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[Adopted]

37TH ANNUAL MEETING - SEPTEMBER 2015

Review of the footnotes associated to Annex I.A – Annual Quota Table
(Presented by EDG)

Background

During the 2014 NAFO Annual Meeting it was agreed that the Editorial Drafting Group (EDG) would conclude the major component of its original mandate by completing a review, and providing recommendations on, the footnotes associated to Annex I.A – Annual Quota Table.

The EDG met in Montreal, Canada, April 14, 2015 to deliberate on the task. After reviewing the footnotes it was determined that 3 categories of footnotes existed in Annex I.A:

1. those that constitute actual measures, (which are recommended to be incorporated into the body of the CEMs)
2. those that maintain a historical record, such as providing historical information on quotas, moratoriums, etc. and
3. those that could be classified as “true” footnotes, providing clarification specific to the applicability of the quota.

The EDG discussed each footnote and agreed on an action that should be taken in each case. Following its review, the EDG would recommend to STACTIC the following:

- STACTIC review the EDG’s proposal, attached as Annex 1, with the view to accepting the amendments related to footnotes in Annex I.A and recommending its adoption to the Fisheries Commission;
- STACTIC consider the possibility of moving “historical” notes to a separate section of the CEM’s, or alternatively to another document of historical records/decisions; and
- STACTIC reconsider the ongoing role and mandate of the EDG and determine the function and utility of this working group moving forward.



EDG – Working Document on revision of **CEM Annex I.A - footnotes**
14 April 2015
ANNEX I – FISHERIES MANAGEMENT
Annex I.A – Annual Quota Table

CATCH LIMITATIONS – Article 5. Total allowable catches (TACs) and quotas (metric tons in live weight) for 2015 of particular stocks in Subareas 1-4 of the NAFO Convention Area.

Suggested interpretation			
* means TAC has not been set due to a ban on fishing (moratoria)			
0 means CP has a historic quota allocation, but = 0			
- means CP does not have a historic quota allocation			
DELETE: blank as meaning is the same as dash			
N.S. means Not Specified			
Footnote		Existent text	Action
N°	Stock/quotas concerned		
1	SQI 3_4 <i>Generic stock</i>	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.	<p>Remarks:</p> <ol style="list-style-type: none"> 1. Reporting element already covered in 5.9 and 5.12(f) 2. Flag the limitation to "coastal States" <p>Recommendation:</p> <ol style="list-style-type: none"> 1. Remove footnote 2. Insert first sentence in a new 5.12 (current 5.12 becomes 5.13); <i>Is the reference to "Coastal State" still relevant? Flag to FC for consideration and possible deletion</i> 3. Second sentence replaced by adding "promptly" to 5.13(f) <p><u>New 5.13(f)</u></p> <p><i>(f) Promptly informs all Contracting Parties of notifications of quota transfers received.</i></p>
2	REB 1F_2_3K <i>All allocated quotas</i>	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	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. Remove – replaced by adding text to 5.12(d) <p><u>New text for current 5.12(d)</u></p> <p><i>(d) Notify all Contracting parties by electronic means 5 calendar days in advance of the date on which the available data indicates that the total reported catch, including discards, is estimated at 50 % and then 100 % for redfish in Divisions 3M and Sub-Area 2 and Divisions 1F + 3K, and ...</i></p>

