

SECTION III

(pages 79 to 128)

Report of the Fisheries Commission and its Subsidiary Body (STACTIC), Special Meeting 7-9 June 1995 Toronto, Canada

PART I.	Report of the Special Meeting of the Fisheries Commission	81
	1. Opening of the Meeting	81
	2. Appointment of Rapporteur	81
	3. Adoption of Agenda	81
	4. Admission of Observers	81
	5. Publicity	81
	6. STACTIC Report	82
	7. Inspections	83
	8. Transmission of Information from Inspections	83
	9. Increase in Inspection Presence	83
	10. Improvements in Hail System	83
	11. Additional Enforcement Measures	84
	12. Mesh Size	84
	13. Dockside/Port Inspections	84
	14. Effort Plans and Catch Reporting	85
	15. Major Infringements	85
	16. Follow-up to Major Infringements	85
	17. Pilot Project for Observers and Satellite Tracking	86
	18. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits	
	(i) Greenland halibut in Area 2+3	87
	19. Request for Scientific Council for Scientific Advice	87
	20. Adoption of Report	87
	21. Time and Place of the Next Meeting	87
	22. Other Business	88
	23. Adjournment	88
	Annex 1. List of Participants	89
	Annex 2. Opening Statement by the Representative of the European Union (EU)	94
	Annex 3. Opening Statement by the Representative of Canada	95
	Annex 4. Agenda	97
	Annex 5. Chairman's Compromise for Adoption in September	99
	Annex 6. Japanese Proposal re Increase in Inspection Presence	114
	Annex 7. Additional Enforcement Measures	115
	Annex 8. Fisheries Commission's Request for Scientific Advice	118

Annex 9. Japanese Proposal re Dockside Inspections	119
Annex 10. Japanese Proposal re Pilot Project for Observers and Satellite tracking	120
Annex 11. Resolution	122
Annex 12. Fisheries Commission's Request for Scientific Advice	123
Annex 13. Fisheries Commission's Request for STACTIC Advice	124
PART II. Report of the Standing Committee on International Control (STACTIC)	125
1. Opening of the Meeting	125
2. Appointment of Rapporteur	125
3. Adoption of Agenda	125
4. STACTIC Discussions	125

PART I

Report of the Meeting of the Fisheries Commission

(FC Doc. 95/7)

Special Meeting, 7-9 June 1995

Toronto, Canada

1. Opening of the Meeting

- 1.1 The meeting was called to order by the Chairman, Mr. H. Koster (EU) on 7 June 1995 at 10:30 hours. He welcomed all delegates to the meeting which had been jointly requested by Canada and the European Union. Representatives of the following Contracting Parties were present: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, the European Union (EU), Iceland, Japan, Republic of Korea, Latvia, Norway, Poland, and the Russian Federation (Annex 1).
- 1.2 Opening statements were made by the Representatives of the European Union and Canada (Annexes 2 and 3).

2. Appointment of Rapporteur

- 2.1 Mr. R. Steinbock (Canada) was appointed Rapporteur.

3. Adoption of Agenda

- 3.1 The agenda was adopted following some minor modifications to the provisional presentation (Annex 4).

4. Admission of Observers

- 4.1 Observers from the United States were admitted to the meeting.
- 4.2 The request for NAFO observer status by Greenpeace Canada was considered by the Heads of Delegations and it was agreed to follow past practices not to accept this application as applied from non-Governmental Organization.

5. Publicity

5. It was agreed that the 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.

6. STACTIC Report

- 6.1 The Chairman introduced the Report (FC Doc. 95/3) of the Special Meeting of STACTIC called by the Fisheries Commission at NAFO Headquarters on 10-12 May 1995 to consider proposals for the amendments of the Conservation and Enforcement Measures. He proposed to accept the report for consideration and debates and asked the Acting Chairman of STACTIC, D. Bevan (Canada) to present the Report. This proposal was accepted by the Meeting.
- 6.2 The Acting Chairman of STACTIC provided a summary of the recommendations of the Special Meeting and highlighted the areas of disagreement which appeared in square brackets in the STACTIC Report.
- 6.3 The Chairman summarized the areas requiring further discussion as those items covered under agenda items 9, 11, 15 and 17 and suggested that those items would constitute major substantive issues of the current Meeting.
- 6.4 The Chairman reiterated that the recommendations of STACTIC were based on the understanding that adoption of individual proposals would be considered in the framework of an overall package (point 4.9 of the STACTIC Report). Against this background, this meeting of the Fisheries Commission should be used to finalize discussions on as many elements as possible. In such a way all Contracting Parties should be clear on the content of the package to be agreed in September.
- (i) The Chairman invited Contracting Parties which did not attend the STACTIC meeting for any observations on the STACTIC report and all Contracting Parties on the approach outlined for the present meeting.
 - (ii) All Contracting Parties agreed to proceed as outlined by the Chairman in conformity with point 4.9 of the STACTIC report ("Each paper being reexamined) (a) in the light of its relation with other papers in the overall package and (b) specific observation and reservations made by delegations").
 - (iii) The Chairman proposed to commence elaboration of a package in Heads of Delegations meetings.
 - (iv) After having presented some brief interim reports, the Chairman presented at the last session of the meeting a compromise (FC Working Paper 95/16, Revision 1). The Chairman summarized in the working paper the consensus which emerged through several Heads of Delegations meetings. The Fisheries Commission agreed with FC Working Paper 95/16, Revision 1 (Annex 5). The Chairman noted the reservation expressed by the Head of the Delegation of the EU on the proposal of the Chairman to postpone the item "increase in inspection presence" to the 1997 Annual NAFO Meeting.

7. Inspections

- 7.1 The meeting agreed on the proposal in FC Working Paper 95/17 (Annex 5).
- 7.2 STACTIC was requested to propose, prior to the 1995 Annual Meeting, sampling plans for use in estimating catch composition and quantities by species if any cartons or other containers are to be opened.
- 7.3 The Representative of Denmark (in respect of the Faroe Islands and Greenland) noted that the proposal would require further work on the basis of the STACTIC advice.

8. Transmission of Information from Inspections

- 8.1 The Chairman noted there were no square brackets in the text recommended by STACTIC. FC Working Paper 95/18 was agreed (Annex 5).

9. Increase in Inspection Presence

- 9.1 The Representative of Japan noted that he could accept the proposal provided there is some accommodation on duly authorized inspectors to permit them to be sent by the Contracting Party and to allow some flexibility on the proposed requirement for the presence of an officer who can perform an inspection within 72 hours. He proposed an amendment on the deployment of inspectors or designated authorities to the NAFO Convention Area.
- 9.2 This item and the Japanese proposal were referred to STACTIC for review (STACTIC Working Paper 95/26, Revised-Annex 6). No agreement was reached at STACTIC on this agenda item (Part II, item 4). It was agreed to return to this item at the September 1997 Annual Meeting.

10. Improvements in Hail System

- 10.1 The Chairman noted there were no square brackets in the text recommended by STACTIC and suggested the adoption of this proposal (FC Working Paper 95/19-Annex 5). It was agreed by the Meeting.
- 10.2 The Representative of Denmark (in respect of the Faroe Islands and Greenland) observed that at some point inspections should be conducted on vessels which tranship. He also thought that with respect to new paragraph 1.5, six hours was too little notification and increased time should be required to permit an inspection vessel sufficient time to reach the transhipment area.
- 10.3 STACTIC was requested to provide advice, prior to the 1995 Annual Meeting with respect to the issue of advance notice of transshipping of fish.

11. Additional Enforcement Measures

- 11.1 **Minimum fish size for Greenland halibut:** The Scientific Council was requested to provide advice, at a meeting in advance of the 1995 Annual Meeting, on the minimum fish size for Greenland halibut in SA 2+3, in terms of round (total) length, corresponding to 25% retention by the existing legal minimum mesh size for trawls. It was agreed to adopt at the September 1995 Annual Meeting a minimum fish size for Greenland halibut, taking into account the advice of the NAFO Scientific Council.
- 11.2 **Applicability of discard rules in the NRA:** The Representatives of Denmark (in respect of the Faroe Islands and Greenland) asked whether there were any proposal by other Contracting Parties for derogations to the discard policy similar to that in effect for Canada. The Chairman confirmed there were currently no proposals from other Parties. It was agreed to convene a Workshop for scientists and fishery managers in connection with the September 1996 Annual Meeting with a view to addressing the question of the applicability of discard rules/retention in the NRA in accordance with terms of reference to be elaborated.
- 11.3 **Special rules for fish products, e.g. processed length equivalents:** STACTIC was requested to provide, prior to the 1995 Annual Meeting, advice on STACTIC Working Paper 95/16, Revision 5 (Annex 7) on special rules for fish products, e.g. processed length equivalents and other enforcement measures. It was agreed to consider this item for adoption at the earliest occasion.
- 11.4 **On board production of fish meal and similar products:** See item (11.2) above.
- 11.5 **Further measures to protect juvenile fish, e.g. area/seasonal closures:** The Scientific Council was requested to identify, where practical and sufficient information is available, seasonal and area fishery closures which would reduce the proportion of juveniles of regulated species in commercial catches taking into account available information on the geographical and seasonal distribution of regulated species of various sizes. It was agreed to consider for adoption any further measures to protect juvenile fish of regulated species, e.g. area/seasonal closures, taking into account the advice of the NAFO Scientific Council (FC Doc. 95/4-Annex 8).

