

SECTION I

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Report of the Special Meeting of the Fisheries Commission and its Subsidiary Body (STACTIC)

14-17 February 1994

Brussels, Belgium

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PART I

Report of the Meeting of the Fisheries Commission

15-17 February 1994

Brussels, Belgium

Tuesday, 15 February 1994 - 1145-1705

Wednesday, 16 February 1994 - 1010-1550

Thursday, 17 February 1994 - 0950-1755

1. Opening Procedures (items 1 to 5 of the Agenda)

- 1.1 The meeting was called to order by the Chairman, H. Koster (EU), on 15 February 1994 at 1145 hr. Representatives from the following members of the Fisheries Commission were present: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, the European Union (EU), Iceland, Japan, Lithuania, Norway, Poland and the Russian Federation. (Annex 1)
- 1.2 C. Porro (EU) was appointed Rapporteur.
- 1.3 The provisional agenda as amended by the meeting was adopted. (Annex 2)
- 1.4 The Chairman welcomed the Representatives of the Republic of Korea (Korea)* as observers at this meeting and explained that Fisheries Commission membership could be decided by the General Council at its Annual Meeting (Article XIII of the Convention). The Korean representative presented his statement to the Fisheries Commission. (Annex 3)
- 1.5 It was agreed that normal NAFO practice should be followed in relation to publicity and that no statements would be made to the media until after the conclusion of the meeting. At the closing session on 17 February, a Press Release was distributed by the Chairman and Executive Secretary to Contracting Parties. (Annex 4)

2. Review of the NAFO Observer Scheme Pilot Project (Agenda items 6-11)

- 2.1 The Chairman of the Fisheries Commission asked the Chairman of STACTIC, D. Brock (Canada), for a brief report of the STACTIC meeting held on 14 February. The summary of national reports was presented to the meeting. (Annex 5 and Part II)

*Note: The Republic of Korea acceded to the NAFO Convention on 21 December 1993.

- 2.2 On item 6, Reports by Contracting Parties on the Results of Pilot Project, the representative of Canada highlighted the main aspects of his delegation's Report. A total of 450 fishing days had been monitored in the shrimp fishery in the Regulatory Area; 13 fishing days for the groundfish fishery and 32 fishing days on board vessels of other Contracting Parties. Canada was satisfied with the results which enabled early remedial action to be taken once excessive by-catches of redfish had been detected. The total cost was approximately \$163,500. This cost was recovered from the industry.
- 2.3 For agenda item 7, Evaluation of any Administrative or Operational Problems of the Program, the representative of Canada explained that a domestic observer scheme had been established since 1979. This had resulted in Canada not incurring any new logistical and administrative difficulties. Now that the concept had been tested, Canada was proposing some modest improvements, which would initially need to be worked up by STACTIC. Improvements included a standard format and report forms; a training syllabus; timely reporting of infringements to enforcement authorities and full exchange of all reports between all the Contracting Parties to provide analytical assessment. In addition the scheme should be extended by six months until the end of 1994 and coverage increased from 10% to 20%.
- 2.4 The representative of Denmark (in respect of the Faroe Islands and Greenland) observed that a number of Contracting Parties had experienced difficulties in deploying observers. For example, in one case as many days had been used for deployment as on observation and in another, it was twice the observer days. This aspect had to be taken into account.
- 2.5 Agenda item 8, Assessments of the Effectiveness and the Costs of the Program, was discussed in close implication with item 10, Decision on Proposals for a NAFO Observer Scheme. The representative of the European Union (EU) said that the cost effectiveness of the Observer Scheme should be assessed within the context of NAFO's surveillance and research programs. From a methodological point of view it was necessary to assess whether this observer scheme was providing any significantly new information, and a proper discussion of the objectives was required. The terms of reference for observers were neither those of scientists nor inspectors. To review those terms would have a direct impact on their status. Because a six-month extension (proposed by Canada, item 2.3) had cost implications, the EU reserved its position. He insisted that the Fisheries Commission should decide in principle whether the scheme required modification before referral to STACTIC.

The representative of the Russian Federation noted the significant costs related with this scheme, \$496 per day in their case. The costs were born entirely by the industry and therefore he preferred it to remain as a pilot. However he could support the Canadian proposal to extend the scheme for six months to enable a fuller evaluation, and pointed out that extension would require a calculation of what 20% coverage amounted to.

The representative of Denmark (in respect of the Faroe Islands and Greenland) considered possibility to accept an extension of the Observer Scheme by six months in principle, and noted it was necessary to consider: costs; the value of observers as opposed to inspectors; whether observers should concentrate on problem fisheries. He identified the main problems as high fishing effort and catches of juveniles and explained observers

could not address the problem of fishing effort but might be useful against catches of juveniles. He supported the EU in first having a general discussion which might raise technical questions which could then be referred to STACTIC.