3	REB 1F_2_3K <i>Quotas allocated to</i> DFG EU ICE NOR RUS	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	<u>Remarks:</u> 1. This is a NEAFC stock with a biological extension in the NAFO area. Permission is given to NAFO CP, members of NEAFC, to complete their NEAFC fishery with catch taken in NAFO Convention Area 2. What is the rationale of the "NAFO Convention area"? Recommendation: 1. Delete footnote #3 and add the following text to 5.3 <i>g) If also a CP of NEAFC, deduct 1F2+3K redfish catch taken in the NAFO Convention Area from its corresponding quota in the NEAFC Convention Area, as applicable.</i>
4	REB 1F_2_3K <i>Quotas allocated to</i> CAN CUB SPM JAP KOR UKR USA	Quota to be shared by vessels from Canada, Cuba, France (St. Pierre et Miquelon), Japan, Korea, Ukraine and USA	<u>Remark:</u> This footnote refers to CP's that are not members of NEAFC. Access rights to the stock falls under the management measures in place in the NRA, as confirmed by current footnote 17 Recommendation: 1. Leave as footnote
5	YEL 3LNO <i>Quotas allocated to</i> CAN SPM Others	Contracting Parties shall inform the Executive Secretary before 1 December 2014 of the measures to be taken to ensure that total catches do not exceed the levels indicated	<u>Remark:</u> Obsolete + administrative burden Recommendation: 1. Delete footnote #6
6	SQI 3_4 <i>N.S. quotas allocated to</i> CAN EU (all MS except EST, LAV, LIT and POL)	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)	<u>Remarks:</u> 1. The figure should be 29.467 instead of 29.458 Recommendation: 1. Leave as footnote

7	<p>GHL 3LMNO</p> <p><i>Quota allocated to Others</i></p>	<p>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</p>	<p><u>Remark:</u></p> <p>The adoption of the GHL Rebuilding Plan in 2004 was associated to a reallocation in 2005 of the "others" quota of 935 tons to 3 CP (DFG: 244 tons, EU: 461 tons and SPM; 230 tons). If the TAC ever exceeded 30,000 tons, the Fisheries Commission will re-establish the "others" quota to a minimum level of 1,300 tons. The contribution of the 3 CP to that new "others" quota will take into account the benefit they received from the 2004 reallocation. Footnote 7 has never been implemented because since 2005 the GHL TAC has never exceeded 30,000 tons.</p> <p>Recommendation:</p> <p>1. Delete the footnote, but move the content to Article 10 (Greenland Halibut) as paragraph 10, with new text and chapeau as follows:</p> <p><i>Restoration of the "Others" quota</i></p> <p><i>10. When the TAC exceeds 30,000 tons, the next 1,300 t beyond 30,000 tons will be allocated to the "Others" quota. In deciding the relevant contributions of Contracting Parties to the 1,300 t "Others" quota, the Fisheries Commission will take into account the benefit that some Contracting Parties received from the assignment of the "Others" quota that occurred when the GHL Rebuilding plan was adopted.</i></p>
8	<p>RED 3M</p> <p><i>TAC</i></p>	<p>Notwithstanding Article 5.3(b), in 2015, the Executive Secretary shall inform Contracting Parties by electronic means 5 calendar days in advance of the date on which the available data indicates that total reported catch reaches 6500 t. Subsequently, directed fishery will cease when 6500 t has been taken as determined by the Executive Secretary. The remainder of the TAC can be retained as bycatch and shall be limited to 5% of catches of cod in Division 3M. When 100% of the TAC has been taken as determined by the Executive Secretary, no more redfish in Division 3M shall be retained on board in accordance with Article 5(3)(c).</p>	<p><u>Remarks:</u></p> <p>1. RED 3M TAC = 6.500 tons + an "extra" quantity of 200 tons, for a total TAC of 6.700 tons 2. the "extra" quantity of 200 tons can only be taken as by-catch at the rate of 5 %</p> <p>Recommendation:</p> <p>1. Leave this provision until the 2015 results can be assessed by STACTIC as part of its annual compliance review 2. This footnote may need to be deleted if Fisheries Commission adopts STACTIC WP 15/39Rev.</p>