12. Mesh Size

- 12.1 FC Working Paper 95/20 was agreed (Annex 5). The Scientific Council was requested to recommend optimal (in terms of maximum yield per recruit) minimum fish sizes for regulated species in the NRA, and advise on the corresponding minimum mesh sizes for trawls and other gear taking into account the implications on conservation of the stocks and long-term harvest of alternative sizes at first entry into the fishery. (Annex 8)
- 12.2 The Scientific Council was also requested to provide advice on the usefulness of a minimum mesh size in the trawl fishery for capelin (Annex 8).

13. Dockside/Port Inspections

- 13.1 The Representative of Japan submitted a proposal to amend the new Part VII.1 (FC Working Paper 95/15- Annex 9).

- 13.2 The Representative of Korea submitted a proposal to Part VII.1(i) to read: "The Contracting Party shall also ensure that the interference in the offloading activity is minimized and that the quality of the catch is not adversely affected". The proposal was incorporated in the text.
- 13.3 STACTIC was requested to provide, prior to the 1995 Annual Meeting, advice on the Japanese proposal. Otherwise, FC Working Paper 95/21 was accepted for adoption at the 1995 Annual Meeting (Annex 5-FC Working Paper 95/21).

14. Effort Plans and Catch Reporting

- 14.1 FC Working Paper 95/22 was agreed (Annex 5).

15. Major Infringements

- 15.1 The Representative of Iceland observed that there appeared to be a serious defect in the STACTIC text, in that it could be interpreted that a NAFO inspector may leave a vessel when the relevant Contracting Party inspector arrives. He suggested that the text be modified to permit the NAFO inspector to remain on the vessel to observe proceedings while the relevant Contracting Party inspector completes his inspection.
- 15.2 This item was referred to STACTIC during the meeting. The issue was resolved with agreement on text. FC Working Paper 95/28 Revision 1 was agreed (Annex 5). The Chairman noted a scrutiny reserve of the Japanese delegation on the question whether the Japanese authorities could authorize the NAFO inspectors which disclosed the major apparent infringement, to conduct the vessel concerned to a nearby port. Subsequently, a Japanese fishery inspector would come over to this port to carry out a detailed inspection.
- 15.3 STACTIC was also asked to discuss possible resolution of the square brackets in the STACTIC proposals on responses to major infringements. It could not reach consensus on a complete list of apparent infringements to include conducting a directed fishery on NAFO stocks subject to moratoria or from a fishery which had been closed.
- 15.4 The Representative of Canada submitted proposed wording as follows: "Retain on board, in excess of provisions described in Part I.A. 2 and 4, fish from a stock under moratorium or fish from a fishery which has been closed".
- 15.5 The Representative of the EU reserved his position on this item.
- 15.6 STACTIC was requested to provide, prior to the 1995 Annual Meeting, an appropriate formulation.
- 15.7 It was agreed to delete Azores and Las Palmas as specified ports recognizing that the Flag State has the opportunity to direct the vessel to the port of its choice.

16. Follow-up to Major Infringements

- 16.1 FC Working Paper 95/24 was agreed (Annex 5).

17. Pilot Project for Observers and Satellite Tracking

- 17.1 **Observers:** The Representative of Japan submitted a proposal for observers to monitor a vessel's compliance with the relevant Conservation and Management Measures (FC Working Paper 95/13). STACTIC was requested to consider and provide advice, prior to the 1995 Annual Meeting, on the Japanese proposal. (Annex 5 and Annex 10-FC Working Paper 95/13).
- 17.2 **Satellite Tracking:** STACTIC was requested to convene a STACTIC working group and provide advice on the different satellite systems and their compatibility, prior to December 31, 1995 and sufficiently in advance of the implementation of the Pilot Project. The Representative of the EU proposed that the STACTIC working group meeting be convened in Brussels. The Chairman asked that the invitation be forwarded through the NAFO Secretariat. The Representative of Cuba stated that due to difficult financial circumstances, Cuba would seek external assistance for the installation and maintenance of satellite tracking devices on its vessels.
- 17.3 **Report on Pilot Project:** FC Working Paper 95/25 was agreed (Annex 5). With respect to point C.2, the Representative of Iceland recalled the statement of the EU and Canada that notwithstanding the last sentence, the Fisheries Commission would in 1997 be completely free to establish whatever permanent scheme it will deem appropriate at that time. The text in FC Working Paper 95/25 should not refer to "degree of control" but "degree of compliance".

The Representative of Russia suggested an evaluation of the most effective and efficient methods was necessary to facilitate implementation of the pilot project. This point is reflected in the Chairman's Compromise.

The Representative of Estonia stated that the costs of observers and satellite devices would be additional expenditures on all vessels. He recognized that these costs were an investment in the future of the NAFO Regulatory Area. He expressed confidence that the pilot project would be implemented but noted that Estonia would seek assistance and cooperation at different stages of implementation in particular with respect to the employment and training of observers. The Representative of Latvia also noted that in light of difficult budgetary problems, his government would require financial and education assistance implementing the project. He expressed his attitude, that the implementation of the Project will be supported by Latvia in the 17th Annual Meeting only in case, when all the above mentioned obstacles are eliminated by cooperation framework of the Member States. Otherwise Latvia will be ready for proposal to commit the project implementation and probation to those Member States currently performing demands of the project or being ready to join the project. The Representative of Cuba expressed need for financial assistance for the implementation of satellite tracking on 35% of its vessels since it has no budgetary means.

18. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits - (i) Greenland halibut in Area 2+3

- 18.1 The Representative of Canada described a joint Canada-EU proposal to divide for 1995 the 2+3 Greenland halibut portion of the stock into a northern zone (2+3K - 7 000 tons) and a southern zone (3LMNO - 20 000 tons). A draft Resolution to this subject was circulated as FC Working Paper 95/14. The Representative of Canada noted that the Scientific Council has cautioned for many years about concentrating fishing effort on one part of the stock and recommended distributing effort to guard against overfishing. The proposed split would help ensure that fishing effort is spread more evenly throughout the stock area and not concentrated on one specific stock component. He provided a short overhead presentation to illustrate the rationale for such a geographic split.
- 18.2 It was unanimously agreed to divide 2+3 Greenland halibut for 1995 into two management zones as proposed. The Fisheries Commission adopted FC Doc. 95/5 (Annex 11).
- 18.3 The Scientific Council was requested to provide advice in advance of the 1995 Annual Meeting as follows: In responding to the Commission's request for advice for the management of Greenland halibut in SA 2+3 for 1996, the Scientific Council should recommend an overall TAC for SA 2+3 and provide advice on dividing the overall TAC into two TACs for SA 2 + Div. 3K and for Div. 3LMNO.

19. Request to Scientific Council for Scientific Advice

- 19.1 It was agreed to send a number of requests to the Scientific Council for scientific advice (Annex 12-FC Doc. 95/4).

STACTIC Report

The Standing Committee on International Control (STACTIC) met during the meeting at the request of the Fisheries Commission. The STACTIC Report was presented to the Meeting by its Chairman, D. Bevan (Canada) and accepted for discussions. (Part II of this Report)

STACTIC was requested to meet and provide advice prior to the 1995 Annual Meeting on a number of questions (FC Doc. 95/6-Annex 13). The place and time of the meeting will be agreed through correspondence by the Executive Secretary.

20. Adoption of Report

- 20.1 It was agreed to adopt the Report of the Special Fisheries Commission Meeting in the usual manner through correspondence.

21. Time and Place of the Next Meeting

- 21.1 The Chairman noted that the next meeting would be held during the Annual NAFO Meeting, September 11-15, 1995 in Dartmouth, Nova Scotia.

