consideration at the next STACTIC meeting.

The agenda item was deferred to the next STACTIC meeting.

ii. Omega mesh gauge Working Paper

The representative of the EU presented STACTIC Working Paper 08/19 on the Omega mesh gauge. The EU requested parties to reflect on the principles and value of adopting the Omega mesh gauge as the standard for inspection. The representative of Canada expressed their appreciation to the EU for providing the information and identified the need to review the information, understand the operating parameters, and the logistics of procuring the gauges. The EU provided information to address Denmark's (in respect of the Faroe Islands and Greenland) request for additional information on the operational testing in the Northern Atlantic and environmental range of the gauge. The Chair expressed a concern over the use of different mesh gauges in different jurisdictions.

The agenda item was deferred to allow Contracting Parties to review the document and revisit the Working Paper at a future meeting.

iii. Apparent misreporting of shrimp in 3L/3M

Building on a Canadian presentation at the intersessional meeting in Nuuk, the representative of Canada provided a synopsis of concerns regarding apparent misreporting in 3L/3M. Canada deferred presentation of a proposal to allow the Fisheries Commission to address the issue of shrimp catch within area 3L.

This agenda item was deferred for additional discussion at a future STACTIC meeting.

iv. New agenda item for next STACTIC meeting

STACTIC agreed that during the next meeting a broad discussion should be undertaken on the Conservation and Enforcement Measures to determine, based on the trends, what compliance objectives NAFO should be focusing on and how they could be achieved in the most cost effective and efficient manner.

This agenda item was agreed to and deferred to the next STACTIC meeting.

9. Time and Place of next meeting

France (in respect of St. Pierre-et-Miquelon) offered to host the next STACTIC intersessional meeting, time and venue to be determined.

10. Adoption of Report

The report was adopted by the representatives.

11. Adjournment

The meeting adjourned at 13:30 on Thursday, September 25, 2008.

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 2007 including review of reports of apparent infringements
5. Review of current IUU list pursuant to NAFO CEM Article 52.3
6. Port State Control Scheme
7. Possible Amendments of Conservation and Enforcement Measures
 - i. Product labeling by species/stock area (Article 22)
 - ii. Strengthening ropes, bags, topside chafers
 - iii. Automated COE/COX comparison between NAFO and NEAFC reports
 - iv. Record of start/end coordinates for fishing activity
 - v. Vessel Monitoring System (Article 25.1)
 - vi. Clarification of Article 12.1.e (Gear Requirements) and Annex I.A (Quota Table)
 - vii. Inconsistency of Language in NAFO CEM Articles 14 and 15
 - viii. Editorial changes to the CEM
8. Other matters
 - i. Use of NAFO VMS information for search and rescue
 - ii. Omega mesh gauge Working Paper
 - iii. Apparent Misreporting of shrimp in 3L/3M
 - iv. New Agenda item for next STACTIC meeting
9. Time and Place of the next STACTIC Meeting
10. Adoption of Report
11. Adjournment