The Chairman identified three possibilities in these discussion as:

- a six month extension
- modification of the scheme
- implications of changes on a more permanent scheme.

Russia proposed the scheme should be extended and reviewed at the Annual Meeting.

The representative of Canada explained that their intention was to test modifications through an extended scheme on the basis of the experience gained in 1993, and STACTIC should consider these as: (1) observers should report apparent infringements quickly to allow dispatch of a surveillance vessel from a Contracting Party; (2) Contracting Parties ensure apparent infringements be made available in a timely fashion; (3) observers should report suspected infringements to inspectors on a routine inspection, and; (4) Contracting Parties notify the Executive Secretary of which vessels were carrying observers.

In response to the representative of Estonia, Canada expected cost-savings as a result of more effective enforcement. The Chairman sought the Fisheries Commission's view whether the scheme should simply continue for six months or should the issue be referred to STACTIC.

- 2.6 Agenda item 9, Appropriateness of Including an Observer Scheme in the NAFO Conservation and Enforcement Measures, has not been discussed at this meeting and was referred to the upcoming Annual Meeting in September 1994.
- 2.7 On agenda item 10, Decision on Proposals for a NAFO Observer Scheme, comprehensive and constructive discussions were developed around the Canadian proposal for modification of the Scheme (a relative discussion had partly pursued through items 2.3-2.5 above).

The representative of Canada explained that he had proposed four enhancements to the scheme: - real time reporting; clear information of suspected infringements; reports to the NAFO Secretariat to prepare a summary for the Annual Meeting; - 20% coverage. However, as a result of further consideration, Canada would not pursue 20% coverage and would defer the issue of real-time reporting, proposing STACTIC design a model for consideration in September. The proposal would have three main components:

- 1. Extension of the scheme for six months.
- 2. For STACTIC to review the scheme under the current terms of reference. Additionally it should provide advice or recommendations on elements necessary in a future scheme including targeting of species and a real time reporting mechanism.
- 3. Contracting Parties should provide STACTIC with the necessary information to carry out its review.

Together those components should provide the basis for a discussion in the Fisheries Commission next September. In response to the Chairman the representative of Canada thought that the comparative analysis between the various control and research programs was already possible in the current terms of reference.

The Chairman concluded that subject to Contracting Parties comments on the Canadian proposal he intended to put the whole of Part II of the Agenda on that of the Fisheries Commission next September and asked delegations if they could agree to the Canadian proposal.

The representative of the EU informed he could agree to a six-month extension although he failed to see the point of extending beyond the review date in September. On item 2(d) (Canadian paper) he suggested the deletion of the last phrase which he believed did not preclude STACTIC from recommending such reporting if required. He explained that the EU did not open infringement proceedings on the basis of observer reports and it was inappropriate under the terms of reference of the scheme to speak of individual infringements. He asked for clarification as well of item 3(m) as he failed to see the relationship between observers and inspectors.

The representative of Canada said that extension of the scheme beyond the review date was necessary for good administrative order. For item 2(d) of the proposal, there was an intention to have a prepared plan as the basis for an informed discussion, however, Canada was prepared to delete the last part of this sub-paragraph if it was clearly understood that the words "necessary elements" included the possibility of a real time reporting mechanism. He was also prepared to delete 3(m).

The Chairman concluded that Canada had made it quite clear that these new terms of reference would not pre-judge discussion on the observer scheme nor would it pre-judge any elements in an extended observer scheme.

On the basis of all discussions and with the deletions from item 2(d) of "and the necessary... for suspected infraction" and the deletion of 3(m) the Canadian proposal to extend the pilot project observer scheme to December 31, 1994 and to conduct a full review of the scheme by STACTIC in advance of the Annual Meeting, 1994, was adopted by consensus. (Annex 6)

- 2.8 On item 11 of the agenda, STACTIC Report, the Chairman proposed that STACTIC should meet in advance of the Fisheries Commission to finalize the review in time for discussion by the Fisheries Commission at the Annual General Meeting. The agreement was noted that STACTIC would meet in Canada at the end of August or early September. The Chairman proposed to accept formally the STACTIC report (please see item 2.1 and Part II), which was agreed by the meeting.

3. Conservation and Enforcement Measures

- 3.1 For agenda item 12, Project for Experimental Redfish Fishery with 90 mm Mesh Size, the representative of Russia informed that data available so far confirmed their belief in the effectiveness of a 90 mm mesh for redfish. A report would be available to the Scientific Council in June or September.

The Chairman reminded Contracting Parties that last September references to the one-net rule and the value of the experiment had been made.

The representative of the EU wanted to know why it was necessary to carry out this experiment in what was a one-net rule area. The representative of the Russian Federation replied that the aim was to determine if a 90 mm mesh could be accepted as the most effective for rational harvesting for redfish.