22. Other Business

- 22.1 Under Item 22, Other Business, the Representative of Denmark proposed that Contracting Parties would do their best to provide updated catch statistics in accordance with the NAFO regulation in advance of the Annual Meeting. The Executive Secretary was instructed to write an appropriate memorandum to Contracting Parties after this Special Meeting.

No other matters were considered.

23. Adjournment

- 23.1 The Chairman adjourned the meeting at 12:15 p.m. on June 9, 1995.

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SECRETARIAT ASSISTANCE

M. Jackman, International Directorate, Fisheries and Oceans, 200 Kent St., Ottawa, Ontario

Annex 2. Opening Statement by the Representative of the European Union (EU)

Although this meeting has been convened as a result of the exceptional circumstances following incidents in international waters between Canada and vessels flying the flag of a Member State of the European Union, it is the intention of the Community delegation to stress that the questions we are here to discuss for the next three days are the result of difficult, but successful negotiations between two Parties of NAFO. In conformity with UNCLOS we all have a responsibility to collaborate with the view to resolve this matter. Therefore, we hope that the spirit of constructive compromise, that led the European Union and Canada to agree on the issues that we will be discussing, will prevail over the coming days.

The Community hopes very much that the proposals we will examine will constitute the basis for a stable settlement of the recent dispute, and will pave the way for a normal development of the fishing activity in the NAFO Regulatory Area. We firmly believe that the best way to achieve this objective is through the approval of measures applicable to all Contracting Parties, and agreed multilaterally by these Contracting Parties. This meeting, therefore, provides us with the opportunity to find multilaterally agreed solutions for the problems relating to fisheries management and conservation.

The proposals we will examine are based on the understanding that the increase in control measures, aimed at improving our conservation of NAFO stocks, are to be complemented by a fair distribution of the available resources (in this case, Greenland halibut) among the Contracting Parties with legitimate rights to exploit such resources. It is clear that the two aspects cannot be separated. They both form part of a package agreed after very difficult negotiations and can, therefore, only be considered in unison.

For the Community, the objective of this meeting is to make as much progress as possible on all aspects pertinent to the Agreement. If sufficient progress can be attained, one should not exclude the possibility for adoption by NAFO of all the pertinent points during this session.

I wish to make it perfectly clear that there can be no adoption of the various elements, unless all elements are ready for acceptance as NAFO measures.

The European Union is looking forward to collaborating with Canada and all other Contracting Parties in a constructive way, to reinforce NAFO as a regional fisheries organization responsible for the management and conservation of the fisheries resources in the area.

Annex 3. Opening Statement by the Representative of Canada

- Mr. Chairman, a successful outcome to this Special Meeting of the Fisheries Commission is vital for NAFO and for the rebuilding of the stocks of the Northwest Atlantic. The main objective of this meeting is to agree on improved control and enforcement amendments to the NAFO Conservation and Enforcement Measures. An additional issue for consideration is the proposal by Canada and the EU that the TAC for 2+3 Greenland halibut in 1995 be divided into two portions: 2+3K - 7 000 tons, 3LMNO - 20 000 tons.
- The NAFO Standing Committee on International Control or STACTIC met recently and developed a set of proposals for improved conservation and enforcement measures. These proposals originated from the Canada-European Union Agreement on the conservation and management of stocks that straddle Canada's 200-mile limit.
- The STACTIC proposals provide NAFO with the chance to ensure NAFO measures achieve their expected outcome.
- The Canada-EU Agreement is not just about quota sharing or providing protection for the Greenland halibut stock. It is also about rebuilding the cod, yellowtail flounder, American plaice, witch flounder stocks currently under NAFO moratoria. The recovery and rebuilding of these stocks is in the interest of all Contracting Parties.
- The Canada-EU Agreement also reflects a bilateral commitment to introduce a better set of rules and an effective system to enforce them.
- What the Agreement proposes in practical terms for enforcement is essentially this: There is an extremely high probability of detection with 100 percent observer coverage; there is a requirement for a quick reaction to major infringements; there are significant consequences for non-compliance and there is a very high degree of deterrence because of the greater certainty that infractions will be detected and punished.
- Adoption of the proposals will provide, for the first time, an effective system for monitoring catches, controlling fleets, preventing the use of liners in nets, stopping the catch of undersized fish and controlling the catches of fish under moratoria. With the new measures in place, there will be constant control and policing of the type of gear used and checks on catch reporting. These measures will not only provide more effective detection and deterrence, but they will also revamp the process for handling infractions and violations as and when they occur.
- Prior to the Canada-EU Agreement, we had only at-sea inspections. We had two hours to do them in sea conditions. We had citations listed with NAFO. There was uncertainty of any follow-up or any penalties or any action taken to deal with those who had broken the rules. The end result was that we had a very low level of deterrence. That is changed right now between Canada and the EU for 1995 with the Canada-EU Agreement, and will be changed for the future through the adoption of the same rules by NAFO.

- We all recognize that effective enforcement of NAFO measures has varied among Contracting Party fleets. We have recognized that there needs to be some means to ensure that once NAFO rules are set and agreed, all vessels will abide by those rules. In the end, as history has taught us repeatedly, only the credible threat of enforcement action will deter the irresponsible on the high seas.
- It is Canada's hope that the measures contained in the Canada-EU Agreement are adopted by NAFO. We believe that the measures proposed by STACTIC, if adopted, would provide a state-of-the-art conservation and enforcement regime to protect NAFO-managed stocks from overfishing. It is our hope that we can obtain the overall consensus to achieve this goal.
- Our experience in Canadian waters has shown that observers are very effective in ensuring compliance with the rules. It is evident that without observers on the high seas, destructive fishing practices such as illegal liners have been too common. The presence of observers, who are now on board all Canadian and EU vessels in the NAFO Regulatory Area as part of the Canada-EU Agreement, will prevent these destructive fishing practices in the future. Since the observers have been in place since about mid-May, there have been no citations on board these vessels.
- We have heard some reservations expressed about the costs of implementing the full set of STACTIC proposals. The most expensive elements of the STACTIC proposals are contained in the two-year pilot project, which is not a permanent scheme. The pilot will look at the efficiency and effectiveness of such a program. It is our view that this is a worthwhile investment for the future, aimed at determining what should be the elements of a permanent program that will be cost effective.
- Mr. Chairman, this meeting is an historic opportunity for NAFO. It is an opportunity to put in place measures to ensure for the first time in the history of NAFO and its predecessor ICNAF, an effective system of conservation and control, to end overfishing, and ensure the survival and regeneration of the stocks of the NAFO Regulatory Area.

Annex 4. Agenda

I. Opening Procedure

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

II. Conservation and Enforcement Measures

6. STACTIC Report, FC Doc. 95/3 (Special Meeting, 10-12 May 1995)
7. Inspections
8. Transmission of Information from Inspections
9. Increase in Inspection Presence
10. Improvements to Hail System
11. Additional Enforcement Measures
 - (i) Minimum fish size for Greenland halibut
 - (ii) Applicability of discard rules in the NRA
 - (iii) Special rules for fish products, e.g. processed length equivalents
 - (iv) On board production of fish meal and similar products
 - (v) Further measures to protect juvenile fish, e.g. area/seasonal closures
12. Mesh Size
13. Dockside Inspections
14. Effort Plans and Catch Reporting
15. Major Infringements
16. Follow-up to Major Infringements

17. Pilot Project for Observers and Satellite Tracking

- (i) Observers
- (ii) Satellite Tracking
- (iii) Report on Pilot Project

III. Conservation of Fish Stocks in the Regulatory Area

18. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits

- (i) Greenland halibut in Area 2+3¹

19. Request to the Scientific Council for Scientific Advice

IV. Closing Procedure

20. Adoption of Report

21. Time and Place of the Next Meeting

22. Other Business

23. Adjournment

¹ Canada and the European Union will jointly propose for 1995:

(a) 2+3K (within Canadian 200 miles)	7 000 tons
(b) 3LMNO	20 000 tons

Annex 5. Chairman's Compromise for Adoption in September

(FC Working Paper 95/16
Revision 1)

The Fisheries Commission

Having considered the STACTIC Reports of the Special Meeting, 10-12 May 1995 and the Meeting of 08 June 1995; and

Noting its decisions for 1995 with respect to Greenland halibut in Subareas 2+3.

