

## SECTION V

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### Report of the Fisheries Commission and its Subsidiary Body (STACTIC), 17th Annual Meeting 11-15 September 1995 Dartmouth, Nova Scotia, Canada

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## PART I

### Report of the Meeting of the Fisheries Commission

(FC Doc. 95/23)

17th Annual Meeting, 11-15 September 1995

Dartmouth, Nova Scotia, Canada

#### 1. Opening Procedures (items 1-5 of the Agenda)

- 1.1 The meeting was called to order by the Chairman, Mr. H. Koster (EU) on 11 September 1995 at 11:40 hours. 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, Lithuania, Norway, Poland, and the Russian Federation. (Annex 1)
- 1.2 An opening statement was made by the Representative of Canada (Annex 2).
- 1.3 Mr. R. Steinbock (Canada) was appointed Rapporteur.
- 1.4 The provisional agenda was adopted. (Annex 3)
- 1.5 Representatives of the United States of America were welcomed to the Meeting as observers. The North Atlantic Marine Mammal Commission (NAMMCO) was represented by the Representative of Iceland.
- 1.6 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 when a press release would be adopted by the General Council and issued by the NAFO Secretariat to the public.

#### 2. Administrative (items 6-7)

- 2.1 The review of Commission membership was referred to the General Council authority (under provisions of Article XIII of the Convention).

Note from the Executive Secretary:

The General Council decided that all thirteen (13) Contracting Parties present at the current meeting will be members of the Fisheries Commission in 1996.

- 2.2 Election of Officers: Mr. H. Koster (EU) was re-elected as Chairman of the Fisheries Commission and Mr. P. Gullestad (Norway) was re-elected as Vice-Chairman for a term of two years (1996-1997).

### 3. Conservation and Enforcement Measures (items 8-11)

- 3.1 Item 8 of the FC Agenda, Annual Return of Infringement, Surveillance, Inspection Reports, was referred to STACTIC.

The STACTIC conclusions and recommendations to the Fisheries Commission are presented under item 3.4 below and in Part II of this Report.

- 3.2 Item 9 of the FC Agenda, specific issues regarding the items referred to the Annual Meeting from the Special Fisheries Commission Meeting in June 1995 (Toronto, Canada), have been referred to STACTIC. At the closing session, the Fisheries Commission **adopted** FC Working Paper 95/39 (after adoption became FC Doc. 95/20) - "Items Referred to the Annual Meeting from the Special Fisheries Commission Meeting in June 1995" which includes the control and enforcement measures as amended (see point 3.4 of this report) as well as the proposal for the total allowable catch and quotas for Greenland halibut for 1996 and a minimum size of 30cm for Greenland halibut. (Annex 4)

Issues concerning discards were referred to a Working Group, the terms of reference for which are outlined in FC Working Paper 95/37 - "Workshop on the compatibility and applicability of discard/retention rules for the conservation and utilization of fishery resources in the Northwest Atlantic" (Annex 5). Following a proposal by the Representative of Norway, supported by the Representative of Denmark (in respect of the Faroe Islands and Greenland), it was **agreed** to hold this Working Group meeting two days prior to the 1996 NAFO Annual Meeting, on 7-8 September 1996.

The Representative of the EU offered to host the Working Group Meeting on implementation of the Pilot Project regarding the compatibility of different satellite systems in Madrid, Spain during the second half of October 1995. The Chairman requested the EU to provide further information on dates and location to the NAFO Secretariat as soon as possible.

#### Note from the Executive Secretary

After the Meeting, the Contracting Parties agreed on proposal by the European Union to change the place of the Working Group Meeting to Brussels; the W.G. was held in Brussels through 24-26 October 1995.

- 3.3 Item 10 of the FC Agenda, Minimum Fish Size (witch, redfish, Greenland halibut) and Minimum Size of Processed Fish (witch, redfish, Greenland halibut, cod, A. plaice, yellowtail flounder), was referred to STACTIC.
- 3.4 Item 11 of the FC Agenda, Report of STACTIC at the Annual Meeting, the Chairman of STACTIC (D. Bevan - Canada) reported the conclusions and recommendations of STACTIC to the following items of its agenda:
- a) Review of annual returns of infringements; it had been noted that some Contracting Parties had not submitted the disposition of apparent infringements for 1993 and 1994. It was agreed that these reports should be forwarded to the

NAFO Secretariat as soon as possible. It was agreed that any Contracting Party which had a disagreement with the report on the disposition of Apparent Infringements should send their comments to the NAFO Secretariat.

- b) Review of Surveillance and Inspection Reports; STACTIC W.P. 95/35 - "Report by the European Union re STACTIC Agenda Item 5" and STACTIC W.P. 95/37 - "1994 Canadian Report on Surveillance Activities and Inspections in the Regulatory Area" were accepted by STACTIC and forwarded to the Fisheries Commission.
- c) Review of NAFO Observer Scheme Pilot Project; STACTIC W.P. 95/34 Addendum - "Report by the European Union on the Implementation of the NAFO Pilot Observer Scheme" represents the reporting format used by EU observers, a form which has some differences from that recommended by Japan. The Chairman clarified that the Japanese form was for reporting to the NAFO Secretariat and the EU form was the format used by its observers. STACTIC W.P. 95/34, 95/34 Addendum and 95/36 - "Canadian Report to NAFO, Pilot Project - NAFO Observer Scheme" were accepted by STACTIC and forwarded to the Fisheries Commission.

The Fisheries Commission was **in agreement** with the use by Japan of the proposed form. (FC Working Paper 95/13)

- d) Minimum Fish Size (Witch, Redfish, G. Halibut) and Minimum Size of Processed Fish (Witch, Redfish, G. Halibut, A. Plaice, Yellowtail); the question had been raised whether it was wise to establish a minimum size for groundfish given that when 100% observer coverage comes into effect in 1996-1997 improper fishing activities may decrease. FC Working Paper 95/35 - "Responses by the Scientific Council to Special Requests by the Fisheries Commission" recommended a minimum size of 30-35cm for Greenland halibut. It had been noted by the Representative of Japan that with a mesh size of 130mm and the minimum size set at 35cm, up to 10% of the catch could be undersized. The Canadian delegation had stated its interpretation that all catch, whether kept or discarded, is to be counted towards the quota and that the minimum fish size should be considered in this context. Since other Contracting Parties disagreed, as proposed by Denmark, this question was referred by the Fisheries Commission to STACTIC. While the Representative of Japan had proposed that the minimum size be set at 30cm due to other conservation measures, the Representative of the EU noted that STACTIC was not mandated to change the advice of the Scientific Council which recommended 35cm. The issue was sent to the Fisheries Commission for consideration.

In order to reduce discard of unavoidable by-catch, Japan proposed a minimum fish size of 30 cm. The Fisheries Commission **agreed** with this proposal.

- e) Review of the Operation of the Hail System; FC Working Paper 95/34 Addendum - "Annual return of surveillance information in compliance with the hail system for 1994" listed notices of apparent infringements issued to Canadians, most of which had been issued in error since some fisheries are exempt from the NAFO Convention (i.e. tuna, swordfish, sedentary species).

The Chairman noted that Contracting Parties should correspond with the NAFO Secretariat if further refinement of the Report is required. STACTIC W.P. 95/38 - "Operation of the NAFO Hail System" was accepted on the above understanding and forwarded to the Fisheries Commission.

f) Discussion of other Conservation and Enforcement Measures (by terms of reference from the Fisheries Commission):

i) STACTIC agreed that a discussion paper on sampling protocols be prepared with a view to developing a working paper for consideration at the next STACTIC meeting. The Fisheries Commission requested STACTIC to continue its work with a view to developing a sampling protocol. The Japanese proposals for Part VII.1 (i) and (v) were accepted (FC Working Paper 95/15, Dockside Inspections).

ii) The proposal for special rules for fish products, e.g. processed length equivalents (STACTIC W.P. 95/30, revision 1 - "Joint Canada-EU Paper - Provide advice on STACTIC W.P. 95/16 Rev. 5 on special rules for fish products, e.g. processed length equivalents and other enforcement measures"), with reservations from Japan and Russia, was forwarded to the Fisheries Commission without consensus.

On the request of the Chairman of the Fisheries Commission, Japan and Russia stated that they could lift their reservations. The Fisheries Commission **adopted** the processed length equivalents (FC Doc. 95/10).

iii) Re advice on FC Working Paper 95/28, Revision 1, Infringements, item 9, STACTIC accepted the Canada-EU proposal to add the major infringement "(vi) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited." and modification to (v) - "preventing an inspector or an observer from carrying out his/her duties. The Fisheries Commission **adopted** this advice (FC Doc. 95/19).