9	COD 3L COD 3NO PLA 3M WIT 3L CAP 3NO PRA 3NO <i>TAC</i>	The provisions of Article 6.3 of the Conservation and Enforcement Measures shall apply	Recommendation: 1. Remove – duplication with 6.3, which apply anyway
10	REB 1F_2_3K <i>TAC</i>	In the case of the NEAFC decision which modifies the level of TAC in 2015 as compared to 2014, these figures shall be accordingly adjusted by NAFO and formalized through a mail vote	Recommendation: 1. Leave as footnote with revised text as follows: <i>Should NEAFC modify its level of TAC, these figures shall be adjusted accordingly by NAFO through a mail vote.</i> 2. Remove the date reference to account for a continuing and annual process
11	COD 3NO PLA 3M WIT 3NO CAP 3NO <i>Quota allocated to EU</i>	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)	Recommendation: 1. Leave as footnote; EU may provide recommendations
12	RED 3M <i>Quota allocated to EU</i>	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	Recommendation: 1. Leave as footnote; EU may provide recommendations
13	SQI 3_4 <i>Quota allocated to EU (only for EST, LAV, LIT and POL)</i>	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	Recommendation: 1. Leave as footnote; EU may provide recommendations
14	PRA 3L <i>Quota allocated to EU</i>	Including allocations of 1.11 % each for Estonia, Latvia, Lithuania and Poland out of the TAC, following their accession to the European Union	Recommendation: 1. Leave as footnote; EU may provide recommendations

15	REB 1F_2_3K <i>Quota allocated to EU (only for LIT and LAV)</i>	Allocation of 17.85% to Lithuania and 2.15% to Latvia following their accession to the European Union	Recommendation: 1. Leave as footnote; EU may provide recommendations
16	RED 3LN PLA 3LNO WIT 3L SKA 3LNO SQI 3_4 <i>TAC</i>	Applicable to 2015 and 2016	Recommendation: 1. Leave as footnote
17	REB 1F_2_3K <i>Contracting Parties in the Current footnote #4</i>	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	<u>Remark:</u> This applies only to CP's that are not members of NEAFC, and to the Lithuania and Latvia Recommendation: 1. Leave footnote, revised as follows: <i>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.</i>
18	GHL 3LMNO <i>Quota allocated to EU</i>	Including an allocation of 379 tonnes for Estonia, Latvia, and Lithuania following their accession to the European Union	Recommendation: 1. Leave as footnote; EU may provide recommendations
19	RED 3M <i>Quotas allocated to DFG SPM KOR USA</i>	Notwithstanding the provisions of footnote 8 and Article 5.2 (b) and without prejudice to future agreements on allocations, these quotas may be fished in their entirety by these Contracting Parties	Recommendation: 1. Leave as footnote but with corrected reference, 5.2 replaced by 5.3 2. If the Fisheries Commission adopts STACTIC WP 15/39 Rev. this text may need to be modified to reflect the possible deletion of footnote 8.
20	COD 3NO PLA 3M <i>TAC</i>	Applicable to 2015, 2016 and 2017	Recommendation 1. Leave as footnote

21	PLA 3LNO YEL 3LNO TAC	In lieu of Article 6.3 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 15% of their total yellowtail fishery as calculated in accordance with Article 6.4. If a Scientific Council projection indicates that this rate is likely to undermine stock recovery or cause an unreasonable delay in reaching <i>Blim</i> , this rate may be subject to a reassessment by the Fisheries Commission	<u>Remark:</u> 1. The second sentence is deleted because the FC has the capacity to reassess at any time 2. As a by-catch measure, this provision should be inserted into Article 6 Recommendation: 1. Remove – provision on by-catch limit inserted in 6.3 as new (f) <u><i>New text for 6.3 (f)</i></u> <i>(f) While conducting a directed fishery for yellowtail in Divisions 3LNO: 15 % of American Plaice; otherwise by-catch provisions in 6.3 (d) apply.</i>
22	YEL 3LNO TAC	Following the NAFO annual meeting and prior to 1 January of the succeeding year, at the request of the USA, Canada will transfer 1000 tonnes of its 3LNO yellowtail quota to the USA	Recommendation: 1. Leave as footnote
23	COD 3M TAC	The allocation key of this stock is based on the 1998 Quota Table. In 1999, a moratorium on cod in Division 3M was declared	<u>Remark:</u> 1. Rationale of this footnote, since the allocation key has been inserted in Annex I.A 2. The second sentence is obsolete Recommendation: 1. Create a new Annex, (I.A (bis)) to capture “historical” statements
24	RED 3LN TAC	The allocation key of this stock is based on the 1997 Quota Table. In 1998, a moratorium on redfish in Division 3LN was declared	<u>Remark:</u> 1. Unclear rationale of this footnote, since the allocation key has been inserted in Annex I.A 2. The second sentence is obsolete Recommendation: 1. Create a new Annex, (I.A (bis)) to capture “historical” statements