AGREED AT ITS JUNE 1995 MEETING

A. on the following proposals for international measures of control and enforcement:

- Inspections (FC Working Paper 95/17)
- Transmission of Information from Inspections (FC Working Paper 95/18)
- Reporting of Catch on Board Fishing Vessels Entering and Exiting the Regulatory Area (FC Working Paper 95/19)
- Mesh Size (FC Working Paper 95/20)
- Port Inspections (FC Working Paper 95/21)
- Effort Plans and Catch Reporting (FC Working Paper 95/22)
- Infringements (FC Working Paper 95/28, Revision 1)
- Follow-Up on Apparent Infringements (FC Working Paper 95/24)
- Pilot Project for Observers and Satellite Tracking (FC Working Paper 95/25)

B. to adopt at the September 1995 Annual NAFO Meeting the measures in A together with the following proposal for the total allowable catch (TAC) and quotas (metric tons) for Greenland halibut for 1996, taking into account the advice of the NAFO Scientific Council (figures to be agreed at the September 1995 Annual NAFO Meeting)

1. Bulgaria
2. Canada
3. Cuba
4. Denmark (Faroe Islands and Greenland)
5. European Union
6. Iceland
7. Japan
8. Korea
9. Norway
10. Poland
11. Estonia
12. Latvia
13. Lithuania
14. Russia
15. Others

Total Allowable Catch	3LMNO	tons
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C. to come back to the question of an increase of the inspection presence (STACTIC Working Paper 95/14, revision 4) at the September 1997 Annual NAFO Meeting.

D. to adopt at the September 1995 Annual NAFO Meeting a minimum fish size for Greenland halibut of ----cm, taking into account the advice of the NAFO Scientific Council.

E. to consider for adoption at the earliest occasion:

- any further measures to protect juvenile fish of regulated species, e.g. area/seasonal closures, taking into account the advice of the NAFO Scientific Council (Fisheries Commission's request for scientific advice-FC Working Paper 95/27); and
- any special rules for fish products, e.g. processed length equivalents as well as additional enforcement measures (STACTIC Working Paper 95/16, Revision 5), taking into account the advice of STACTIC.

F. to convene a STACTIC working group sufficiently in advance of the implementation of the Pilot Project with a view to examine the different satellite systems and their compatibility.

G. to convene a Workshop for scientists and fishery managers in connection with the September 1996 Annual NAFO Meeting with a view to address the question of the applicability of discard rules/retention rules in the NRA in accordance with the following terms of reference (to be elaborated).

Inspections

NAFO CONSERVATION AND ENFORCEMENT MEASURES

Amend PART IV. 2. (ii) and insert a new point (iii):

- (ii) To ensure objectivity in the realization and distribution of inspections between the Contracting Parties, the number of inspections carried out by the vessels of a Contracting Party on vessels of any other Contracting Party shall, as far as possible, reflect the ratio of the inspected Party's fishing activity to the total fishing activity in the Regulatory Area, per quarter, measured on the basis of, inter alia, the level of catches and vessel days on ground and shall also take into account compliance records.
- (iii) The Executive Secretary shall draw up an annual report on the objectivity in the realization and distribution of inspections between the Contracting Parties.

Amend PART IV. 4 - add as (iii) and (iv):

- (iii) No boarding shall be conducted without prior notice by radio being sent to (whether or not received by) the vessel, including the identity of the inspection platform.
- (iv) Each Contracting Party shall ensure that its inspection platforms are kept at a safe distance from fishing vessels and that its inspectors assigned to the Scheme respect the provisions thereof as well as any other applicable rules of international law.

Amend PART IV. 6. (i).

insert at the beginning of the first paragraph to read as follows:

Without limiting the capability of inspectors to carry out their mandate,

insert before the second paragraph:

When carrying out their inspection duties in conformity with Part IV of these Measures, NAFO inspectors shall take all appropriate precautions to avoid causing damage to packaging, wrapping, cartons or other containers and to the contents of same in order to ensure, to the extent practicable, that the quality of the catch on board is maintained.

Cartons and other containers shall be opened in such a way that will facilitate their prompt resealing, repacking and eventual restorage.

Transmission of Information From Inspections

NAFO CONSERVATION AND ENFORCEMENT MEASURES

Amend PART IV. 6.(i) - to provide for advance notification of apparent infringements, replace the last paragraph insert with the following wording:

In the case of an apparent infringement or a difference between recorded catches and the inspector's estimates of the catches on board, a copy of the inspection report with supporting documentation, including second photographs taken, shall be transmitted within 10 days to the responsible authorities of the Contracting Party for the inspected vessel, after the inspection vessel returns to port. In the case of other inspection reports, the original shall be transmitted within 30 days whenever possible, to a designated authority of the Contracting Party for the inspected vessel. A copy of every inspection report shall also be forwarded to the Executive Secretary.

Notwithstanding the notification of the inspection report, the duly assigned NAFO inspectors conducting the inspection shall prepare and transmit within 24 hours to the Contracting Party of the vessel a statement which shall constitute advance notification of the apparent infringement. A copy of this statement shall be transmitted to the NAFO Executive Secretary.

This statement shall quote the information entered under points 16 and 18 of the inspection report, cite the relevant NAFO Measures and describe in detail the basis for issuing the citation for an apparent infringement and the evidence to support the said citation.

Amend PART IV 6(i) - to provide information on suspected illegal practices add new paragraphs:

In the case where, in the course of an inspection, NAFO Inspectors make comments and observations in the inspection report, in particular under point 20 thereof, the said inspectors shall promptly prepare a written statement citing the relevant NAFO Measures, and describing the practices observed and substantiating the grounds for their suspicions. This statement shall be sent within 24 hours

- a) to the Contracting Party of the inspected vessel,
- b) to the NAFO Executive Secretary.

The NAFO Executive Secretary and the designated authorities shall treat this information with the confidentiality required for the protection of individual data.

(FC Working Paper 95/19)

Reporting of Catch on Board Fishing Vessels Entering and Exiting the Regulatory Area

NAFO CONSERVATION AND ENFORCEMENT MEASURES

Amend PART III E. 1. - to read as follows:

- (a) each entry into the Regulatory Area. This report shall be made at least six (6) hours in advance of the vessel's entry and shall include the date, the time, geographical position of the vessel and total round weight by species (3 alpha codes) on board in kilograms (rounded to the nearest 100 kilograms).

The total quantity of species for which the total round weight by species is less than one tonne may be reported under the 3 alpha code "MZZ" (marine fish not specified);

- (b) each exit from the Regulatory Area. This report shall be made six (6) hours in advance of the vessel's exit from the Regulatory Area and shall include the date, time, geographical position of the vessel and catch in round weight taken and retained in the Regulatory Area by species (3 alpha codes) in kilograms (rounded to the nearest 100 kilograms);

The total quantity of species for which the total round weight by species is less than one tonne may be reported under the 3 alpha code "MZZ" (marine fish not specified);

- (c) except as provided in (d), each movement from one NAFO division to another NAFO division. This report shall be made prior to the vessel's entry into a NAFO division and shall include the date, time and geographical position of the vessel;

- (d) EXISTING LETTER (c) BECOMES NEW LETTER (d)

- (e) each offloading for transshipment of fish while the vessel is operating in the Regulatory Area. This report shall be made at least 6 hours in advance and shall include the date, the time, ~~and~~ the geographical position of the vessel and total round weight by species (3 alpha codes) to be transhipped in kilograms (rounded to the nearest 100 kilograms).

4. Vessels equipped with devices which enable the automatic transmission of their position are exempt from the hail requirements set out in (c) and (d) above.

Each Contracting Party whose vessels are so equipped shall notify the Executive Secretary of the names of those vessels in accordance with Part III.D. of the Measures. In addition, each Contracting Party shall transmit, to the NAFO Executive Secretary, on a real time basis, messages indicating movements within the Regulatory Area for its vessels equipped with satellite devices. The Executive Secretary shall transmit as quickly as possible such information to Contracting Parties with an inspection vessel in the NAFO Convention Area.

The Executive Secretary shall draw up lists of such vessels and circulate these to Contracting Parties with an inspection presence in the Regulatory Area.

Amend PART III - Annex I - HAIL SYSTEM MESSAGE FORMAT

Insert a new line G in paragraph 1.1 as follows:

G. The total round weight of fish by species (3 alpha codes) on board in kilograms rounded to the nearest 100 kilograms.

Existing line G in paragraph 1.1 becomes new line H

Replace paragraph 1.4 to read as follows:

- 1.4 Each exit from the Regulatory Area. These reports shall be made at least six (6) hours in advance of the vessel's exit from the Regulatory Area and shall contain the following particulars in the following order:
- A. Name of vessel,
 - B. Call sign,
 - C. External identification letters and numbers,
 - D. The date, the time and geographical position,
 - E. Indication of the message code: "EXIT",
 - F. The NAFO division from which the vessel is about to leave,
 - G. The catch in round weight taken in the Regulatory Area by species (3 alpha codes) in kilograms (rounded to the nearest 100 kilograms).
 - H. The name of the master.