STACTIC accepted the proposal by the Representative of Japan to allow the inspector or the Japan Fisheries Agency to order a vessel to port. The Fisheries Commission **adopted** the amendment advised by STACTIC (STACTIC W.P. 95/33 Revision 1 - "Modifications to FC Working Paper 95/28, Revision 1, Infringements 10.(ii)").

iv) Re Advice 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, STACTIC accepted the Canada-EU proposal (STACTIC W.P.95/31) to amend Part III - Annex I - Hail System Format - new paragraph 1.5, by replacing the words "six hours" with "twenty-four hours" in the new paragraph 1.5. The Fisheries Commission **adopted** this amendment (FC Doc. 95/13).

v) Re Mesh Size, the Chairman noted that capelin had been deleted from the list of species subject to authorized mesh sizes in view of the Scientific Council advice (FC Doc. 95/14 - "Mesh Size"). The Fisheries Commission **agreed** with this amendment.

- g) STACTIC elected David Bevan (Canada) to serve as Chairman for the two-year period 1996-1997. The Chairman of the Fisheries Commission thanked David Bevan and all other STACTIC members for their active participation and constructive collaboration.
- h) STACTIC recommended to convene a Working Group on Pilot Satellite Project, sufficiently in advance of the implementation of the Pilot Project, to discuss implementation of the provisions requiring satellite transponders, as per the modified conservation and enforcement measures (contained in FC Doc. 95/7, item 17), with a view to examining the different satellite systems and their compatibility.

3.5 The Fisheries Commission considered the STACTIC report and **adopted** its recommendations as noted in the Fisheries Commission report, and the STACTIC report was **adopted** as a whole (please see Part II). In addition, the following issues were considered by the Meeting:

- a) The Representative of Canada registered concern with respect to the disposition of Apparent Infringements, that there was a need to ensure more timeliness and precision in the provision of information on the type and nature of convictions and respective penalties. He noted that FC Working Paper 95/32 - "Summary of inspection information for 1994 according to the Fisheries Commission decision ..." still contained many blanks reflecting either no information or incomplete information. He noted that at the Toronto meeting, FC Working Paper 95/24 - (page 34, paragraph 15) was proposed to clarify the requirements in reporting disposition of apparent infringements. The Representative of Denmark echoed the Canadian concern.
- b) The Representative of Russia noted a document had been produced (STACTIC W.P. 95/39 - "Statement of the Russian Delegation re FC Working Paper 95/32 (Revised), p. 20") to correct information in FC Working Paper 95/32.
- c) The Representative of Norway provided additional information regarding the disposition of apparent infringements following inspections of Norwegian fishing and processing vessels fishing in the NRA in 1994 (FC Working Paper 95/32 (Revised) -Addendum - "Information received by the Delegation of Norway re Disposition of Apparent Infringements, 1994").
- d) Following a proposal by the Representative of Russia, the Fisheries Commission **requested** that the 1996 STACTIC meeting consider an addition to the NAFO Conservation and Enforcement Measures, Part I.D. Minimum Fish Size with regard to the derogation from the rules regarding discards for the Russian Federation similar to that of Canada (STACTIC W.P. 95/40) to recognize the fact that under the Russian national regulation all fish caught by Russian vessels must be retained on board. Following a proposal by the Representative of Russia, the Fisheries Commission also **requested** that the next STACTIC meeting consider the use of 90mm mesh size for pelagic trawls for the redfish fishery in the NAFO Regulatory Area (FC Working Paper 95/42 - "Proposal of the Russian Delegation" (Conservation and Enforcement Measures, Part V-Schedule IV. Authorized Mesh Size of Nets).

- e) The Fisheries Commission agreed with FC Working Paper 95/41 - "Proposal of Iceland" for a request to STACTIC to review Part V. Schedule II - Attachment (Type of Fishing Gear) in order to have new gear categories included, to establish criteria for gear and net size and to make proposals for subsequent changes in Part II of the NAFO Conservation and Enforcement Measures.

#### 4. Conservation of Fish Stocks in the Regulatory Area

(items 12-16)

- 4.1 Item 12 of the FC Agenda, the Chairman of the Scientific Council (Mr. H. Lassen - EU) gave a summary of SCS Doc. 95/19 - "Report of the Scientific Council - June 1995" which provided management advice for 1996 for fish stocks in the NAFO Regulatory Area as set out below. He also provided a summary of FC Working Paper 95/35 - "Responses by the Scientific Council to Special Requests by the Fisheries Commission" and of FC Working Paper 95/36 - "Responses to the Fisheries Commission by the Scientific Council".

- Cod 3M	catch should be limited to vicinity of current TAC (11 000 tons)
- Cod 3NO	no directed fishery
- Redfish 3M	20 000 tons
- Redfish 3LN	not exceeding 14 000 tons
- American plaice 3M	no directed fishery
- American plaice 3LNO	no directed fishery
- Yellowtail flounder 3LNO	no directed fishery
- Witch flounder 3NO	no directed fishery
- Capelin 3NO	no directed fishery
- Squid (SA 3 and 4)	no advice
- Greenland halibut 3LMNO	TAC should be set well below the catches achieved in 1990-94 until it is clear that the fishable stock is increasing
- Shrimp 3M	no directed fishery
- Shrimp 3LNO	no directed fishery
- Cod 2J3KL in NRA	no directed fishery

- 4.2 The presentation was followed by a number of questions and requests for clarification.
- 4.3 With respect to 3M cod, the Representative of Norway asked why the Scientific Council had changed its advice this year to allow a TAC of 11 000 tons and whether the change was attributable to biological reasons. The Chairman of the Scientific Council stated that this was not only due to biological reasons. The Scientific Council had concluded that the Fisheries Commission had decided that the management strategy was to harvest 11 000 tons whenever the Scientific Council advised a moratorium on fishing and was therefore saying that the Commission is to keep actual catches to the level of the TAC. He noted that there were occasional strong year-classes which the fishery quickly targeted while at a very small size thus never allowing the stock to rebuild. In response to a question from the Representative of Denmark, Mr. Lassen stated that the major proportion of the 1990-91 year-class had not yet entered the spawning stock.



The Representative of Canada asked about the long-term outlook for the recovery of the stock and what the level of the current spawning stock biomass would be had previous strong year-classes been allowed to recruit to the fishery. In FC Working Paper 95/36, Request on the equilibrium yield and corresponding spawning stock biomass for 3M cod, it was noted that "at the present low level of spawning stock biomass, recruitment varies widely between years. The recruitment and in particular its variability that would be produced at a much higher level of spawning stock biomass, remain unknown. Assuming that the recruitment followed the pattern seen in the period 1988-1994, the yield would be around twice the current TAC but varying consistently between years. The spawning stock biomass could be 3 to 25 times greater than the level recently observed." The Representative of Canada noted that the stock appeared to be capable of yielding a much steadier harvest and considerably larger fish if a fishing moratorium were observed until the spawning stock biomass strengthened. The Representative of Denmark welcomed the advice for a TAC of 11 000 tons and the evidence of a stronger year class entering the fishery. He noted that while there had been concern about groundfish by-catch during the shrimp fishery, this problem seemed to have been alleviated with the use of grates and other measures. He stated that with 100% observer coverage in 1996 and other proposed measures, it should be possible to protect young fish and ensure that the TAC is adhered to. The Representative of the EU noted that the fishery for 3M cod was an opportunistic one, and that the stock had been exploited annually at a level far beyond 20 000 tons which indicated to him that the stock was extremely resilient. He believed that with the new control measures expected to begin in 1996 and the decline of non-Contracting Party fishing, that the TAC of 11 000 tons would be respected. The Representative of the EU preferred that the TAC be set in accordance with the Scientific Council advice.

- 4.4 With respect to 3M redfish, the Representative of Canada expressed the view that the TAC be set at 20 000 tons consistent with the Scientific Council advice. In response to a question from the Representative of Canada on redfish discards in the shrimp fishery, the Scientific Council Chairman could not provide this information given the absence of data. The Representative of Japan urged that the by-catch of redfish be considered in establishing a TAC. The Representative of the EU noted the high abundance of juveniles despite the use of grates in the shrimp fishery.
- 4.5 With respect to 3M shrimp, the Representative of Denmark asked whether the current exploitation pattern reduced the potential yield for 1996. The Chairman of the Scientific Council stated that the current fishery was concentrated on males of the 1993 year-class and thus adversely affected the reproductive potential of that year-class. The Representative of Iceland asked if the stock were not a self-sustaining stock, then what year-class should be targeted by the fishery to obtain the maximum yield. The Chairman of the Scientific Council replied that this would depend on the assumptions used in the yield-per-recruit calculations. Annex 6 (FC Working Paper 95/36, Revised - "Responses to Fisheries Commission by Scientific Council") provided a detailed response to questions related to the yield-per-recruit for shrimp in 3M and the amount of data used in the assessment of 3M shrimp. In response to a question from the Representative of Iceland, the Chairman of the Scientific Council noted that the distribution of shrimp will be affected by the circulation of currents but that the effect is not well understood.