The representative of Denmark (in respect of the Faroe Islands and Greenland) was sympathetic to the advice given by the Scientific Council in its report.

The representative of the EU could accept the merits of the case but there was a risk it might lead to an abandonment of the one-net rule - a pillar of NAFO's conservation measures. Canada considered that determining the most effective mesh size did not itself imply the abandonment of the one-net rule. The Chairman concluded that the Fisheries Commission could accept the project as amended by the Scientific Council. This would not pre-judge the continuation of a one-net rule. **This was adopted by consensus.**

- 3.2 On item 13 of the agenda, Minimum Fish Size and Minimum Size of Processed Fish, in response to Denmark, the Chairman of Scientific Council explained most of the information rested with the industry. He hoped to resolve this within a couple of months for consideration in June. He did not envisage national laboratories would have to undertake new studies. The Fisheries Commission referred this item for the STACTIC agenda in September 1994.

4. Review of Management Measures in 1994 for Fish Stocks Straddling National Fishing Limits - Cod in Divisions 3N and 3O

- 4.1 The Chairman introduced this item to the meeting recalling discussions on this stock at last year's meeting, when there had been uncertain advice on the new year-class. Since then, Canada had written to propose a moratorium on the basis of new data.
- 4.2 The representative of Canada presented its proposal emphasizing that:
- All border stocks are affected by the oceanic conditions prevailing in the N. Atlantic;
 - Full and corroborative surveys had been undertaken which produced disturbing results in terms of spawning stock biomass (SSB) and stock characteristics;
 - This stock exhibited a different pattern of age classes to those adjacent to it; there are two year-classes (both juveniles) with potential if properly managed but vulnerable if not;
 - The view of the SSB in 1993 had been more positive. Whereas now it might be 50% lower.

Considering the above, Canada was of the opinion that the best management choice was to close this fishery to permit the year-classes to grow to maturity.

- 4.3 The Chairman of the Scientific Council introduced the scientific advice* explaining that this was not a revised but an updated assessment. Fundamentally nothing had changed. The stock was still reliant on the 1989 year-class, (now confirmed as above average) and the 1990 year-class (also estimated to be above average). SSB was still at a low level. Scientific Council had presented projections based on dome-shaped and flat-topped as partial recruitment patterns as there is still some debate as to which better reflected the pattern of harvest. His inclination was for flat-topped but the dome-shaped was directly comparable with 1993. This issue would be resolved by June. The new assessment included an autumn research survey series. These showed the opposite trend to the 1993 spring survey which had shown an increased abundance after a period of decline.

The Scientific Council was essentially repeating its advice. Certain fleet components were fishing juveniles. This was detrimental to the stock and made sub-optimal use of the resource. The Fisheries Commission should consider how to address this. On catch levels there was a choice for the Fisheries Commission between providing a fishery and rebuilding the SSB. The fishery should be restricted to allow SSB rebuilding. If a fishery was permitted it should be no higher than 6 000 tons.

- 4.4 The representative of Canada posed a series of questions to the Chairman of Scientific Council: 1) Could he confirm that the flat-topped profile better reflects the assessment. This was not available to managers in 1993; 2) To what extent was the 1993 spring survey result reliable given the variability in the results; 3) Would the results be distorted if tows cut across large concentrations of the stock; 4) In 3Ps the by-catch for cod in the redfish fishery had varied dramatically. This showed stock behaviour was variable. The data available now should be compared with that available last year.

The Chairman of Scientific Council agreed that the flat-topped profile was a better reflection but there was still doubt on the interpretation of the spring surveys. He also confirmed that exclusion of the autumn surveys would double the estimate of the size of the 1989 year-class. Concentration of the stock might affect the data. This was more likely here given the 1993 spring results indicated that concentration occurred in two restricted areas. However he considered that comparing different profiles did not alter the evidence of SSB at close to historical low. This was the main reason for advocating a re-building strategy of the stock.

- 4.5 The representative of the EU thanked the Scientific Council for producing the report under difficult conditions. He noted that the effect on the SSB in 1995 was very similar for either a TAC of 6 000 tons or for a "0" TAC. He asked what the margin of error might be and whether a 6 000 ton TAC could be considered precautionary. He referred to page 7 of the 1993 Scientific Council Report indicating that the two types of partial recruitment pattern had already been available then. The Chairman of Scientific Council said there was a margin of error of some 10%. However the focus should be not so much on 1995 but on the longer term projection. The key issue was to allow the 1989 year-class to survive and contribute to the SSB. Calling the 6 000 ton TAC precautionary was a question of words as the Fisheries Commission had to choose between the conflicting objectives. The Chairman observed that until the inclusion of

*Note: The Scientific Council had been deliberating the 3NQ cod stock assessment in advance of the Fisheries Commission on 13-15 February 1994.

the autumn surveys the dome-shaped profile better reflected the data available. The representative of the EU emphasized that this was a review of the 1994 fishery and the September decision should not be preempted.