Add new paragraph 1.5 to read:

- 1.5 Transshipment in the Regulatory Area. This report shall be made at least six hours in advance and shall contain the following particulars in the following order:
- A. Name of vessel,
 - B. Call sign,
 - C. External identification letters and numbers,
 - D. The date, the time and geographical position,
 - E. Indication of the message code: "TRANSFER",
 - F. The total round weight by species (3 alpha codes) to be transhipped in kilograms (rounded to the nearest 100 kilograms),
 - G. The name of the master

Mesh Size

NAFO CONSERVATION AND ENFORCEMENT MEASURES

Part II - Gear

New B - Meshes

A Contracting Party shall permit only the use of meshes which have 4 sides, equally long, of the same material, and 4 knots.

Re-number B,C,D into C,D,E.

Amend PART V - SCHEDULE IV as follows:

Authorized Mesh Size of Nets

<u>Species</u>	<u>Mesh Size</u>
a) All principal groundfish, flatfishes, and other groundfish and other fish with the exception of capelin as listed in part V, Schedule II, Attachment II.	130 mm
b) Squid	60 mm
c) Shrimps and prawns	40 mm
d) Capelin	... mm

delete note 1

Note 2: Until 1 January 1997, for nets made of polyamide fibres of the following tradenames:

caprolan

dederon

kapron

the equivalent minimum mesh size shall be 120 mm. Vessels using these materials shall have aboard certificates, which establish that the fibres in the net used correspond to the tradenames mentioned above.

Port Inspections

NAFO CONSERVATION AND ENFORCEMENT MEASURES

New PART VII - Port Inspections

1.
 - (i) When, in the port of a Contracting Party, a port call is made by a vessel that has been engaged in fishing for stocks subject to these Measures, the Contracting Party whose port is being used shall ensure that an inspector is present and that, on each occasion when catch is offloaded, an inspection takes place to verify the species and quantities caught. The Contracting Party shall also ensure that the interference in the offloading activity is minimized and that the quality of the catch is not adversely affected.
 - (ii) The quantities landed by species and the quantities retained on board, if any, shall be cross-checked with the quantities recorded in logbooks, catch reports on exit from the Regulatory Area, and reports of any inspections carried out under this Scheme.
 - (iii) Any information from inspections under Part IV of these Measures shall be verified.
 - (iv) Inspections shall include verification of mesh size of nets on board and size of fish retained on board.
 - (v) Results of port inspections shall be provided to other Contracting Parties on request and communicated to the Executive Secretary on an annual basis.
2. Contracting Parties shall, every two years, check each of their vessels, notified in accordance with Part III.D. of these Measures, 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.

Effort Plans and Catch Reporting

NAFO CONSERVATION AND ENFORCEMENT MEASURES

Amend PART III. D. Notification of Fishing and Processing Vessel - add new paragraph:

4. Each Contracting Party shall, for the first time by 15 June 1995 and thereafter annually before the vessels of that Contracting Party commence fishing for Greenland halibut, notify the Executive Secretary of the fishing plan for their vessels fishing for Greenland halibut in the Regulatory Area.

This fishing plan shall identify, inter alia, the vessels which are notified in accordance with Part III D of these Measures and which will engage in the Greenland halibut fishery. The fishing plan shall represent the total fishing effort to be deployed with respect to this fishery in relation to the extent of the fishing opportunities available to the Contracting Party making the notification.

By January 30 following each year for which a fishing plan has been notified, each Contracting Party shall transmit to the Executive Secretary a report on the implementation of this plan, including the number of vessels actually engaged in this fishery and the total number of days fished.

Amend PART V, Schedule I, Appendix II, (Quota Table for 1995) - replace footnote 6 by the following:

6. Each Contracting Party shall report catches by its vessels of Greenland halibut to the Executive Secretary every Tuesday for the week ending at 2400 hours on the previous Sunday.

Infringements

NAFO CONSERVATION AND ENFORCEMENT MEASURES

AMEND PART IV - Scheme of Joint International Inspection and Surveillance

Insert new paragraphs 9 and 10 to read as follows:

9. The following apparent infringements shall be subject to paragraph 10:
 - i) misreporting of catches;
 - ii) mesh size violations;
 - iii) hail system violations;
 - iv) interference with the satellite tracking system;
 - v) preventing an inspector or an observer from carrying out his or her duties.

10. Notwithstanding paragraphs 7 and 8 above:
 - i) If a NAFO inspector cites a vessel for having committed, to a serious extent, an apparent infringement as listed in paragraph 9 above, the Contracting Party of the vessel shall ensure that the vessel concerned is inspected within 72 hours by an inspector duly authorized by that Contracting Party. In order to preserve the evidence, the NAFO inspector shall take all necessary measures to ensure security and continuity of the evidence, and may remain on board the vessel, for the period necessary to provide information to the duly authorized inspector concerning the apparent infringement.

 - (ii) Where justified, the inspector authorized by the Contracting Party of the vessel concerned shall, where duly authorized to do so, require the vessel to proceed immediately to a nearby port, chosen by the Master, which should be either St. John's, Halifax, the home port of the vessel or a port designated by the Flag State, for a thorough inspection under the authority of the Flag State and in the presence of a NAFO inspector from any other Contracting Party that wishes to participate. If the vessel is not called to port, the Contracting Party must provide due justification in a timely manner to the Executive Secretary who shall make it available on request to any Contracting Party.

- iii) Where a NAFO inspector cites a vessel for having committed an apparent infringement as listed in paragraph 9 above, the inspector shall immediately report this to the Executive Secretary, who shall in turn immediately report, for information purposes, to the other Contracting Parties with an inspection vessel in the Convention Area;
- iv) Where a vessel is required to proceed to port for a thorough inspection pursuant to paragraph ii) above, a NAFO inspector from another Contracting Party may, subject to the consent of the Contracting Party of the vessel, board the vessel as it is proceeding to port, may remain on board the vessel as it proceeds to port and may be present during the inspection of the vessel in port;
- v) If an apparent infringement of the Conservation and Enforcement Measures has been detected which in the view of the duly authorized inspector is sufficiently serious, the inspector shall take all necessary measures to ensure security and continuity of the evidence including, as appropriate, sealing the vessel's hold for eventual dockside inspection.

Existing paragraph 9 of the NAFO Conservation and Enforcement Measures to be renumbered as paragraph 11.

Follow-up on Apparent Infringements

NAFO CONSERVATION AND ENFORCEMENT MEASURES

Part IV - Scheme of Joint International Inspection and Surveillance

Insert new second sentence in paragraph 12 as follows:

12. Appropriate authorities of a Contracting Party shall consider and act on reports from inspectors of other Contracting Parties under the scheme on the same basis as reports from its own inspectors. Contracting Parties shall cooperate to follow up apparent infringements using all necessary evidence available from all sources, including evidence from other Contracting Parties as required for effective prosecution or administrative proceedings, subject to the rules governing the admissibility of evidence in domestic courts.

The provisions of this paragraph shall not impose any obligation on the appropriate authorities of a Contracting Party to give the report from a foreign inspector a higher evidentiary value than it would possess in the inspector's own country. Appropriate authorities of Contracting Parties shall collaborate in order to facilitate judicial or other proceedings arising from a report submitted by the inspector under the scheme.

Existing paragraph 14.(ii) and 14.(iii) to be deleted and incorporated in new paragraph 15.

15. a) Appropriate authorities of each Contracting Party shall report to the Executive Secretary by February 1 (for the period July 1-December 31 of the previous year) and September 1 (for the period January 1-June 30 of the current year) each year:
- i) the disposition of apparent infringements notified to it by a Contracting Party. The apparent infringements shall continue to be listed on each subsequent report until the action is concluded under the laws of the Flag State;
 - ii) differences that they consider significant between records of catches in the logbooks of vessels flying the flag of the Contracting Party and inspectors' estimates of catches on board the vessels.
- b) The report required in (a) above shall indicate the current status of the case (i.e. case pending, under appeal, still under investigation, etc) and any penalties imposed shall be described in specific terms (i.e. level of fines, value of forfeited fish and/or gear, written warning given, etc) and shall include an explanation if no action has been taken.