- 4.6 With respect to 3LN redfish, the Representative of Canada noted the advice of the Scientific Council that the TAC remain at 14 000 tons. He noted the 1994 catch was about 7 000 tons and that this was the first year since 1985 that the TAC was not exceeded. The reduction was primarily due to reduced effort because of a relatively poor fishery on the Beothuk Knoll. He noted that Canada's Fisheries Resource Conservation Council (FRCC) had advised that the TAC be reduced to 7 000 tons in 1996 in order that the decline in the stock be stopped and the stock be allowed to rebuild.
- 4.7 The Chairman of the Scientific Council also noted that the report entitled Responses by the Scientific Council to Special Requests by the Fisheries Commission (FC Working Paper 95/35) also included information on a minimum fish size for Greenland halibut using 130mm mesh, advice on research coordination for Greenland halibut, measures to protect juvenile fish of regulated species, optimum minimum fish sizes for regulated species and the usefulness of a *minimum* mesh size in the capelin fishery.
- 4.8 Item 14 of the FC Agenda, Management and Technical Measures for Fish Stocks Straddling National Fishing Limits (agenda items 14.1 to 14.10), had been discussed in advance of item 13. The Chairman noted the following non-controversial proposals and requested whether all Contracting Parties were in agreement:

- Cod 3NO	no directed fishery
- American plaice 3LNO	no directed fishery
- Yellowtail flounder 3LNO	no directed fishery
- Witch flounder 3NO	no directed fishery
- Capelin 3NO	no directed fishery
- Squid (Illex) (SA 3 and 4)	150 000 tons
- Cod 2J3KL in NRA	no directed fishery

This being the case, the Chairman concluded that the Fisheries Commission **adopted** these proposals.

- 4.9 Item 13 of the FC Agenda, Management and Technical Measures for Fish Stocks in the Regulatory Area and Straddling national fishing limits (agenda items 13.1 to 13.4 and 14), the Chairman noted that consensus emerged in Heads of Delegation meetings around the following proposals:

- Cod 3M	11 000 tons (with reservations by several Contracting Parties)
- Redfish 3M	26 000 tons
- American plaice 3M	no directed fishery
- Shrimp 3M	effort limitation (FC Working Paper 95/38 with reservations by several Contracting Parties; became FC Doc. 95/21)
- Shrimp 3LNO	no directed fishery
- Redfish 3LN	11 000 tons
- G. halibut 3LMNO	20 000 tons

It was agreed that Contracting Parties would defer making statements regarding their reservations until all management measures for fish stocks had been taken (See 4.11-4.17).

- 4.10 As regards shrimp, the Fisheries Commission **agreed** to a proposal by Denmark (in respect of the Faroe Islands and Greenland), Estonia, Latvia, Lithuania, Norway to amend Part I.F. and Part I.G of the NAFO Conservation and Enforcement Measures - F. Management Measures for Shrimp in Div. 3M; and G.- Management Measures for Shrimp in Divisions 3LNO (FC Doc. 95/21). The Representative of Denmark explained that while the first three items in this proposal were a roll-over from those in effect during 1995, item 4 was a new element in that it introduced a ceiling on fishing effort in the shrimp fishery in 3M. He noted that a quota system had been rejected on the basis that if the scientists are right in their assessment, then a quota system could prompt Contracting Parties to fish out the stock. He reasoned that the proposed effort controls should be effective in the event that the stock is in poor condition. He noted that the Executive Secretary would compile the details specified in the effort allocation scheme and distribute them to Contracting Parties before December 31, 1995 on the basis of information the Parties provided to NAFO as to which vessels had fished 3M shrimp and the maximum number of fishing days observed for their vessels in one of the years 1993, 1994, or 1995 (until August 31, 1995).
- 4.11 The Fisheries Commission **adopted the Quota Table** as attached (Annex 7) in accordance with Schedule I of the NAFO Conservation and Enforcement Measures with the exception of four Parties - Estonia, Latvia, Lithuania and Russia, for which a "block quota" was allocated on the same conditions as last year as is noted in footnote 1 thereto. It was agreed that the "Others" quota for 3LMNO Greenland halibut (1 330 tons) would be allocated seasonally - no more than 40% (532 tons) may be fished before May 1, 1996 and nor more than 80% (1 064 tons) may be fished before October 1, 1996 (FC Working Paper 95/39).
- 4.12 In a statement regarding the proposals adopted by the Fisheries Commission, the Representative of Canada expressed the view that NAFO had made an enormous step forward with the final approval of the new control measures, especially 100% observer coverage; that for the first time, all Contracting Parties could have confidence that NAFO's conservation decisions will be adhered to in practice. He noted that while straddling stocks had been pushed to the brink of commercial extinction, the long process for re-building could now begin and that nothing should be permitted to interrupt or delay this process. He also expressed satisfaction that the issue of national quotas for Greenland halibut had been resolved at this meeting. He expressed appreciation to those Contracting Parties which had contributed to resolution of this issue at some cost to their fisheries in the short term, but for the benefit of all in the long term.

He stated that while NAFO had pursued the right course in its conservation decisions for straddling stocks, consistent in all cases with the Scientific Council advice, the same was not true for the stocks on the Flemish Cap. In this regard, he noted that while the Scientific Council had recommended a TAC of 20 000 tons for 3M redfish, the Fisheries Commission had decided on a TAC of 26 000 tons. He emphasized that 3M shrimp is in an even more serious situation than 3M redfish. While the Scientific Council had advised closure of this fishery for two years to avoid possible collapse of the resource, the

Fisheries Commission decided to continue an unregulated fishery as to level of catches. He believed that this was understandable only if one believes that this is a resource that will soon collapse from natural factors. He expressed the view that the Fisheries Commission had put in place an effort control for 3M shrimp that does not control effort, but that it was at least the beginning of a control instrument if introduced as a ceiling. He urged all Parties to live up to their word that this is indeed the first step to the introduction of a much more restrictive conservation regime next year. He acknowledged that the Fisheries Commission did follow the advice of the Scientific Council in setting the TAC for 3M cod at 11 000 tons. However, he expressed the view that for the first time in NAFO, we have seen the introduction of pragmatic scientific advice. He noted that it may be that 3M cod can be fished at the level of 11 000 tons without doing further damage to an already depleted stock, but he would not consider this to be precautionary management. He stated that NAFO should be seeking to re-build stocks toward their optimal production levels which would yield higher sustainable catches, greater security against depletion and better economic returns.

He stated that on a positive note NAFO had again acted responsibly on straddling stocks as moratoria were continued on the five key cod and flounder stocks in recognition that they must be allowed to re-build properly. He also felt that the decision on 3LN redfish to move to 11 000 tons from 14 000 tons was prudent and good management.

He expressed the view that the Convention adopted in August 1995 by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks was a development of considerable importance for the future of NAFO. It was noted that the new UN Convention established new rules for regional fisheries management organizations, like NAFO, and was relevant for all States whose vessels fish on the high seas. He referred to some of the most important provisions relating to dispute settlement and the precautionary approach, both of which are needed in NAFO. Noting that the new UN Convention will come into force when 30 countries have ratified it, he stated that Canada will be among the first to do so and he urged all NAFO Contracting Parties to ratify it in the coming year.

He expressed the view that NAFO in a way stands at a crossroads - that while NAFO has put in place important new control measures and made the right conservation decisions on straddling stocks, it has failed to take the right decisions for the Flemish Cap stocks. He concluded that while Canada's vital interests relate to straddling stocks, it is also concerned with conservation on the Flemish Cap. He urged NAFO members to make a commitment to full re-building of resources and, then, to harvesting them in a sustainable way.

- 4.13 The Representative of Norway stated that he shared Canada's reservations regarding the Fisheries Commission's decision for the TAC of 3M cod.
- 4.14 The Representative of Korea stated his reservations regarding the decisions taken by the Fisheries Commission. He noted that Korea is willing to cooperate with all Contracting Parties in a constructive way to reinforce NAFO as a responsible regional fisheries management organization. However, Korea has reservations about the management decisions taken, especially the allocation of 3M redfish and the seasonal quota allocation system for the "Others" quota of 3LMNO Greenland halibut are not acceptable.

He noted that Korea, as one of the major distant water fishing nations, had been actively participating in international efforts to establish a responsible and transparent fishing regime on the high seas. He stated that the Korean Government will continue its role as a responsible fishing nation for the promotion of the conservation and management of fish stocks for the long-term conservation and sustainable utilization of the fisheries resources. He drew attention to the important issue of NAFO quotas for Korea. The Korean Government had suspended fishing by Korean vessels in the NAFO Regulatory Area since April 1993, in spite of serious protests from Korean fishermen. At that time, the Korean Government promised its fishermen that their fishing would be resumed soon under NAFO. Korea acceded to NAFO and became a member.

The Representative of Korea called on all NAFO members to consider allocating appropriate quotas to Korea as a new member in order that Korean fisheries could resume fishing in the NAFO area. He also emphasized that application of the non-discrimination principle to new entrants to NAFO would help solve the "over-fishing" problem and fishing disputes, encouraging non-member States to join NAFO.