The representative of Canada sought confirmation that Scientific Council was not endorsing a particular catch level but instead recommending that the fishery should not exceed 6 000 tons.

The Chairman of Scientific Council explained that, since a moratorium would also be consistent with the advice, the wording reflected those conflicting objectives.

- 4.7 The representative of the Russian Federation said they were familiar with this stock. He considered that while the Fisheries Commission discussed ways of how to conserve the stock it was gradually declining. Recent discussions with his scientists now confirmed the need to act quickly. Hence he supported Canada's request for a moratorium in the short term.
- 4.8 The representative of the EU felt it was not unusual for the scientific advice not to recommend a specific TAC. He wondered whether if in light of the new surveys there would have been some different advice and asked the Chairman of Scientific Council if he felt the assessment now was more soundly based. The Chairman of Scientific Council agreed that firm recommendations were often absent but in this case there was strong emphasis on the upper limit. This was not normally the case for healthier stocks. As to the advice on the basis of new evidence, much would depend on the weighting given to various elements. The results of the 1993 spring survey were only preliminary in June 1993. He believed this to be one of the better assessments. In response to Canada he confirmed that approximately 2/3 of the biomass was made up by two year-classes. In response to the EU he replied that a TAC of 6 000 tons was within the range offered. He could not tell Denmark (in respect of the Faroe Islands and Greenland) what 1994 catches were.
- 4.9 The meeting accepted the representative of Norway's request to allocate more time for this item, and the Chairman deferred further consideration to the closing session on 17 February.
- 4.10 At the closing session, the Chairman resumed discussion on Cod 3NO encouraging Contracting Parties to express their views. The following discussions ensued:

The representative of Denmark (in respect of the Faroe Islands and Greenland) presented his interpretation of the word "moratorium" explaining this had unfortunate connotations in practice - e.g. permanent closure. He thought it might be more acceptable if the term was changed. He was concerned that changing agreed TACs on the basis of mid-term surveys and at the behest of one Contracting Party set a bad precedent. He noted the possible political overtones and the meeting being used as a battlefield for the UN Conference (on Straddling Stocks and Highly Migratory Species). Denmark was of the opinion that the advice was clear and ranged from 0 to 6 000 tons, and a choice had already been made in September. Did the Commission want to make another choice now? He felt the solution might lie in considering future years involving a strategy of rebuilding the stock from 1995 onwards. Technical measures to protect juveniles should also be considered. Additionally the surveillance and observer schemes could be reviewed to concentrate effort in this area for this year.

The representative of the EU subscribed to the Danish remarks. The quotas for 3NO cod were already built into national legislation. Hence it was a revision of a current management system which was being considered. This was unusual. However the evidence in support of this procedure was not scientifically founded and he remained to be convinced of the need.

The representative of Canada believed there was substantial new information now available. The Scientific Council report found that the flat-topped assessment better reflected the stock trends. This showed the SSB in 1993 was 50% lower than had been estimated in 1993 and that for 1993 was 60% lower over the previous year. It was also clear that much of the stock was made up of juveniles. This stock could therefore not be harvested without juveniles being taken. The estimate of the SSB had dropped sharply; that the stock was made up of up to 4/5 of juveniles which would not spawn for another two years and that there were major doubts over the accuracy of the spring surveys. Between September and now there had been major closures of fisheries on neighbouring cod stocks. However 3NO cod could be rebuilt if properly managed. There was no hidden agenda to this issue at the present meeting.

The Chairman identified two issues: firstly concern about the state of the stock and secondly procedural - should decisions be altered mid-term.

The representative of Norway said he understood the Scientific Council report to be restating the same advice. He had sympathy with the Canadian position on the need to rebuild the SSB. However a decision had been taken in September and it would not be right to alter it now. Therefore, he could not support Canada. The representative of Iceland supported Canada on the basis of the need to rebuild the SSB. The representative of Canada suggested that the word moratorium be altered to "0" TAC. This he believed was acceptable to the Russian delegation as well. In this way the TAC for Cod 3NO would be suspended and the provisions of Part I, Section A.4(b) of the NAFO Conservation and Enforcement Measures would apply. Canada sought consensus or at least the avoidance of a vote.

The representative of the EU was not convinced by the nuance of a suspended TAC. He maintained that there was not a case to be made for changing the September decision and felt application of the by-catch rule ran the risk of greater catches of cod than by having a TAC in force. This would serve to undermine conservation.