Existing paragraph 15 will be renumbered as paragraph 16.

(FC Working Paper 95/25)

Pilot Project for Observers and Satellite Tracking

NAFO CONSERVATION AND ENFORCEMENT MEASURES

The existing Part VI - "Pilot Project for a NAFO Observer Scheme" of the Conservation and Enforcement Measures will be replaced with the following:

Part VI - Pilot Project for Observers and Satellite Tracking

In order to improve compliance with the Conservation and Enforcement Measures for their vessels fishing in the Regulatory Area, Contracting Parties agree to implement during the period from 01 January 1996 to 31 December 1997 a Pilot Project to provide for properly trained and qualified observers on all vessels fishing in the NAFO Regulatory Area and satellite tracking devices on 35% of their respective vessels fishing in the Regulatory Area.

A. Observers

1. Each Contracting Party shall require all its vessels fishing in the Regulatory Area to accept observers on the basis of the following:
 - a) each Contracting Party shall have the primary responsibility to obtain, for placement on its vessels, independent and impartial observers;
 - b) in cases where a Contracting Party has not placed an observer on a vessel, any other Contracting Party may, subject to the consent of the Contracting Party of the vessel, place an observer on board until that Contracting Party provides a replacement in accordance with paragraph a);
 - c) no vessel shall be required to carry more than one observer pursuant to this Pilot Project at any time.
2. Each Contracting Party shall provide to the Executive Secretary a list of the observers they will be placing on vessels in the Regulatory Area.
3. Observers shall:
 - a) monitor a vessel's compliance with the relevant Conservation and Enforcement Measures. In particular they shall:
 - i) record and report upon the fishing activities of the vessel and verify the position of the vessel when engaged in fishing;
 - ii) observe and estimate catches with a view to identifying catch composition and monitoring discards, by-catches and the taking of undersized fish;

- iii) record the gear type, mesh size and attachments employed by the master;
 - iv) verify entries made to the logbooks (species composition and quantities, round and processed weight and hail reports).
 - b) collect catch and effort data on a set-by-set basis. This data shall include location (latitude/longitude), depth, time of net on the bottom, catch composition and discards;
 - c) carry out such scientific work (for example, collecting samples) as requested by the Fisheries Commission based on the advice of the Scientific Council;
 - d) within 30 days following completion of an assignment on a vessel, provide a report to the Contracting Party of the vessel and to the Executive Secretary, who shall make the report, available to any Contracting Party that requests it. Copies of reports sent to other Contracting Parties shall not include location of catch in latitude and longitude as required under 3 b), but will include daily totals of catch by species and division.
4. In the case where an observer is deployed on a vessel equipped with devices for satellite-based automatic remote position recording facilities, the observer shall monitor the functioning of, and report upon any interference with, the satellite system. In order to better distinguish fishing operations from steaming and to contribute to an *a posteriori* calibration of the signals registered by the receiving station, the observer shall maintain detailed reports on the daily activity of the vessel.
 5. When an apparent infringement of the Conservation and Enforcement Measures is identified by an observer, the observer shall, within 24 hours, report it to a NAFO inspection vessel using an established code, which shall report it to the Executive Secretary.
 6. Contracting Parties shall take all necessary measures to ensure that observers are able to carry out their duties. Subject to any other arrangements between the relevant Contracting Parties, the salary of an observer shall be covered by the sending Contracting Party.
 7. The vessel on which an observer is placed shall provide suitable food and lodging during the observer's deployment. Vessel masters shall ensure that all necessary cooperation is extended to observers in order for them to carry out their duties.
- B. Satellite Tracking
1. Each Contracting Party whose vessels fish, or plan to fish, a minimum of 300 days per year in the Regulatory Area, shall:
 - a) require 35% of its vessels fishing in the Regulatory Area to be equipped with an autonomous system able to transmit automatically satellite signals to a land-based receiving station permitting a continuous tracking of the position of the vessel by the Contracting Party of the vessel;

- b) endeavour to test several systems of satellite tracking;
 - c) install at least one receiving station associated with their satellite tracking system;
 - d) transmit to the Executive Secretary, on a real time basis, messages of movement between NAFO divisions (as per the requirements of the Hail System outlined in Part III. E of these Measures) for its vessels equipped with satellite devices. The Executive Secretary shall, in turn, transmit such information to Contracting Parties with an inspection vessel or aircraft in the Convention Area;
 - e) cooperate with other Contracting Parties which have a NAFO inspection vessel or aircraft in the Convention Area, in order to exchange information on a real-time basis on the geographical distribution of fishing vessels equipped with satellite devices and, on specific request, information related to the identification of a vessel.
2. Subject to any other arrangements between Contracting Parties, each Contracting Party shall pay all costs associated with the satellite tracking system.

C. Analysis

1. Each Contracting Party shall prepare a report on the results of the Pilot Project from the perspective of efficiency and effectiveness, including:
- a) overall effectiveness of the Project in improving compliance with the Conservation and Enforcement Measures;
 - b) the effectiveness of the different components of the Project;
 - c) costs associated with observers and satellite tracking;
 - d) a summary of observers' reports, specifying type and number of observed infractions and important events;
 - e) estimations of fishing effort from observers as compared to initial estimation by satellite monitoring;
 - f) analysis of the efficiency in terms of cost/benefit, the latter being expressed in terms of compliance with the Conservation and Enforcement Measures and volume of data received for fisheries management.
2. The reports shall be submitted to the Executive Secretary in time for their consideration at the September 1997 Annual Meeting of NAFO and, based on these reports, the Parties agree to establish a permanent scheme that will ensure that the degree of control and enforcement in the Regulatory Area provided by the Project, as indicated above, is maintained.

Annex 6. Japanese Proposal re Increase in Inspection Presence

(STACTIC Working Paper 95/26
Revised)

NAFO CONSERVATION AND ENFORCEMENT MEASURES

Amend PART IV. 3 - replace the second subsection to read:

Each Contracting Party having at any time [10] [20] or more vessels operating in the Regulatory Area shall deploy at least during that time one inspection vessel to this Area. Contracting Parties with less than [10] [20] vessels at any time shall cooperate in the deployment of inspection vessels.

Each Contracting Party shall have at least one inspector or designated authority present in the Convention Area or in a [State] [port] bordering this Area during the time that its vessels are operating in the Regulatory Area, to receive and respond, without delay, to any notice of apparent infringements.

A Contracting Party may authorize inspectors from another Contracting Party to carry out their functions on its behalf.

Annex 7. Additional Enforcement Measures

(STACTIC Working Paper 95/16
Revision 5)

Proposal¹

NAFO CONSERVATION AND ENFORCEMENT MEASURES

Amend PART I, A Quotas

Delete in point 2 (lines 7 and 8) the wording which reads:

and the likely incidental catch for the remainder of the period referred to in paragraph 1,

Delete in point 3 paragraph (b) (lines 5 and 6) the wording which reads:

and the likely incidental catch for the remainder of the period

Delete the last part of point 3 paragraph (c) which reads :

except for incidental catches in directed fisheries for other stocks

Replace point 4 paragraph (b) by the following:

Unless otherwise provided in these Measures, in cases where a ban on fishing is in force ~~or an~~ "others" quota has been fully utilized or where no directed fishing is allowed, incidental catches of the species concerned may not exceed 1,250 kg or 5%, whichever is the greater.

Amend in point 4 insert new paragraph (d) to read as follows:

d) In cases where

(i) a quota allocated to a Contracting Party from a stock listed in Schedule I is exhausted;

(ii) an "Others" quota has been fully utilised; or

¹ new wording underlined and ~~deleted wording struck out.~~

- (iii) . a directed fishery is prohibited and the Fisheries Commission so decides;

incidental catches of the species concerned shall not be ground, processed to fishmeal, transhipped, landed, transported, stored, displayed or offered for sale, but must be returned immediately to the sea.

Amend Part V, Schedule I, Appendix II (Quota table)

Insert new footnote 7 (the Fisheries Commission will decide, on a case by case basis to which stocks this footnote will apply.):

7. Part I Section A.4. paragraph d (iii) of the NAFO Conservation and Enforcement Measures shall apply.

Amend PART I.D.2 Minimum fish size to read as follows:

2. Undersized fish shall not be ground, processed to fishmeal, transhipped, landed, transported, stored, displayed or offered for sale, but shall be returned immediately to the sea.