- 4.15 The Representative of Japan stated that in adopting the decision on 3M shrimp as part of the overall "package deal" involving control measures and the TAC and quotas for 3LMNO Greenland halibut, he wished to register his sense of discomfort as the decision is so grossly inconsistent with the advice of the Scientific Council. He noted that although admittedly the Council's advice contained elements or honest disputes both from scientific and practical resource management points of view, the sense of the Scientific Council left no doubt with the Japanese delegation that there is an urgent need for substantial reduction in the catches of males in the shrimp fishery in coming years. The Representative of Japan noted that his delegation finds this decision deviates deplorably from this sense, and in stark contrast with the important achievements by the Fisheries Commission this year.
- 4.16 The Representative of the EU expressed the view that in consideration of the Scientific Council advice for 3M shrimp, more could have been achieved by the Fisheries Commission at this year's meeting to ensure the sustainability of the 3M shrimp stock. He stated that in view of the inconsistency of the management decision with the Scientific Council advice, the EU delegation will take note of developments.
- 4.17 The Representative of Latvia stated that during this session, Latvia's side has done everything in taking steps towards the achievement of a common point of view on matters discussed, even though they have not always corresponded with Latvia's position.

Understanding Canada's efforts and interests, to preserve 3LN redfish stocks, Latvia has been forthcoming towards Canada's proposal concerning the achievement of the agreement on this issue. Nevertheless, Latvia considers that there has been little justification for the reduction of TAC, because it has neither scientific nor practical foundation and there is no foreseeable increase in the fishing effort concerning these resources.

The second issue necessary to be discussed is that of Latvia's long-standing and unsuccessful "struggle" to receive national quotas within the NAFO region. This "struggle" continues since 1992. Latvian fishing activities in this region are based on the

long-term commercial fishing since 1970's and regardless of the current economic difficulties this fishing continues up to this date. Latvia cannot accept the situation when the solution of national quota issue cannot be found by an international organization for such a long period and while the practice of applying block quotas for 3M cod, 3M and 3LN redfish, nine other countries under the title "Others" is being applied in the fishing of Greenland halibut. We are convinced that it is not a well-founded solution for establishing a responsible and sustainable fishery. Although the simplest way would be to determine only the total TAC for all the member states of NAFO and to organize "Olympic" fisheries, but it is not acceptable practice for the international organization which aims at the highest level to establish regulatory rules of the sustainable exploitation of the stock and its protection, as well as to ensure the maximum responsibility for the fishery of every participating country. Latvia is willing to take this responsibility in full respect receiving its own national quota in NAFO region in the nearest future.

- 4.18 The Representative of Iceland stated that the Scientific Council recommendation received earlier in the week on 3M shrimp was shocking to most Contracting Parties. He noted that this assessment had been criticized for not being accurate and that its weakness was due in part to a lack of data from the Contracting Parties. In view of the scientific advice, a management decision had to be taken for this stock. He suggested that in order to fill the scientific gaps, the Contracting Parties whose vessels are fishing this stock should endeavour to monitor the stock and the impact of fisheries thereon and provide the Scientific Council with the information that is currently lacking. He suggested that if this were done from now until the end of the fisheries in 1995 and during the first month of 1996, then Parties would be in a position to ask the Scientific Council for an assessment or at least a preliminary assessment for the stock at its June 1996 meeting. He stated that it was necessary to obtain as much information well in advance of the NAFO Annual Meeting to make it possible to develop proposals regarding management of the 3M shrimp stock.

He suggested that if the evidence so warrants, Parties should consider forming a workshop to consider future management regimes for shrimp in the NAFO Regulatory Area and to provide the next Annual Meeting with advice on such future management. He concluded that the first step has been taken to control effort on the stock; while this step could have been taken differently, Parties should consider the management possibilities at or before the next Annual Meeting.

- 4.19 Item 15 of the FC Agenda, Formulation of Request to the Scientific Council for Scientific Advice on the Management of Fish Stocks in 1997, following a proposal by the Representative of Canada, it was agreed to submit a request to the Scientific Council for scientific advice on management in 1997 of certain fish stocks in Subareas 3 and 4 (Annex 8).
- 4.20 Item 16 of the FC Agenda, Transfer of Quotas between Contracting Parties, the Representative of Denmark (in respect of the Faroe Islands and Greenland) referred to previous NAFO proceedings. He felt that the cumulative impact of three management criteria on small quota allocations were extremely severe. These criteria were:
- a low "others" quota
  - a rigid distribution key
  - the practice of quota transfers

He added that it was unfair to operate swaps of underutilized quotas between Contracting Parties without taking into account the interests of other Contracting Parties who are in real need of fishing opportunities and have nothing to offer in return. He would be particularly concerned if the allocation of quota for Greenland halibut would be transferred. A short-term remedy would be an increase in the "Others" quota for transfer to such Parties.

#### **5. Closing Procedures (Items 17-19 of the Agenda)**

- 5.1 Item 17, Time and Place of the Next Meeting; the 18th Annual Meeting will be held on September 9-13, 1996 in the Halifax-Dartmouth area subject to the decision of the General Council.
- 5.2 Item 18, Other business; there was no other business to discuss at the Meeting.
- 5.3 Item 19, Adjournment; the Annual Meeting of the Fisheries Commission was adjourned at noon on 15 September 1995.

#### **Adoption of Report**

The Report of the Fisheries Commission including proceedings of its Committee - STACTIC - has been finalized through two (2) circulations of the drafts to the Heads of Delegations and, therefore, adopted in accordance with the established procedure.

## Annex 1. List of Participants

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## **Annex 2. Opening Remarks by the Representative of Canada**

1. Mr. Chairman, this is the fourth meeting of the Fisheries Commission in the past twelve months.
2. At our last Annual Meeting, we followed the usual process in adopting management arrangements for the following year and reviewing conservation and enforcement measures for the NAFO Regulatory Area.
3. We did one thing at that meeting that was not part of the usual process. We set a TAC for an additional stock, 2+3 Greenland halibut. This was the first time since the establishment of NAFO that a new stock had been brought under its management control. We have all seen how difficult this turned out to be.
4. Since that meeting two more Fisheries Commission meetings have been held. The first was last February to determine quota shares for Greenland halibut for 1995. The second, in June, provided the occasion for NAFO to agree on enhanced conservation measures for adoption together with management measures at this meeting.
5. Mr. Chairman, everyone here is aware of the importance Canada attaches to the adoption of the control measures agreed at the special NAFO meeting last June.
6. But the adoption of these control measures should be, and we hope is, of fundamental importance to all NAFO Parties.
7. The incorporation of these improved control and enforcement measures will lay the groundwork for the recovery and rebuilding of not only Greenland halibut but cod and flatfish currently under NAFO moratorium. This will benefit all Contracting Parties who wish to see renewed fishing possibilities in the NAFO Regulatory Area.
8. In fact, Mr. Chairman, it is difficult to see how any Party could oppose these measures. To do so would in effect be saying - we want our vessels to be able to cheat, and we want other vessels to be able to cheat as well. I do not believe that any responsible NAFO member will take this position.
9. Mr. Chairman much work must be done during this meeting to decide on TACs and quotas for 1996. This will not be easy and will require short-term sacrifices by all Contracting Parties if long-term gains are to be achieved.
10. The Scientific Council and STACTIC will both play a key role in the final results of this meeting. Let me say that the Canadian delegation greatly appreciates the willingness of the Scientific Council to have met over the past weekend to review the many additional questions we put to it over the past year.
11. I am hopeful that this meeting will be the conclusion of a long and difficult twelve months in the northwest Atlantic fishery as well as the beginning of a renewed conservation ethic in NAFO which will ensure a viable fishery well into the twenty-first century.
12. This meeting is an historic opportunity for NAFO to demonstrate to the world that a Regional Fisheries Management Organization can overcome the pressures to maximize fishing possibilities and adopt effective conservation and management measures. Together we can make it happen.

### **Annex 3. 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. Administrative**

6. Review of Commission Membership
7. Election of Officers: Chairman and Vice-Chairman

#### **III. Conservation and Enforcement Measures**

8. Annual Return of Infringement, Surveillance, Inspection Reports
9. Items referred to the Annual Meeting from the Special Fisheries Commission Meeting in June 1995 (Toronto, Canada)
10. Minimum Fish Size (witch, redfish, Greenland halibut) and Minimum Size of Processed Fish (witch, redfish, G. halibut, cod, A. plaice, yellowtail flounder)
11. Report of STACTIC at the Annual Meeting

#### **IV. Conservation of Fish Stocks in the Regulatory Area**

12. Summary of Scientific Advice by the Scientific Council
13. Management and Technical Measures for Fish Stocks in the Regulatory Area
  - 13.1 Cod in Div. 3M
  - 13.2 Redfish in Div. 3M
  - 13.3 American plaice in Div. 3M
  - 13.4 Shrimp in Div. 3M



14. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits
  - 14.1 Cod in Div. 3NO
  - 14.2 Redfish in Div. 3LN
  - 14.3 American plaice in Div. 3LNO
  - 14.4 Yellowtail flounder in Div. 3LNO
  - 14.5 Witch flounder in Div. 3NO
  - 14.6 Capelin in Div. 3NO
  - 14.7 Squid (*Illex*) in Subareas 3 and 4
  - 14.8 Shrimp in Div. 3LNO
  - 14.9 If available in the Regulatory Area in 1996:
    - i) Cod in Div. 2J3KL
  - 14.10 Greenland halibut in Div. 3LMNO
15. Formulation of Request to the Scientific Council for Scientific Advice on the Management of Fish Stocks in 1997
16. Transfer of Quotas Between Contracting Parties

#### V. Closing Procedure

17. Time and Place of the Next Meeting
18. Other Business
19. Adjournment

# **Annex 4. Decision of the Fisheries Commission on Items Referred to the Annual Meeting from the Special Fisheries Commission Meeting in June 1995**

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.