Canada restated the same arguments and pointed out that Canada and the Russian Federation accounted for the greatest percentage of quotas for this stock. It would be a difficult but necessary decision.

The representative of Cuba said that 6 000 tons was not the recommended TAC but the upper limit. The 1989 and 1990 year classes should be allowed to grow to maturity. He therefore thought the 0 TAC was the best option.

The Chairman proposed to convene a restricted meeting of Heads of Delegations, which was agreed by the Meeting.

- 4.11 After lengthy consultations of the Heads of Delegations, the meeting resumed to consider a new Russian proposal to add a footnote to the 1994 TAC and Quota table to read "considering the advice contained in the Report of the Scientific Council and having regard to the poor state of the stock of cod in Division 3NO no directed fishery shall be carried out under the TAC agreed for this stock in 1994. The provisions of Part I, Section A.4(b) of the NAFO conservation and enforcement Measures shall apply".
- 4.12 Following brief consultations and deliberations, the Chairman asked if he could conclude that the proposal was acceptable to the members of the Fisheries Commission. The representative of the EU requested an open vote. The proposal **was adopted** with 8 votes affirmative and 3 abstentions (Denmark, EU and Norway).

Note by the Executive Secretary:

The adopted proposal for management of the cod stock in Div. 3NO had been notified to all Contracting Parties for the purpose of the provisions of paragraph 1 of Article XII of the NAFO Convention through the objection period of 22.02.94 to 23.04.94 (60 days). Pursuant to the provisions of Article XII, the proposal became a measure binding on all Contracting Parties effective 24 April 1994.

5. Closing Procedures

- 5.1 Agenda item 15, Time and Place of Next Meeting, was noted that the next meeting will be in conjunction of the Annual Meeting in September 1994.
- 5.2 There was no other business under item 16.
- 5.3 The Special Meeting of the Fisheries Commission was adjourned at 1755 hrs on 17 February 1994.

6. Adoption of the Report

This report was reviewed and adopted by unanimous consent by the Fisheries Commission effective 15 May 1994.

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Representative

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NAFO SECRETARIAT

Dr. L. I. Chepel, *Executive Secretary*

T. Amaratunga, *Assistant Executive Secretary*

F. D. Keating, *Accounting Officer*

B. J. Cruikshank, *Senior Secretary*

Annex 2. Agenda

I. Opening Procedures

1. Opening by the Chairman, H. Koster (EEC)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity

II. Review of the NAFO Observer Scheme Pilot Project

6. Reports by Contracting Parties on the results of Pilot projects
7. Evaluation of any administrative or operational problems of the program
8. Assessments of the effectiveness and the costs of the program
9. Appropriateness of including an Observer Scheme in the NAFO Conservation and Enforcement Measures
10. Decision on proposals for a NAFO Observer Scheme
11. STACTIC Report

III. Conservation and Enforcement Measures

12. Project for experimental redfish fishery with mesh size 90 mm
13. Minimum fish size (witch, redfish, G. halibut) and minimum size of processed fish (witch, redfish, G. halibut, cod, A. plaice, yellowtail)
14. Review of Management Measures in 1994 for Fish Stocks Straddling National Fishing Limits - Cod in Division 3NO

IV. Closing Procedures

15. Time and place of next meeting
16. Other business
17. Adjournment

**Annex 3. Statement by the Representative of Korea, Mr. Sang Ki Park,
to the Fisheries Commission**

15 February 1994

Mr. Chairman,
Distinguished Delegates,

On behalf of the Korean delegation, I would like to express our appreciation for allowing us to attend this important meeting.

Korea, which is one of the major fishing countries and especially so in terms of distant-water fishing, is well cognizant of a newly emerging regime on the high seas fishing, and has been making every effort to guarantee that our fishing is "responsible and trans-parent".

As a part of its cooperative gestures, the Korean Government took actions to pull the last remaining three vessels out of NAFO area by April 30, 1993 despite enormous opposition by the Korean fishermen, and finally acceded to NAFO on December 21, 1993. The Korean Government is considering joining the Fisheries Commission in this coming Annual Conference to be held in September this year.

Considering the long history of our fishing in the NAFO area, which dates back to 1979, our delegation hopes that our fishing in NAFO area will be resumed in due course.

Our experience and knowledge of the management of NAFO and scientific information on NAFO area cannot but be meagre. In this connection, I hope that this meeting will surely provide us an extremely precious opportunity in understanding one of the best-managed and the most advanced fishery organization in the world.

Mr. Chairman,

I would like to take this opportunity to reaffirm the Korean Government's commitment to comply with NAFO Convention. The Korean Government will closely cooperate with all other members states in achieving the objectives of the NAFO.

I hope for a great success of this meeting under your brilliant guidance.

Thank you.