[* Note: Notwithstanding the provisions of Part I.A.4 and D.2 of these Measures, Canadian [and ...] vessels fishing for principal groundfish, flatfishes, other groundfish and other fish with exception of capelin, as listed in part V, Schedule II, Attachment II, will abide (until further decision by the Fisheries Commission) by their equivalent national regulation which requires landing of all catches.]

Amend PART V - SCHEDULE VII Minimum Fish Size as follows:

<u>Species</u>	<u>Minimum Size</u>
Atlantic cod, <i>Gadus morhua</i> L.	41 cm
American plaice, <i>Hippoglossoides platessoides</i> (Fab)	25 cm
Yellowtail flounder, <i>Limanda ferruginea</i> (Storer)	25 cm
<u>Greenland Halibut, <i>Reinhardtius Hippoglossoides</i></u>	<u>[]</u>

Note : Fish size for Atlantic cod refers to fork length and for other species it is total length.

Amend PART II Gear Section B. Mesh Size

Amend paragraph 2 (c) to read as follows:

- c) ~~Except as provided in paragraph 3,~~ A Contracting Party shall prohibit vessels of that Party from taking in the Regulatory Area species listed in Part V, Schedule IV with nets having in any part of the net meshes of a size less than that specified in that Schedule, as measured wet after use by inserting into the meshes the appropriate gauge as described in Part V, Schedule V.

Delete point 3.

Point 4 becomes new point 3.

Annex 8. Fisheries Commission's Request for Scientific Advice

(NAFO/FC Doc 95/4)

The Fisheries Commission, with the concurrence of the Coastal State, requests that the Scientific Council, as regards points 1 and 2 at a meeting in advance of the 1995 Annual Meeting, provide scientific advice in response to the following issues:

1. A minimum fish size for Greenland halibut

Provide advice on the minimum fish size for Greenland halibut in SA 2+3, in terms of round (total) length, corresponding to 25% retention by the existing legal minimum mesh size for trawls.

2. TAC's for Greenland halibut in SA 2+ Div. 3K and Div. 3LMNO

The Fisheries Commission has subdivided the 1995 TAC for Greenland halibut in SA 2+3 into two TAC's for SA 2 + Div. 3K and Div. 3LMNO. In responding to the Commission's request for advice for the management of Greenland halibut in SA 2+3 for 1996, the Scientific Council should recommend an overall TAC for SA 2+3 and provide advice on dividing the overall TAC into two TAC's for SA 2 + Div. 3K and for Div. 3LMNO.

3. Further measures to protect juvenile fish of regulated species, e.g. area/seasonal closures

Taking into account available information on the geographical and seasonal distribution of regulated species of various sizes, identify, where practical and sufficient information is available, seasonal and area fishery closures which would reduce the proportion of juveniles of regulated species in commercial catches.

4. Optimal minimum fish sizes

Taking into account the implications on conservation of the stocks and long-term harvest of alternative sizes at first entry into the fishery, recommend optimal (in terms of maximum yield per recruit) minimum fish sizes for regulated species in the NRA, and advise on the corresponding minimum mesh sizes for trawls and other gear.

5. Minimum mesh size in the Capelin fishery

Provide advice on the usefulness of a minimum mesh size in the trawl fishery for Capelin.

Annex 9. Japanese Proposal re Dockside Inspections

(FC Working Paper 95/15)

NAFO Conservation and Enforcement Measures

Amend the new Part VII.1 (i) as follows:

- (i) When, in the port of a Contracting Party, a port call is made by a vessel that has been engaged in fishing for stocks subject to these Measures, the Contracting Party whose port is being used shall ensure that its inspector is present and that on each occasion when catch is offloaded, an inspection takes place to verify the species and quantities caught.

Amend the new Part VII.1 (v) as follows: (Amendment underlined)

- (v) Result of port inspections shall be provided to other Contracting Parties on request and communicated to the Executive Secretary on an annual basis in accordance with the relevant laws and regulations of the Contracting port party.

**Annex 10. Japanese Proposal re Pilot Project for
Observers and Satellite Tracking**
(Annex 13 of STACTIC Report-FC Doc. 95/3)

(FC Working Paper 95/13)

NAFO CONSERVATION AND ENFORCEMENT MEASURES

Replace the new PART VI A. 3. a) and b) by:

- a) monitor a vessel's compliance with the relevant Conservation and Management Measures and collect the data as specified in Attachment 1.

- 3. c) and d) should read 3. b) and c) respectively.

OBSERVER REPORT (NAFO)

Attachment 1

Date/Month/Year, () Moon Age () the Day of Fishing		Noon Weather	Wind Direction & Force	Weather	Baromet	Sea Condition	Atmospheric Temperature Water Temperature	Name of Observer										
Towing NAFO No. Area	Towing time	Towing Course	Gear Type	Mesh Size	Minimum Fish Size Species / Prohibited Species													
					PLA M.T.	YEL M.T.	COD M.T.	GHL M.T.	Discarded		Retained		Discarded		Retained			
1																		
2																		
3																		
4																		
5																		
Daily Total																		

Catch Composition (M.T.)												P = Production / D = Discard				TOTAL CATCH									
Species (Code No.)	RED			COD			GHL			P			D			Production			Discard			P & D			
Composition	P	D	P	D	P	D	P	D	P	D	P	D	P	D	P	D	P	D	P	D	P	D	P	D	
Daily Total																									
Cumulation																									

HAIL SYSTEM	Date/Time	Contents
Departure report from NAFO Regulatory Area		
Entry Report into NAFO Regulatory Area		
Movement report		

Annex 11. Resolution

(FC Doc. 95/5)

RESOLUTION

THE FISHERIES COMMISSION

Having considered the joint proposal by Canada and the European Community to NAFO for 1995 that:

- (a) The 27,000t TAC for 2+3 Greenland halibut be divided as follows:
- | | | |
|---|-------------------------------|---------------|
| - | 2+3K (Canadian 200 mile zone) | 7,000 tonnes |
| - | 3LMNO | 20,000 tonnes |
- (b) The 7,000t allocation for 2+3K (within Canadian 200 mile zone) for Greenland halibut be allocated to Canada;

Recalling Scientific Council reports which have cautioned about concentrating fishing effort on one part of the stock;

Noting that the catches of Greenland halibut in the NAFO Regulatory Area will take place entirely in 3LMNO;

Noting that Canada will limit its catch in 2+3K to 7,000t and in 3LMNO to 3,000t;

HAS AGREED to implement its decisions for 1995 with respect to 2+3 Greenland halibut by specifying that:

- (a) Sub-area 2+3 shall, as regards the management of Greenland halibut, be geographically divided as follows:
- | | |
|---|-------|
| - | 2+3K |
| - | 3LMNO |
- (b) The TAC for 3LMNO shall be 20,000t.

Annex 12. Fisheries Commission's Request for Scientific Advice

(NAFO/FC Doc. 95/4)

The Fisheries Commission, with the concurrence of the Coastal State, requests that the Scientific Council, as regards points 1 and 2 at a meeting in advance of the 1995 Annual Meeting, provide scientific advice in response to the following issues:

1. A minimum fish size for Greenland halibut

Provide advice on the minimum fish size for Greenland halibut in SA 2+3, in terms of round (total) length, corresponding to 25% retention by the existing legal minimum mesh size for trawls.

2. TAC's for Greenland halibut in SA 2+ Div. 3K and Div. 3LMNO

The Fisheries Commission has subdivided the 1995 TAC for Greenland halibut in SA 2+3 into two TAC's for SA 2 + Div. 3K and Div. 3LMNO. In responding to the Commission's request for advice for the management of Greenland halibut in SA 2+3 for 1996, the Scientific Council should recommend an overall TAC for SA 2+3 and provide advice on dividing the overall TAC into two TAC's for SA 2 + Div. 3K and for Div. 3LMNO.

3. Further measures to protect juvenile fish of regulated species, e.g. area/seasonal closures

Taking into account available information on the geographical and seasonal distribution of regulated species of various sizes, identify, where practical and sufficient information is available, seasonal and area fishery closures which would reduce the proportion of juveniles of regulated species in commercial catches.

4. Optimal minimum fish sizes

Taking into account the implications on conservation of the stocks and long-term harvest of alternative sizes at first entry into the fishery, recommend optimal (in terms of maximum yield per recruit) minimum fish sizes for regulated species in the NRA, and advise on the corresponding minimum mesh sizes for trawls and other gear.

5. Minimum mesh size in the Capelin fishery

Provide advice on the usefulness of a minimum mesh size in the trawl fishery for Capelin.