Noting FC Working Paper 95/16, Revision 1, agreed at its June 1995 Meeting

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

- Inspections (FC Doc. 95/12))
- Transmission of Information from Inspections (FC Doc. 95/11)
- Reporting of Catch on Board Fishing Vessels Entering and Exiting the Regulatory Area (FC Doc. 95/13)
- Mesh Size (FC Doc. 95/14)
- Port Inspections (FC Doc. 95/15)
- Effort Plans and Catch Reporting (FC Doc. 95/18)
- Infringements (FC Doc. 95/19)
- Follow-Up on Apparent Infringements (FC Doc. 95/16)
- Pilot Project for Observers and Satellite Tracking (FC Doc. 95/17)
- Minimum Fish Size (FC Doc. 95/9)
- Processed Length Equivalents (FC Doc. 95/10)

B. Adopts 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

1.	Bulgaria	-
2.	Canada	3 000
3.	Cuba	-
4.	Denmark (Faroe Islands and Greenland)	-
5.	European Union	11 070
6.	Iceland	-
7.	Japan	2 050
8.	Korea	-
9.	Norway	-
10.	Poland	-
11.	Estonia	-
12.	Latvia	-
13.	Lithuania	-
14.	Russia	2 550
15.	Others	1 330*

Total Allowable Catch	3LMNO	20 000 tons
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\* of which no more than 40% (532 tons) may be fished before 1 May 1996 and no more than 80% (1 064 tons) may be fished before 1 October 1996.

- C. agrees 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. adopts a minimum fish size for Greenland halibut of 30cm, taking into account the advice of the NAFO Scientific Council.
- E. agrees 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, as well as additional enforcement measures (STACTIC Working Paper 95/16, Revision 5), taking into account the advice of STACTIC.
- F. decides 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. decides 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 attached terms of reference (FC Working Paper 95/37).

## Annex 5. Terms of Reference

### **Workshop on the compatibility and applicability of discard/retention rules for conservation and utilization of fishery resources in the Northwest Atlantic.**

A workshop addressing the question of the compatibility and the applicability of discard/retention rules for conservation and utilization of fishery resources in the NCA will be convened immediately before the September 1996 Annual NAFO meeting. The purpose of this Workshop will be discussion among fishery biologists, economists, managers and enforcement specialists of the merits in the medium term of different approaches to discard/retention issues. Furthermore, discussion between biologists, managers and enforcement specialists will encourage dialogue on and increase the understanding of the impact of these different approaches on the conservation and utilization of fishery resources.

### TERMS OF REFERENCE

- I. Review of current by-catch/juvenile rules in the Northwest Atlantic.
- II. Scope of the problem of by-catches of juveniles, high grading and non-targeted species
  - by-catches of juvenile fish:
    - occurrence of unavoidable catches of undersized fish in different fisheries (target species, area, season);
    - evaluation of potential catches of undersized fish and the impact thereof under different management systems.
  - by-catches of non-targeted fish:
    - existence of unregulated species justifying directed fisheries and impact thereof on regulated species (species, area, season);
    - evaluation of potential catches of non-targeted fish and impact thereof under different management systems.
- III. Applicability and enforceability of discard/retention rules
  - efficiency of different management and enforcement strategies used in the Northwest Atlantic in preventing the catch of juvenile fish and fish in excess of quota;
  - cost/benefit analysis of these strategies.
- IV. Compatibility of different management systems and corresponding enforcement strategies in the Northwest Atlantic.

## Annex 6. Responses to Fisheries Commission by Scientific Council

### Request on Yield-per-recruit for Shrimp in Div. 3M

#### Introduction

It is stressed that the analyses presented below are very preliminary and there is much uncertainty surrounding the inputs of natural mortality (M), weight at age, and the knife-edge recruitment pattern. No sensitivity analyses have been performed and the Commission should note the Research Recommendation in the Report of STACFIS, requesting yield per recruit analyses for consideration at the September 1996 meeting.

Estimates of M for northern shrimp have varied widely - from as low as 0.25 for males to 1.5 for females after spawning. No estimates have yet been calculated for shrimp on Flemish Cap and in the preliminary yield-per-recruit analyses, two values were shown to illustrate the uncertainty.

#### Method

Yield-per-recruit calculations were performed using the following assumptions:

1. The age range used was 2 to 6+
2. The spawning stock biomass (females) is represented by ages 5 and 6+
3. Natural mortality (M) was set at two levels, 0.25 and 0.7 on all ages
4. Fishing mortality (F) was fixed at 1.0 for both scenarios of M and for all ages.

Mean weights-at-age were approximated as:

Age	Weight (g)
2	2.6
3	5.0
4	7.6
5	9.8
6+	12.4

Simulations were performed which progressively increased the age at first capture from age 2 to age 5 inclusive to investigate the possible effects of such a management measure.

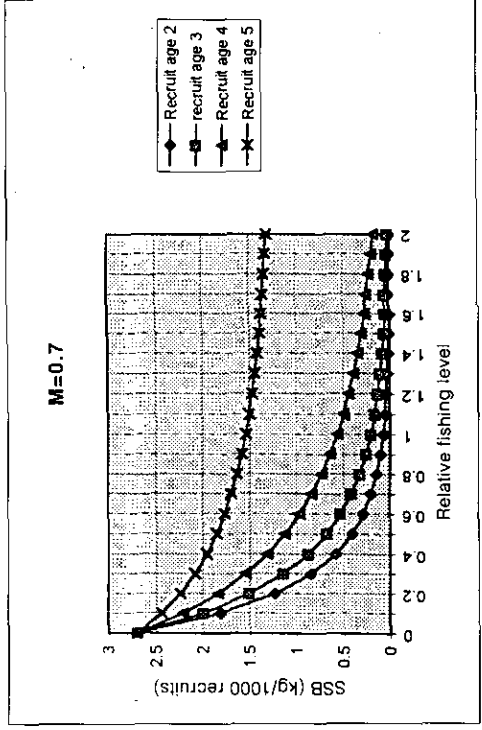
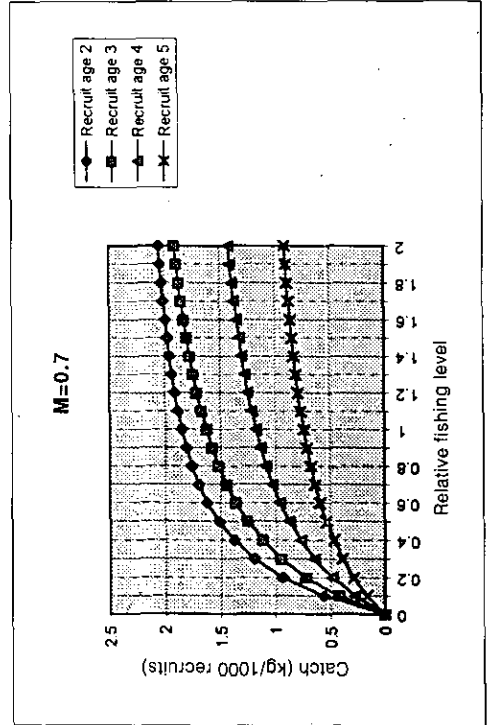
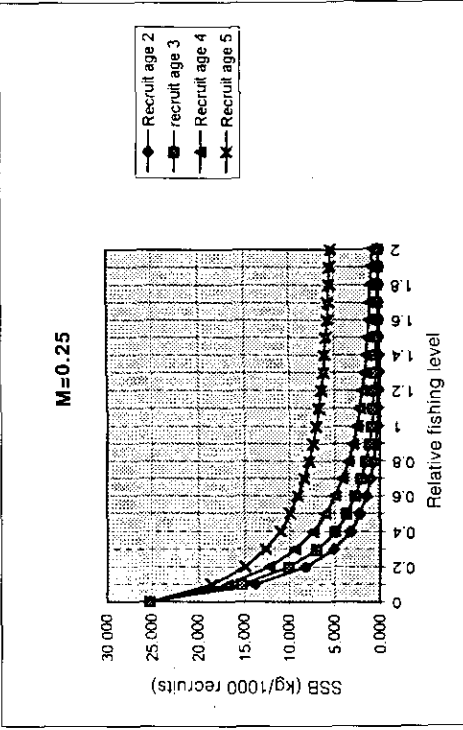
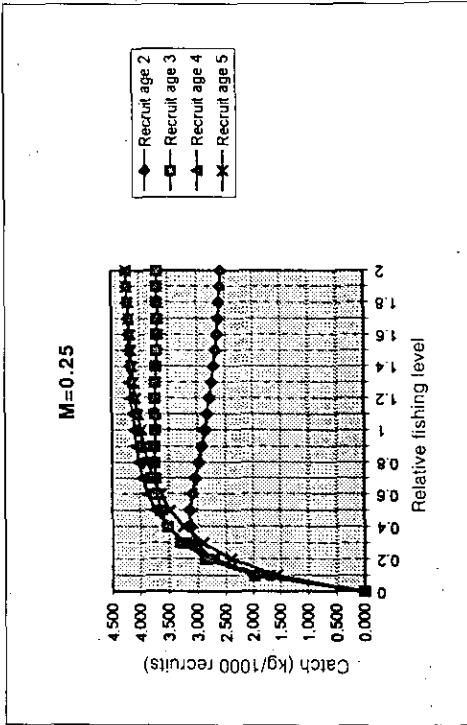
#### Results

Results are presented in Figure 1 below.

