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Amendment to Article 14 of the NCEM

Background

Currently, Article 14 of the NAFO Conservation and Enforcement Measures (NCEM's) contains the following provision that allows Canadian vessels to comply with domestic regulations requiring the landing of all catch:

3. Notwithstanding paragraphs 1 and 2, Canadian vessels shall abide by their equivalent national regulations which require landing of all catch.

A recent amendment to Canadian legislation was effected to more closely align Canadian domestic law with the spirit of the NCEM's. This amendment now authorizes, under the conditions of a commercial fishing licence, Canada to require Canadian vessels to release groundfish that are subject to minimum size requirements found in Article 14 of the NCEM's.

Accordingly, it is proposed that Article 14 (3) be removed from the measures to allow for the consistent application of *Minimum Fish Size Requirements* for all Contracting Parties when fishing in the NAFO Regulatory Area. Article 14 would be renumbered and the current 14.4 would become 14.3.

Proposed amendment

It is proposed that Article 14 be edited as follows:

Article 14 – Minimum Fish Size Requirements

1. No vessel shall retain on board any fish smaller than the minimum size established in accordance with Annex I.D, which it shall immediately return to the sea.
2. Processed fish which is below a length equivalent prescribed for that species in Annex I.D is considered to derive from fish that is smaller than the minimum fish size prescribed for that species.
- ~~3. ***Notwithstanding paragraphs 1 and 2, Canadian vessels shall abide by their equivalent national regulations which require landing of all catch.***~~
3. Where the number of undersized fish in a single haul exceeds 10% of the total by number of fish in that haul, the vessel shall for its next tow maintain a minimum distance of 5 nautical miles from any position of the previous tow.