Annex 4. Press Release

1. The special meeting was held in Brussels, Belgium, through 15-17 February 1994 under the chairmanship of H. Koster (European Union). All sessions of the Commission and its Standing Committee on International Control (STACTIC - met on 14 February) were held at the Albert Borschette Conference Centre. The following members of the Fisheries Commission were represented at the meeting: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union, Iceland, Japan, Lithuania, Norway, Poland, and Russian Federation. The Republic of Korea was present as observer.
2. The meeting was preceded (13-14 February) by a special meeting of the NAFO Scientific Council under the chairmanship of H. Lassen (European Union), which conducted the assessment and catch options of cod in Div. 3NO for 1994. The Scientific Council findings were reported to the Fisheries Commission.
3. The Fisheries Commission considered the major subject matter of review of the NAFO Observer Scheme Pilot Project, which has been conducted by Contracting Parties during 1993. The national annual reports on the project reflected a positive application of this pilot observer project to monitor conservation measures and collect useful biological data. The meeting decided to extend the Pilot Project to December 31, 1994 and conduct a full review of the program at the Annual Meeting in September 1994.
4. The following proposals for Conservation and Enforcement in the Regulatory Area were reviewed with the decisions that:
 - the experimental redfish fishery with different mesh sizes (90-120-130) will be conducted by the Russian vessels in 1994;
 - minimum fish size (for witch, redfish, G. halibut) and minimum size of processed fish (witch, redfish, G. halibut, cod, A. plaice, yellowtail) shall be considered by the Scientific Council which advice shall be reported back to the Fisheries Commission at the Annual Meeting in September 1994.
5. The Fisheries Commission considered the advice by the Scientific Council on the status of the stock of 3NO cod and agreed that no directed fishery be conducted for this stock in 1994.

NAFO Secretariat

Fisheries Commission
17 February 1994
Brussels, Belgium

Annex 5. Report of the Chairman of STACTIC to the Fisheries Commission

1. Reports by Contracting Parties on the NAFO Pilot Observer Scheme

Delegations presented their Reports as follows:

1.1 Canada

In total they had observed 450 days in the shrimp fishery. They had monitored the redfish by-catch closely. Canada had made the use of separator grids mandatory following excessive by-catch for redfish. Observers had also monitored 13 days in the groundfish fishery and an observer service was provided for the Baltic States.

1.2 Lithuania

The representative recorded his thanks to Canada for training a Lithuanian inspector.

1.3 Russia

Reported fishing activity of under 100 days. One observer was deployed in 1993 and detected no apparent infringements.

1.4 European Union (EU)

Compliance with technical and conservation measures generally satisfactory but there were incidences of non-compliance.

1.5 Norway

No observers were deployed in 1993. On the basis of the 1993 activity at 10% coverage this would amount to 65 observation days in 1994.

1.6 Denmark (in respect of the Faroe Islands and Greenland)

Reported a total of 80 observer days (6%) for Faroese vessels in 1993.

1.7 Japan

Had not deployed any observers as fishing activity was expected to be less than 300 days. Actual activity was 352 days.

1.8 Cuba

Cuba would endeavour to deploy observers in 1994.

2. Discussion of Proposals by the Contracting Parties to the Observer Scheme

- 2.1 STACTIC considered a Canadian proposal to amend the current Observer Scheme (STACTIC Working Paper 94/1). Canada proposed to adopt a formal scheme similar but with enhancements to the current one. The main aspect of this proposal was to allow observers to interact with the inspectors.
- 2.2 Delegations made some initial comments. For example: applicability of scheme (EU), language and cost implications, interaction of observers and inspectors from differing flag-states (Denmark); implications for the role of observers (Cuba).

3. Final Review of the NAFO Inspection Manual

- 3.1 It was agreed to put the revised manual into operation with inspectors immediately. It was also agreed to review its operational application by STACTIC during the NAFO Annual Meeting next September.

Annex 6. Extension of Pilot Project Observer Scheme and Terms of Reference for STACTIC

1. The Pilot Project Observer Scheme, as found in NAFO/FC Doc. 93/7, be extended to December 31, 1994.
2. The Fisheries Commission requests that STACTIC conduct a full review of the program at the time of the September 1994 annual meeting with the following terms of reference:
 - a) Assess the effectiveness and costs of the program
 - b) Evaluate any administrative or operational problems associated with the program.
 - c) Provide advice/recommendations to the Fisheries Commission on the appropriateness of including an Observer Scheme in the NAFO Conservation and Enforcement Measures.
 - d) Provide advice or recommendations on the necessary elements of any future program including advice on specific fisheries to be targeted.
3. In order to provide STACTIC with the necessary information to carry out its mandate, Contracting Parties participating in the program in 1993 and 1994 shall provide the following to the Executive Secretary by September 1, 1994:
 - a) Observer days by fishery per month per division.
 - b) Number of incidents of apparent infringements reported by type and results of any follow-up investigations.
 - c) Any trends in improvements to or decreases in compliance with NAFO conservation measures.
 - d) Times and locations of presence of small fish.
 - e) Times and locations and types of discards.
 - f) Any information on mis-reported species.
 - g) Types of biological data collected
 - h) Details of logistical problems in deploying observers.
 - i) Cost per observer per sea day.
 - j) Cost of deployment of observers
 - k) Administrative costs.
 - l) Any relevant information on threats to conservation uncovered by the program.