**Yield** - By increasing age at first capture, increases in yield are only foreseen for the lower value of M. Losses in yield were projected for the higher value of M.

**Spawning stock biomass** - As expected, significant gains in SSB are predicted by increasing age at first capture under each assumption of M.

Yield and Spawning Stock Biomass per recruit for 3M shrimp, assuming two different levels of natural mortality ( $M$ ). Results are shown for differing age at recruitment to the fishery. The fishing mortality corresponding to a relative fishing level equal to 1, is 1.0 per year on exploited age groups.



# Request on the Amount of data used in the assessment of the Shrimp in Div. 3M

The data available to the Council are summarized in the table below. The Council noted that several countries had substantial fisheries on the Flemish Cap for shrimp without submitting any biological data. The lack of such data weakened the assessment.

Data available from the 1995 shrimp fishery in Div. 3M by nation.

Nation	Min. no. of Vessels	Catch	Effort	CPUE	Fishing Positions	No. Shrimp Measured*	Shrimp Discard	By-catch	Total Catch
CAN	7	X	X	X	X	26,381	X	X	939
EST	6	X	X	X					1616
FRO	6	X	X	X					3990
GRL	6	X	X	X	X	16,677	X	X	2321
ISL	16	X	X	X					4269
LVA	4								*350
LTV	4								*675
NOR	20					42,899			*6100
POR	1								*150
RUS	15								*2500
E/ESP	1								*158
Total	86					85,957			23,068

\* Catch estimates from Canadian surveillance only.

+ Approximately 500 shrimp per sample.

**Request on the equilibrium yield and corresponding spawning stock biomass for Div. 3M Cod**

The yield-per-recruit for Division 3M Cod was calculated for a 130 mm mesh size. The mean length and weight-at-age were taken from data from the EU survey series. The natural mortality was assumed to be 0.2 per year. The result was  $Y/R = 0.888$  Kg per recruit for  $F_{0.1}$ . The  $F_{0.1}$  was calculated at 0.12 per year.

At the June 1995 Meeting an Extended Survival Analysis was presented, however, the Council considered that these results were illustrative of abundance and biomass trends but not reliable for use in projections.

At the present low level of spawning stock biomass, recruitment varies widely between years. The recruitment and in particular its variability that would be produced at a much higher level of spawning stock biomass, remain unknown.

Assuming that the recruitment followed pattern seen in the period 1988-1994, the yield would be around twice the current TAC but varying considerably between years. The spawning stock biomass could be 3 to 25 times greater than the level recently observed.



## Annex 7. Quota Table for 1996

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 1996 of particular stocks in Subareas 3 and 4 of the NAFO Convention Area. The values listed include quantities to be taken both inside and outside the 200-mile fishing zone, where applicable.

Contracting Party	Cod		Redfish		American plaice		Yellowtail		Witch		Capelin		Greenland halibut		Squid (Illex) <sup>1,2</sup>	
	Div. 3M	Div. 3NO*	Div. 3M	Div. 3LN	Div. 3M*	Div. 3LNO*	Div. 3LNO*	Div. 3LNO*	Div. 3NO*	Div. 3NO*	Div. 3NO*	Div. 3LMO	Div. 3LMO	Div. 3LMO	Subareas 3+4	Subareas 3+4
1. Bulgaria	-	-	390	-	-	-	-	-	-	-	-	-	-	-	500	-
2. Canada	85	0	650	4 686	0	0	0	0	0	0	0	3 000	-	-	N.S. <sup>4</sup>	-
3. Cuba	407	-	2 275	1 078	-	-	-	-	-	-	0	-	-	-	2 250	-
4. Denmark (Faroe Islands and Greenland)	2461	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5. European Union	5485	0	4 030	374	0	0	0	-	-	-	0	11 070	-	-	N.S. <sup>4</sup>	-
6. Iceland	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
7. Japan	-	-	520	-	-	-	-	-	-	-	0	2 050	-	-	2 250	-
8. Korea	-	-	-	-	-	-	-	-	-	-	0	-	-	-	2 000	-
9. Norway	-	-	-	-	-	-	-	-	-	-	0	-	-	-	-	-
10. Poland	-	-	-	-	-	-	-	-	-	-	0	-	-	-	1 000	-
11. Estonia	424	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
12. Latvia	1 078 <sup>1</sup>	0	18 005 <sup>1</sup>	4 796 <sup>1</sup>	0	-	-	-	0	0	-	-	-	-	5 000 <sup>1</sup>	-
13. Lithuania	-	-	-	-	-	-	-	-	-	-	-	2 550	-	-	-	-
14. Russia	-	-	-	-	-	-	-	-	-	-	-	1 330 <sup>6</sup>	-	-	-	-
15. Others	42	0	130	66	0	0	0	0	0	-	-	-	-	-	3 000	-
Total Allowable Catch	11 000	*	26 000	11 000	*	*	*	*	*	*	*	20 000	-	-	150,000 <sup>5</sup>	-

<sup>1</sup> Quotas to be fished by vessels from Estonia, Latvia, Lithuania and the Russian Federation. The provisions of Part I, Section A.3 of the NAFO Conservation and Enforcement Measures shall apply.

<sup>2</sup> The opening date for the Squid (*Illex*) fishery is 1 July.

<sup>3</sup> Any quota listed for squid may be increased by a transfer from any "coastal state" as defined in Article 1, paragraph 3 of the NAFO Convention, provided that the TAC for squid is not exceeded. Transfers made to Contracting Parties conducting fisheries for squid in the Regulatory Area shall be reported to the Executive Secretary, and the report shall be made as promptly as possible.

<sup>4</sup> Not specified because the allocation to these Contracting Parties are as yet undetermined, although their sum shall not exceed the difference between the total of allocations to other Contracting Parties and the TAC.

<sup>5</sup> The TAC would remain at 150 000 tonnes subject to adjustment where warranted by scientific advice.

<sup>6</sup> Of which no more than 40% (532 t) may be fished before 1 May 1996 and no more than 80% (1064 t) may be fished before 1 October 1996.

\* No directed fishing - The provisions of Part I, Section A.4b) of NAFO Conservation and Enforcement Measures shall apply.

## Annex 8. Fisheries Commission's Request for Scientific Advice on Management in 1997 of Certain Stocks in Subareas 3 and 4

1. The Fisheries Commission with the concurrence of the Coastal State as regards the stocks below which occur within its jurisdiction, requests that the Scientific Council, at a meeting in advance of the 1996 Annual Meeting, provide advice on the scientific basis for the management of the following fish and invertebrate stocks or groups of stocks in 1997:

Cod (Div. 3NO; Div. 3M)  
 Redfish (Div. 3LN; Div. 3M)  
 American plaice (Div. 3LNO; Div. 3M)  
 Witch flounder (Div. 3NO)  
 Yellowtail flounder (Div. 3LNO)  
 Capelin (Div. 3NO)  
 Squid (Subareas 3 and 4)  
 Shrimp (Div. 3M)  
 Greenland halibut (Subareas 2 and 3)

2. The Commission and the Coastal State request the Scientific Council to consider the following options in assessing and projecting future stock levels for those stocks listed above:

- a) For those stocks subject to analytical dynamic-pool type assessments, the status of the stock should be reviewed and management options evaluated in terms of their implications for fishable stock size in both the short and long term. As general reference points the implications of fishing at  $F_{0.1}$ ,  $F_{1995}$  and  $F_{\max}$  in 1997 and subsequent years should be evaluated. The present stock size and spawning stock size should be described in relation to those observed historically and those expected in the longer term under this range of options.

Opinions of the Scientific council should be expressed in regard to stock size, spawning stock sizes, recruitment prospects, catch rates and TACs implied by these management strategies for 1997 and the long term. Values of  $F$  corresponding to the reference points should be given and their accuracy assessed.

- b) For those stocks subject to general production-type assessments, the time series of data should be updated, the status of the stock should be reviewed and management options evaluated in the way described above to the extent possible. In this case, the general reference points should be the level of fishing effort or fishing mortality ( $F$ ) which is calculated to be required to take the MSY catch in the long term and two-thirds of that effort level.
- c) For those resources of which only general biological and/or catch data are available, no standard criteria on which to base advice can be established. The evidence of stock status should, however, be weighed against a strategy of optimum yield management and maintenance of stock biomass at levels of about two-thirds of the virgin stock.