25	COD 3M <i>Quota allocated to EU</i>	Including fishing entitlements of 161 tons each for Estonia, Latvia, and Lithuania 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) and allocation of 552 tons for Poland following their accession to the European Union	Recommendation: 1. Leave as footnote; EU may provide recommendations
26	RED 3LN <i>Quota allocated to EU</i>	Including fishing entitlements of 514 tonnes each for Estonia, Latvia, and Lithuania 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) following their accession to the European Union	Recommendation: 1. Leave as footnote; EU may provide recommendations
27	HKW 3NO <i>TAC</i>	Should a Contracting Party experience higher than normal catches per unit of effort (CPUE) and conclude that a shift to high availability levels of white hake during the fishing season – such as what was apparently the case in 2002 and 2003 – is taking place, then that Contracting Party shall notify the Executive Secretary and submit a summary of evidence for its conclusion (higher than normal CPUE and any other additional relevant information) within one month. On this basis, a mail vote will be submitted to the Fisheries Commission as to whether an exceptional increase in the availability of fish occurs. The TAC shall remain at 1,000t until the results of the vote are complete and the catch limitation provided for in Annex I. A. of the NCEM will apply. In case of a positive	<u>Remarks:</u> 1. This footnote represents a policy decision to adjust the 3NO white hake quota that is more suited as a conservation measure related to catch limitations. Recommendation: 1. Remove – Revised footnote moved to Article 5 as a new subheading and paragraph 13. <u>New text for Article 5.13:</u> Adjustment to the 3NO White Hake Quota 13. If a Contracting Party experiences a catch per unit of effort (CPUE) of 3NO white hake that is equal to or higher than that observed in 2002 and 2003 and concludes that there is a shift to high availability of white hake during the fishing season, the Contracting Party shall: (a) Notify the Executive Secretary of the higher CPUEs observed; and (b) Submit a summary of evidence for its conclusion (higher than normal CPUE and any other additional relevant information) to the Executive Secretary within one month. 14. The Executive Secretary shall provide the evidence submitted in accordance to paragraph 13(b) of this section to the Fisheries Commission for a mail vote as to whether an exceptional increase in the availability of white hake is occurring. The 3NO TAC for the remainder of the year shall:

		vote, the TAC is confirmed to be 2,000 metric tons. In the case of negative vote, the TAC shall remain at 1,000 metric tons	(a) Be increased to 2,000 metric tons in the case of a positive vote; or (b) Remain at 1,000 metric tons in the case of a negative vote.
28	WIT 3NO <i>TAC</i>	The allocation key of this stock is based on the 1994 Quota Table. In 1995, a moratorium on witch flounder in Division 3 NO was declared	<u>Remark:</u> 1. Rationale of this footnote, since the allocation key has been inserted in Annex I.A 2. The second sentence is obsolete Recommendation: 1. Create a new Annex, (I.A (bis)) to capture "historical" statements
29	SKA 3LNO <i>TAC</i>	Should catches exceed 5,000 t, additional measures would be adopted to further restrain catches in 2016	<u>Remark:</u> 1. TAC is currently set at 7,000t – rationale? Recommendation: 1. Leave as footnote