PART II

Report of the Standing Committee on International Control (STACTIC)

14 February 1994
Brussels, Belgium

The Standing Committee on International Control (STACTIC) met at 1145 hrs on 14 February 1994.

1. Opening of the Meeting

- 1.1 The Chairman of STACTIC, Mr. D. Brock (Canada) welcomed the delegates to the meeting. Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), the European Union (EU), Iceland, Japan, Lithuania, Norway, Poland and Russia were represented. The Republic of Korea was present as an Observer. (Annex 1)

2. Appointment of Rapporteur

- 2.1 Mr. C. Porro (EU) was appointed Rapporteur.

3. Adoption of the Agenda

- 3.1 Canada indicated that it might be advisable to discuss two items on the Fisheries Commission Agenda - the experimental redfish fishery and the minimum size for certain fish - in advance of discussions of the Fisheries Commission.
- 3.2 The Executive Secretary explained that the Scientific Council had been asked by the Fisheries Commission to consider these matters at their November 1993 meeting. They would make their initial report to the Fisheries Commission who would then consider appropriate action. The agenda was then adopted as presented. (Annex 2)

4. Reports by Contracting Parties on the NAFO Pilot Observer Scheme

- 4.1 The Chairman referred to a number of STACTIC Working Papers containing national reports and asked delegations in turn to present their Reports. (FC Doc. 94/3*)
- 4.2 The Representative of Canada summarized the contents of its Report explaining they already had 100% observer coverage for its shrimp fishery and these observers remained on board when the vessels ventured into the Regulatory Area. In total they had observed 450 days in the shrimp fishery and in particular had monitored the redfish by-catch closely. This had enabled the Canadian authorities to make the use of separator

*Note: All reports by the members of the Fisheries Commission were summarized in one official NAFO FC Doc. 94/3.

grids mandatory as evidence mounted of an excessive redfish by-catch. In addition observers had monitored 13 days groundfish fishery within the Regulatory Area. Canada was satisfied with the results of the observer program particularly on the shrimp fishery which allowed the by-catch problem to be identified quickly.

Canada had also supplied observers for the Baltic States. The Canadian report also suggested possible enhancements to the scheme. Canada has had a domestic observer program since 1979 and found no problems in implementing the scheme.

Russia and Japan queried the effectiveness of the use of Canadian observers by other States. The EU and the Chairman sought clarification on the costs for the groundfish observers and the observers provided to the Baltic States. Canada agreed that there had been initial coordination problems but hoped to see the number of deployment days reduced significantly. In reply to a question from Denmark (in respect of the Faroe Islands and Greenland) Canada confirmed that the shrimp fishery had 100% observer coverage at industry expense.

The representative of Lithuania recorded his thanks to Canada for training one of their inspectors.

- 4.3 The representative of Russia reported fishing activity of under 300 days. However, one observer was deployed who detected no apparent infringements. The Russian delegate felt it was too early to reach firm conclusions on the effectiveness of the scheme and it was reasonable to continue the scheme into 1994 as originally decided. He confirmed that the cost of \$200 US per diem included deployment time.
- 4.4 The representative of EU presented a summary of its report. The most significant feature was the similarity with the inspection reports on the incidence of non-compliance. The EU too has had problems with deployment of observers. In answer to the Chairman he agreed that the overall cost of the scheme referred to 671 days but actual days observers were on the grounds was 600 days. In response to Canada, that did observers act as a deterrent, the delegate of the EU said that this was difficult to evaluate within a scheme that was voluntary and limited to 12 vessels.
- 4.5 Norway had anticipated little activity in the Regulatory Area. In the latter half of 1993 their was a sudden increase in effort. As a result Norway was unable to have observers on board their vessels in 1993 but observers would be deployed in 1994. On the basis of the 1993 activity and 10% coverage this would amount to 65 observer days in 1994.
- 4.6 Denmark (in respect of the Faroe Islands and Greenland) reported a total of 80 observer days (6%) for Faroese vessels. Reports had been passed on to the scientists.
- 4.7 Japan explained that Observers had not been deployed as fishing activity was expected to be less than 300 days. Actual activity had totalled 352 days in 1993.
- 4.8 Cuba had not been able to deploy observers due to financial constraints. However fishing activity had been minimal (3 vessels fishing for redfish for approximately 200 days). Cuba would endeavour to deploy observers in 1994.
- 4.9 A summary of costs and coverage of the Observer Pilot Scheme is attached as Annex 3.