- d) Spawning stock biomass levels that might be considered necessary for maintenance of sustained recruitment should be recommended for each stock. In those cases where present spawning stock size is a matter of scientific concern in relation to the continuing productive potential of the stock, management options should be offered that specifically respond to such concerns.
- e) Presentation of the result should include the following:
  - i) for stocks for which analytical dynamic-pool type assessments are possible:
    - a graph of yield and fishing mortality for at least the past 10 years.
    - a graph of spawning stock biomass and recruitment levels for at least the past 10 years.
    - a graph of catch options for the year 1997 over a range of fishing mortality rates (F) at least from  $F_{0.1}$  to  $F_{max}$ .
    - a graph showing spawning stock biomass at 1.1.1998 corresponding to each catch option.
    - graphs showing the yield-per-recruit and spawning stock per-recruit values for a range of fishing mortality.
  - ii) for stocks for which advice is based on general production models, the relevant graph of production on fishing mortality rate or fishing effort.

In all cases the three reference points, actual F,  $F_{max}$  and  $F_{0.1}$  should be shown.

3. The Fisheries Commission with the concurrence of the Coastal State requests that the Scientific Council continue to provide information, if available, on the stock separation in Div. 2J+3KL and the proportion of the biomass of the cod stock in Div. 3L in the Regulatory Area and a projection if possible of the proportion likely to be available in the Regulatory Area in future years. Information is also requested on the age composition of that portion of the stock occurring in the Regulatory Area.
4. Noting that the Scientific Council held a Symposium on Seals in the Ecosystem, the Fisheries Commission requests that studies are continued on the impact of marine mammals on fish populations, together with recommendations on research needed to quantify further interactions.
5. Noting the Scientific Council's recommendations for coordinated research on Greenland halibut in particular the implementation of a large-scale research survey, the Fisheries Commission and the two Coastal States emphasize the urgency of acquiring basic information to study on the distribution and stock status. The Scientific Council is requested to pursue its coordinated efforts and member countries are urged to commit the necessary resources to the research.

6. It is noted that the Scientific Council has provided some advice on the 3 following questions but the Council is requested to keep these questions under review:

- a) 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.

- b) 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.

- c) 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.

**Annex 9. List of Decisions and Actions by  
the Fisheries Commission  
(17th Annual Meeting; 11-15 September 1995)**

Substantive issue (propositions/motions)	Decision/Action (item of the Report)
1. Amendments to the Conservation and Enforcement Measures (FC Doc. 95/20)	Adopted; item 3.2
- Minimum fish size for Greenland halibut, 30 cm; FC Doc. 95/9	Adopted; item 3.2
- Processed length equivalent for Atlantic Cod, American plaice, Yellowtail flounder; FC Doc. 95/10	Adopted; item 3.2
- Transmission of information from inspections (to provide advance notification of apparent infringements; FC Doc. 95/11	Adopted; item 3.2
- Inspection (objectivity in the distribution of inspections); FC Doc. 95/12	Adopted; item 3.2
- Reporting of catch on board fishing vessels entering and exiting the Regulatory Area; FC Doc. 95/13	Adopted; item 3.2
- Mesh size; FC Doc. 95/14	Adopted; item 3.2
- Port Inspections; FC Doc. 95/15	Adopted; item 3.2
- Follow-up of Apparent Infringements; FC Doc. 95/16	Adopted; item 3.2
- Pilot Project for Observer and Satellite Tracking; FC Doc. 95/17	Adopted; item 3.2
- Effort Plans and Catch Reporting; FC Doc. 95/18	Adopted; item 3.2
- Infringements; FC Doc. 95/19	Adopted; item 3.2
2. Workshop on the compatibility and applicability of discard/retention rules; Dartmouth, Canada, 7-8 September 1996	Agreed; item 3.2
3. STACTIC Working Group on Satellite Tracking Systems; Madrid, Spain, October 1995	Agreed; item 3.2
4. The reporting form used by Japanese observers to report to NAFO	In agreement; item 3.2c)
5. Requests from Russia to STACTIC (FC W.P. 95/42) to consider 90 mm mesh size for pelagic trawls for the redfish fishery in the Regulatory Area and derogation from rules re discards	Agreed; item 3.5d)

Substantive issue (propositions/motions)	Decision/Action (item of the Report)
6. Request from Iceland to STACTIC (FC W.P. 95/42 to consider 90 mm mesh size for pelagic trawls for the redfish fishery in the Regulatory Area and derogation from rules re discards	Agreed; item 3.5e)
7. Report of STACTIC at the Meeting	Adopted; item 3.5
8. TACs, Regulatory Measures for major species for 1996 in the Regulatory Area	Adopted; items 4.8-4.9
Cod 2J3KL in NRA Cod in Div. 3M	No directed fishery 11,000t (with reservation by several Contracting Parties) 26,000t
Redfish in Div. 3M American plaice in Div. 3M	No directed fishery
Cod in Div. 3NO	No directed fishery
Redfish in Div. 3LN	11,000t
American plaice in Div. 3LNO	No directed fishery
Yellowtail flounder in Div. 3LNO	No directed fishery
Witch flounder in Div. 3NO	No directed fishery
Capelin in Div. 3NO	No directed fishery
G. halibut in Div. 3LMNO	20,000t
Squid (Illex) in SA 3+4	150,000t
9. Management of shrimp fishery (FC Doc. 95/21)	Adopted; item 4.10
- Shrimp in Div. 3LNO	No directed fishery
- Shrimp in Div. 3M	Effort limitation (with reservations by several Contracting Parties)
10. Schedule I - Quota Table for 1996 of NAFO Conservation and Enforcement Measures for international regulation of the fisheries	Adopted; item 4.11
11. Request to the Scientific Council for scientific advice on management of fish stocks in 1997; FC Doc. 95/22	Adopted; item 4.20
12. Election of Officers	
- Chairman	H. Koster (EU)
- Vice-Chairman	P. Gullestad (Norway)

## PART II

# Report of the Standing Committee on International Control (STACTIC)

(FC Doc. 95/23)

**17th Annual Meeting, 11-15 September 1995  
Dartmouth, Nova Scotia, Canada**

### 1. Opening of the Meeting

The Acting Chairman, D. Bevan (Canada), opened the meeting at 1015 on 11 September 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, Republic of Korea, Latvia, Lithuania, Norway, Poland, and Russia.

### 2. Appointment of Rapporteur

Ben Whelan (Canada) was appointed Rapporteur.

### 3. Adoption of Agenda

The Agenda was adopted. (Annex 1)

### 4. Review of Annual Returns of Infringements

Part IV 14 (ii) of the Conservation and Enforcement measures states that "apparent infringements shall be listed annually until the action is concluded under the laws of the flag state, and any penalties imposed shall be described in specific terms". The Canadian and EU representatives noted that some Contracting Parties had not submitted the disposition of apparent infringements for 1993 and 1994. The representative for Denmark (in respect of the Faroe Islands and Greenland) stated that the system worked slowly in these matters but that reports should be completed. It was agreed that these reports be forwarded to the NAFO Secretariat as soon as possible.

The Representative for Russia noted that with respect to FC Working Paper 95/32 - Revised, there had been errors with respect to the apparent infringements attributed to Russian vessels. The Russian representative noted that a document (STACTIC W.P. 95/39) would be produced on this matter.

The representative for the EU noted that document FC Working Paper 95/32 - revised, pages 6-9 lists (Canadian) Apparent Infringements issued to EU vessels following inspection. There are 11 Apparent Infringements that the EU did not process and, therefore, the list would be amended and a revised working paper would be issued.

The representative for Norway noted that they will submit dispositions of Apparent Infringements for 1994 (FC Working Paper 95/32 Revised-Addendum).

The representative for Canada noted that at the Toronto meeting, FC Working Paper 95/24 (page 34 paragraph 15) was proposed to clarify the requirements in reporting disposition of apparent Infringements.

STACTIC agreed that any Contracting Party which had a disagreement with the report on the disposition of Apparent Infringements should send their comments to the NAFO Secretariat.

### **5. Review of Surveillance and Inspection Reports**

The representative for the EU noted that FC Working Paper 95/32 Revised indicated that Canada had completed 45 courtesy boardings on Non-Contracting Party vessels. The representative for the EU requested that Canada provide a report on the activities or practices on these vessels. The representative of Canada agreed to this request. (This information is now included in FC Working Paper 95/32, Revision 2).

The Chairman called for any comments from the delegations on STACTIC Working Paper 95/35 and STACTIC Working Paper 95/37.

**The reports were accepted and forwarded to the Fisheries Commission. (STACTIC Working Papers 95/35 and 95/37)**

### **6. Review of NAFO Observer Scheme Pilot Project**

The representative for the EU noted that STACTIC Working Paper 95/34 Addendum represents the form currently used by EU observers. He further noted that there were some differences between this format and that recommended by Japan.