Annex 13. Fisheries Commission's Request for STACTIC Advice

(NAFO/FC Doc. 95/6)

Terms of Reference

The Fisheries Commission requests that the STACTIC, prior to the Annual NAFO Fisheries Commission Meeting in September 1995:

1. Propose sampling plans for use in estimating catch composition and quantities by species if any cartons or other containers are to be opened.
2. Provide advice on FC Working Paper 95/15 Dockside Inspections, Japanese Proposal.
3. Provide advice on STACTIC Working Paper 95/16, Revision 5 on special rules for fish products, e.g. processed length equivalents and other enforcement measures.
4. Consider and provide advice on FC Working Paper 95/13, the Japanese proposal for the report to be completed by observers.
5. Advise on FC Working Paper 95/28, Revision 1, Infringements, 9.v.
6. Advise on FC Working Paper 95/19, Reporting of Catch on Board Fishing Vessels Entering and Exiting the Regulatory Area, with respect to the issue of transshipping fish.

Prior to December 31, 1995 and sufficiently in advance of the implementation of the Pilot Project, STACTIC is requested to convene a STACTIC working group and provide advice on the different satellite systems and their compatibility.

PART II

Report of the Standing Committee on International Control (STACTIC)

(FC Doc. 95/7)

Special Meeting, 7-9 June 1995
7-9 June 1995

1. Opening of the Meeting

The Chairman, D. Bevan (Canada), opened the meeting at 1030 on 08 June 95. Representatives from the following Contracting Parties were present: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, the European Union (EU), Iceland, Japan, Poland, Republic of Korea, Norway and Russia.

2. Appointment of Rapporteur

Leo Strowbridge (Canada) was appointed Rapporteur.

3. Adoption of Agenda

The Chairman reviewed items referred to STACTIC by the Fisheries Commission as follows:

- i. A proposal by the delegation from Japan on the deployment of inspectors or designated authorities to the NAFO Convention Area.
- ii. A proposal by the delegation from Iceland on responses to major apparent infringements.
- iii. A request from the Fisheries Commission to discuss possible resolutions of square bracket text in STACTIC proposals on responses to major apparent infringements.

4. STACTIC Discussions

- i. *A proposal from the Japanese delegation on the deployment of inspectors to the NAFO Convention Area.*

STACTIC working papers 95/25 and 95/26 (and subsequent revisions) were introduced by the representative from Japan as amendments to the earlier text dealing with the placement of duly authorized inspectors in the NAFO Convention Area.

The Japanese representative explained the difficulties associated with deploying a duly authorized inspector in the NAFO Convention Area and, as an alternative, proposed that a designated authority represent some Contracting Parties in the NAFO Convention Area. In the event that major apparent infringements were encountered by NAFO inspectors, the Contracting Party or flag state could order the vessel to port for a thorough inspection by a duly authorized inspector.

The EU representative noted that, while the concept of a designated authority was acceptable, clarification was required on the functions and capabilities of this individual in relation to a duly authorized inspector.

Following general discussion of these matters, the text of Fisheries Commission Agenda Item 9 was revised as follows:

Part IV.3 - Inspection Presence

Each Contracting Party having at any time [10] [20] or more vessels operating in the Regulatory Area shall deploy at least during that time one inspection vessel to this Area. Contracting Parties with less than [10] [20] vessels at any time shall cooperate in the deployment of inspection vessels.

Each Contracting Party shall have at least one inspector or designated authority present in the Convention Area or in a [State] [port] bordering this Area during the time that its vessels are operating in the Regulatory Area, to receive and respond, without delay, to any notice of apparent infringements.

A Contracting Party may authorize inspectors from another Contracting Party to carry out their functions on its behalf.

STACTIC further discussed the square bracket text [State][port].

The Japanese and Korean representatives noted flexibility was required for nations with a limited fishing presence in the Regulatory Area and felt that the word [State] provided this flexibility.

The EU representative felt that duly authorized inspectors should be available in a port bordering on the Regulatory Area and suggested that the establishment of a designated authority may provide the flexibility required by Japan and Korea.

Following additional discussion on this matter, STACTIC could not reach consensus on appropriate text.

STACTIC discussed Fisheries Commission Agenda Item 15 and reviewed STACTIC working paper 95/25:

Part IV. 9 and 10 - new 10.vi

- vi) Notwithstanding the sub-paragraphs i) and ii) above, a Contracting Party which has no inspector present in the Convention Area or in a [State] bordering this Area in accordance with paragraph 3 above, when it receives the information from a NAFO inspector that its vessels have committed, to a serious extent, an apparent infringement as listed in paragraph 9 above, shall require the vessels to proceed to one of the ports as designated in sub-paragraph ii) above, for a thorough inspection by the inspector duly authorized by the Contracting Party of the vessel when it deems necessary. If the vessel is not called to port, the Contracting Party must provide due justification in a timely manner to the Executive Secretary who shall make it available on the request to any Contracting Party.

The Japanese representative noted that, in line with the concept of a designated authority, this provision ensures that, in the event major apparent infringements were encountered by NAFO inspectors, the Contracting Party or flag state could order the vessel to port for a thorough inspection by a duly authorized inspector.

STACTIC could not reach consensus on either of the Japanese proposals, but did agree to present both proposals to the Fisheries Commission. The EU reserved its position on both proposals.

ii. A proposal by the delegation from Iceland on responses to major apparent infringements.

STACTIC working paper 95/27 (and subsequent revision) was introduced by the representative from Iceland as amendments to the earlier text dealing with responses to major apparent infringements.

The representative from Iceland explained that NAFO inspectors detecting a major apparent infringement should be permitted to observe the proceedings of the duly authorized inspector as (s)he completes an inspection. Specific text would be as follows:

Part IV.10 - new i. and iv

10. Notwithstanding paragraphs 7 and 8 above:

- i) If a NAFO inspector cites a vessel for having committed, to a serious extent, an apparent infringement as listed in paragraph 9 above, the Contracting Party of the vessel shall ensure that the vessel concerned is inspected within 72 hours by an inspector duly authorized by that Contracting Party. In order to preserve the evidence, the NAFO inspector shall take all necessary measures to ensure security and continuity of the evidence, and may remain on board the vessel, to observe proceedings, until the duly authorized inspector completes an inspection and subsequently pursuant to section (iv) below;
- iv) Where a vessel is required to proceed to port for a thorough inspection pursuant to paragraph ii) above, subject to the consent of the Contracting Party of the vessel, the inspector referred to in section (i) above may remain on the vessel as it proceeds to port, or board the vessel as it is proceeding to port; the NAFO inspector onboard the vessel when it enters the port may be present during the inspection of the vessel in port;

The EU representative noted that this was a substantive amendment and, therefore, felt that the original STACTIC text should remain unchanged.

Other representatives (Canada and Norway) supported the proposal by Iceland, however, STACTIC could not reach a consensus on this matter. It was noted that Iceland could present this proposal for discussion by the Fisheries Commission.

iii. Request from the Fisheries Commission to discuss possible resolutions of square bracket text in STACTIC proposals on responses to major apparent infringements.

STACTIC working paper 95/29 (and subsequent revision) was introduced by the representative from the EU as amendments to the remove square bracket text related to the requirement for vessels to proceed to port for major apparent infringements as well as an amendment to reflect the earlier Japanese proposal on designated authorities. Specific text follows:

Part IV.10

- ii) Where justified, the inspector authorized by the Contracting Party of the vessel concerned [or the designated authority referred to in Part IV.3] shall, where duly authorized to do so, require the vessel to proceed immediately to a nearby port, chosen by the Master, which should be either St. Pierre, St. John's, the Azores, Halifax, [Las Palmas], the home port of the vessel or a port designated by the Flag State, for a thorough inspection under the authority of the flag State and in the presence of a NAFO inspector from any other Contracting Party that wishes to participate. If the vessel is not called to port, the Contracting Party must provide due justification in a timely manner to the Executive Secretary who shall make it available on request to any Contracting Party;

Noting the square bracket text for the designated authority and the port of Las Palmas, STACTIC agreed that the remaining revised text could be recommended to the Fisheries Commission for adoption.

The square bracket text of Part IV.9 was also discussed.

9. The following apparent infringements shall be subject to paragraph 10:

- i) misreporting of catches;
- ii) mesh size violations;
- iii) hail system violations;
- iv) interference with the satellite tracking system;
- [v)] [Conducting a directed fishery on a stock under moratorium or when a fishery has been closed;]
- vi) preventing an inspector or an observer from carrying out his or her duties.

STACTIC discussed the square bracket text, however, agreement on appropriate text could not be reached.