5. Discussion of any Proposals by the Contracting Parties to the Observer Scheme

- 5.1 The Chairman referred to a Canadian proposal (former STACTIC W.P. 94/1) to amend the current observer scheme and asked Canada to introduce it. Canada proposed to adopt a formal scheme similar to the current one, with enhancements. In their view this would aid enforcement as well as supply the Fisheries Commission with information on the fisheries and the scientists with biological data. One key aspect of this proposal was to allow observers to interact with the inspectors while on board fishing vessels.
- 5.2 The representative of EU felt that this was an ambitious document presented on short notice. They raised issues best dealt with by the Fisheries Commission. They asked if the scheme would have general application or simply be confined to regulated species and sought clarification on the minimum number of fishing days qualifying for exemption.
- 5.3 The representative of Canada agreed that this matter would need to be discussed by the Fisheries Commission. However there were technical aspects which STACTIC could look at. A good example was the minimum days of effort before observers could be deployed. Applicability was also open to discussion although his inclination was for a general application. Canada suggested their proposal should be seen as a discussion paper.
- 5.4 The representative of Denmark (in respect of the Faroe Islands and Greenland) sought clarification on the interaction between flag state and non-flag state observers and inspectors. Canada said this was based on the Canadian domestic model. There should be provision for the observer to alert inspectors and communicate privately with them and drew a distinction between the roles and powers of the Observer as opposed to that of the inspector. Denmark pointed out that the involvement of other flag-States would create language (and hence cost) difficulties.
- 5.5 The representative of Cuba drew attention to the title and duties of an observer. He thought that vessels would not commit offences while an observer was on board while changes to their duties would adversely affect their role. In order to help scientific assessment the observer reports should be available in the current fishing year rather than by the following March. The real problem nevertheless lay with the activities of non-Contracting Parties.

6. Final Review of the NAFO Inspection Manual

- 6.1 After some discussion of first and second versions of the draft Inspection Manual, it was agreed to circulate the Canadian letter in which most of these changes were explained. Following this decision, the letter was circulated by the NAFO Secretariat to all participants.
- 6.2 At the conclusion of discussion on the item, STACTIC agreed to put the manual into operation with the inspectors immediately and to review its operational application by STACTIC during the NAFO Annual Meeting next September.

7. Adoption of Report (item 7)

- 7.1 The report of STACTIC was reviewed by the Fisheries Commission on presentation by the STACTIC Chairman on 15 February. The adoption will be finalized by the Commission through presentation of the draft report for final comments.

8. Other Matters

- 8.1 There was no other business to discuss under item 8.

9. Adjournment

- 9.1 The meeting was adjourned at 1630 hrs on 14 February 1994.

Annex 1. STACTIC Heads of Delegations

Chairman: D. Brock (Canada)

Canada	C. J. Allen
Cuba	R. Dominguez
Denmark (in respect of the Faroe Islands and Greenland)	E. Lemche
European Union	P. Curran
Iceland	K. Skarphedinsson
Japan	M. Yoshida
Lithuania	A. Rusakevicius
Norway	E. Ellingsen
Poland	L. Dybiec
Russia	V. Fedorenko
Observers	
Republic of Korea	M. Kim

Annex 2. Agenda

1. Opening by the Chairman, D. N. Brock (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Reports by Contracting Parties on the NAFO Observer Scheme Pilot Project
5. Discussion of any proposals by the Contracting Parties to the Observer Scheme
6. Final review of the NAFO Inspection Manual
7. Adoption of Report
8. Other matters
9. Adjournment

Annex 3. Costs and Coverage of the Observer Pilot Scheme

CANADA

Shrimp fishery	450 days x \$363.33	=	\$163,500
Groundfish fishery	13 days x \$363.33	=	\$ 4,700

Admin./Deployment		=	\$ 24,500
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Baltic States vessels

Observer days	32 days x \$363.33	=	\$ 11,600
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Admin./Deployment	61 days	=	\$ 2,200
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RUSSIA

Observer days (Incl. Admin./Deployment)	32 days x \$496	=	\$ 15,860
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EUROPEAN UNION (EU)

Observer days	600 days x \$262	=	\$157,200
Deployment	71 days x \$262	=	\$ 18,602

DENMARK (IN RESPECT OF FAROE ISLANDS AND GREENLAND)

Observer days (Incl. training and deployment)	80 days x \$395	=	\$ 31,607
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NORWAY (Est. six months 1994)

Observer days	65 days x \$415.38	=	\$ 27,000
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