The Chairman clarified that the Japanese form was a reporting format for the NAFO Secretariat and the EU form was one completed by its observers.

**The reports were accepted and forwarded to the Fisheries Commission. (STACTIC Working Paper 95/34, 95/34 Addendum and 95/36)**

### **7. Minimum Fish Size (Witch, Redfish, G. Halibut) and Minimum Size of Processed Fish (Witch, Redfish, G. Halibut, Cod, A. Plaice, Yellowtail)**

The representative for Denmark (in respect of Faroe Islands and Greenland) raised the question as to whether it was wise to establish a minimum fish size for groundfish. He further stated that when the 100% Observer Coverage comes into effect in January 1996 improper activity may decrease. The representative for Norway noted that under Part I D 1 a vessel which has fish in excess of 10% undersized fish in one haul, the vessel has to change the fishing area by a minimum of 5 nautical miles.

The representative for Japan noted that the advice in FC Working Paper 95/35 recommended a minimum fish size of 30 - 35 cm (for Greenland halibut). He also noted that under the current Conservation and Enforcement measures there are two points: 1. The retention of fish onboard and 2. The requirement for vessels which catch in excess of 10% undersized fish in any haul to change area by a minimum of 5 nautical miles. The representative for Japan also noted that with



the mesh size at 130mm and the minimum fish size set at 35, there could be up to 10% of the catch that would be undersized.

The Canadian delegation stated that its interpretation of the conservation and enforcement measures is that all catch, whether kept or discarded, is counted toward the quota and that the minimum fish size should be considered in view of this. While there was no discussion at the time, when reviewing the STACTIC report several delegations did not share the Canadian interpretation.

The representative for Japan put forward a proposal that the minimum fish size be set at 30 instead of 35 due to other conservation measures.

The representative for the EU noted that, FC Doc. 95/7 had referred the question of minimum fish size for Greenland halibut to the Scientific Council for their response. He further noted that STACTIC was not mandated to question or change the advice of the Scientific Council which noted that for Greenland halibut the minimum landing size corresponding to a 130mm stretched mesh in the codend is 35cm.

**This issue was sent to the Fisheries Commission for consideration.**

#### **8. Review of Operation of the Hail System**

The representative for the EU noted that the FC Working Paper 95/34 (Canadian paper on the operation of the Hail System) suggested that, based on 5290 aerial sightings, the compliance level for the hail system was 100%. Given that several citations were issued during at-sea inspections, it might be appropriate to reference this fact in FC Working Paper 95/34 Addendum.

The representative for Canada noted that FC Working Paper 95/34 Addendum showed apparent Infringements issued to Canadian for improper hailing. He further noted that under the Convention there are fisheries which are exempt from NAFO jurisdiction (tuna, whales, swordfish and sedentary species) and, accordingly, several citations were issued in error.

The Chairman noted that the Contracting Parties should send correspondence to the NAFO Secretariat on this matter if they feel that further refinement of the Report is required.

**The report was accepted on the above understanding and forwarded to the Fisheries Commission. (STACTIC Working Paper 95/38)**

#### **9. Discussion of other Conservation and Enforcement Measures**

**9(a) Propose sampling plans for use in estimating catch composition and quantities by species if any cartons or other containers are to be opened.**

At the June 7-9 STACTIC meetings, it was proposed that a sampling protocol for inspectors be established.

The representative for the EU noted that Canada and the EU have had discussions on this matter. No working paper was available for consideration by STACTIC. He also noted that

currently the sampling protocol is left to the discretion of the boarding party. The EU suggested that other Contracting Parties provide comments on a possible sampling protocol so that a discussion paper could be produced.

The representative for Canada noted that a discussion paper would be an appropriate course of action.

STACTIC agreed that a discussion paper on sampling protocols be prepared with a view to developing a working paper for consideration at the next STACTIC meeting.

**9(b) Provide advice on FC Working Paper 95/15 Dockside Inspections, Japanese Proposal.**

The Japanese representative introduced a proposal, amending the new Part VII.1 (I) to read "its inspector" rather than "an inspector" and Part VII.1 (v) to include "in accordance with the relevant laws and regulations of the Port Contracting Party".

The Korean representative noted that the phrase "an inspector" should provide flexibility for Contracting Parties to interpret as "its inspector".

The Norwegian representative indicated that the Japanese proposal would identify who actually had the responsibility to perform certain duties.

The Japanese proposals for Part VII.1(i) and (v) were accepted. (FC Working Paper 95/15)

**9(c) 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.**

The representative for Canada introduced the STACTIC Working Paper 95/30 Revision 1. He noted that there were three species and three product types specified. He further noted that it would not be possible to provide processed length equivalents for every species/product. The representative for Canada also noted that observer coverage would deter most masters from retaining undersize fish.

The representative for Japan reserved their position on this matter, noting that further investigation would be needed.

The representative for the EU noted that this matter has been discussed several times in the past, so it was time to put forward some figures. He also noted that it was a good starting point. He further noted that the proposed process length equivalents were based on the length of processed fish expected to be derived from fish bigger than the minimum whole fish lengths.

The representative for Russia reserved their position on this matter due to Russian requirements that prohibit discarding fish. The Russian delegation will send a proposal and response to the Fisheries Commission.

The proposal, with reservations from Japan and Russia, was forwarded to the Fisheries Commission. (STACTIC Working Paper 95/30 revision 1)

**9(d) Consider and provide advice on FC Working Paper 95/13, the Japanese proposal for the report to be completed by observers.**

The representative for Japan introduced this proposal and expressed concern over the confidentiality of the position of the vessel. The EU representative stated that a revised form may cause difficulties because some Contracting Parties had already developed forms for this purpose. The Danish representative supported the proposal but did indicate that the form could only be used for an otter trawl fishery.

The Chairman indicated that the proposal from Japan only covered reports sent to the Executive Secretary of NAFO and that Contracting Parties are free to design their own forms.

**STACTIC agreed to maintain Part VI.A.3 of the revised Conservation and Enforcement Measures (as contained in FC Doc. 95/7) and allow the use of the Japanese form contained in FC Working Paper 95/13 on a voluntary basis.**

**9(e) Advice on Working Paper 95/28, revised, Infringements, 9.v.**

STACTIC Working Paper 95/32 is a joint proposal between Canada and the EU. This proposal adds the major infringement "(vi) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited."

**The proposal was accepted. (STACTIC Working Paper 95/32)**

The Representative for Japan introduced STACTIC Working Paper 95/33. The representative for Japan noted that in Japan the Inspector or the Japanese Fisheries Agency could order a vessel to port. To deal with this situation, the following revision to FC Working Paper 95/28, was proposed - "Where justified, the competent authority of the Contracting Party or the inspector authorized by the competent authority ....".

**The Proposal was accepted. (STACTIC Working Paper 95/33 Revision 1)**

**9(f) 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.**

STACTIC Working Paper 95/31 is a joint proposal between Canada and the EU. The proposal would amend Part III - Annex I - Hail System Format - new paragraph 1.5, by replacing the words "six hours" with "twenty-four hours" in the new paragraph 1.5.

**The proposal was accepted. (STACTIC Working Paper 95/31)**

## **10. Election of Officers**

The EU nominated David Bevan (Canada) to act as Chairman for the two-year period (1996-1997). Canada supported this and the other delegations agreed.

## **11. Time and Place for Next Meeting**

The next STACTIC meeting will be scheduled in conjunction with the next Annual Meeting of the Fisheries Commission.

## **12. Other Matters**

There will be a Working Group formed to discuss implementation of provisions requiring Satellite transponders on vessels as per the modified conservation and enforcement measures contained in FC Doc. 95/7.

As noted under agenda item 9(a), STACTIC will continue its work on the sampling protocol as requested in FC Doc. 95/7.

## **13. Adoption of Report**

The report was adopted for forwarding to the Fisheries Commission.

## **14. Adjournment**

STACTIC adjourned 13 September 1995 at 1900 hours.

## Annex 1. Agenda

1. Opening by the Chairman, D. Brock (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of Annual Returns of Infringements
5. Review of Surveillance and Inspection Reports
6. Review of the NAFO Observer Scheme Pilot Project
7. Minimum Fish Size (Witch, Redfish, G. Halibut) and Minimum Size of Processed Fish (Witch, Redfish, G. Halibut, Cod, A. Plaice, Yellowtail)
8. Review of Operation of the Hail System
9. Discussion of Other Conservation and Enforcement Measures (by terms of reference from the Fisheries Commission)
  - a) Propose sampling plans for use in estimating catch composition and quantities by species if any cartons or other containers are to be opened.
  - b) Provide advice on FC Working Paper 95/15 Dockside Inspections, Japanese Proposal.
  - c) 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.
  - d) Consider and provide advice on FC Working Paper 95/13, the Japanese proposal for the report to be completed by observers.
  - e) Advise on FC Working Paper 95/23, Revised, Infringements, 9.v.
  - f) 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.
10. Election of Officers: Chairman
11. Time and Place of the Next Meeting
12. Other Matters
13. Adoption of Report
14. Adjournment

