

SECTION VI
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**Report of the Fisheries Commission and its Subsidiary Body
(STACTIC), 21st Annual Meeting
13-17 September 1999
Dartmouth, N.S., Canada**

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PART I

Report of the Fisheries Commission Meeting

(FC Doc. 99/15)

21st Annual Meeting, 13-17 September 1999

Dartmouth, Nova Scotia, Canada

1. Opening Procedures (Agenda Items 1-5)

- 1.1. The meeting was called to order by the Chairman, Mr. P. Gullestad (Norway) at 0915 hrs. on 14 September 1999. Representatives from the following Contracting Parties were present: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, the European Union (EU), France (in respect of St. Pierre et Miquelon), Iceland, Japan, the Republic of Korea, Latvia, Lithuania, Norway, Poland, Russia, Ukraine and the United States of America consistent with the previous decision of the General Council (Annex 1).
- 1.2. Mr. Jeremy Conway (Canada) was appointed Rapporteur.
- 1.3. The provisional agenda was reviewed with an additional item proposed by the EU with respect to Canadian Management Measures for 2J3KL Cod in 1999. This item was identified as a new item 13 on the agenda and the subsequent items were renumbered. The agenda was **adopted** as amended (Annex 2).
- 1.4. ICES and NAMMCO were recognised as observers to the Fisheries Commission consistent with the previous acknowledgement in the General Council.
- 1.5. It was agreed that the normal NAFO practice regarding publicity should be followed and that no statements would be made to the media until after the conclusion of the meeting when the NAFO Secretariat would issue a press release.

2. Administrative (Agenda Items 6-8)

- 2.1. With respect to Agenda item 6, Review of Commission Membership, the review of the Commission membership was discussed at the opening session of the General Council (under provisions of Article XIII.1 of the NAFO Convention). The Chairman welcomed Ukraine to the Fisheries Commission as the 16th member of the Fisheries Commission. In response to questions, the Representative of Ukraine stated that Ukraine intended to commence fishing for shrimp in Division 3M during the latter part of 1999 and in 2000. He stated that Ukraine did not intend to prejudice the fishing interests of other Contracting Parties and did not have any other fishing plans for the Regulatory Area. He also indicated that Ukraine will likely make a statement on this issue in the future and requested that the Commission take into account Ukraine's position.
- 2.2. Representatives of Latvia, Estonia and Lithuania responded to the question asked to the Ukraine by the EU and expressed their respective concerns about revisiting the history of block quotas and that each Party looked forward to receiving their own national quota by dividing block quotas only between the Parties which over last years fall under such alloca-

tion. The Representative of the Russian Federation stated that new members should be entitled to all the rights and privileges enjoyed by other NAFO members.

- 2.3. With respect to Agenda item 7, Transparency of NAFO decision-making process (participation of inter-governmental and non-governmental organizations), it **was agreed** that the Fisheries Commission will adopt rules of procedure consistent with the set of rules which are currently being elaborated by the General Council and that the corresponding rules are deemed to be adopted in the event that the General Council should so decide at this year's session."
- 2.4. With respect to Agenda item 8, Election of Chairman and Vice-Chairman, the present Chairman, P. Gullestad (Norway) and Vice-Chairman, D.E. Swanson (United States) were **re-elected** for two-year terms commencing at the conclusion of this annual meeting.

3. Conservation and Enforcement Measures (Agenda Items 9-13)

- 3.1. With respect to Agenda item 9, Report of STACTIC at the Annual Meeting, the Chairman of STACTIC, Mr D. Bevan (Canada) reported the results of the meeting. He noted that STACTIC's agenda had been modified to include items raised by Norway concerning the hiring and deployment of observers.
- 3.2. With respect to the review of annual infringements, two Contracting Parties (Poland and Russia) had not yet reported information on the disposition of 1998 infringements and were encouraged to meet this requirement prior to the adjournment of the NAFO meetings on September 17. STACTIC noted that specific fines are not currently being reported in the manner required by NAFO and recommended that Contracting Parties include this level of detail in future reports.
- 3.3. STACTIC drew attention to the current inconsistency in the application of the requirement for 100% observer coverage as some Contracting Parties allow fishing activities to take place for short periods of time without an observer which is inconsistent with the NAFO Conservation and Enforcement Measures. In addition STACTIC also flagged the issue of poorly maintained boarding ladders, which was a safety concern for NAFO inspectors. STACTIC recommended that Contracting Parties be reminded to inspect their fishing vessels to ensure that boarding ladders are in good condition.
- 3.4. With respect to the Review of Surveillance and Inspection reports (STACTIC WP 99/19), Norway suggested that a special reporting format be developed for reporting on activities of non-Contracting Party vessels. Such a reporting format was developed last year and is described in FC Doc 99/1.
- 3.5. With respect to operation of the Hail system, STACTIC recommended that a STACTIC working group of technical experts meet intersessionally to consider a more effective hail system.
- 3.6. STACTIC considered the compatibility and applicability of discard retention rules for the conservation and utilisation of fisheries resources. STACTIC WP 99/3 and 99/3 (Addendum 1) provide information on discards. Mr. Bevan noted that Canada had presented a proposal for amendments to the NAFO measures to clarify that fishing masters must record discarded fish as part of their catch reports (STACTIC WP 99/11). He summarized the conclusion of the discussions— while there is no consensus on the Canadian

proposal, there is an existing requirement under the NAFO measures for fishing vessel masters to record discards. It was agreed that more accurate discard information is required and that this information should be made available to the Scientific Council so that it can be considered in the development of scientific advice. Contracting Parties also agreed to further examine possible improvements in the procedures for gathering discards information.

- 3.7. With respect to the interpretation to Conservation and Enforcement Measures, Denmark (in respect of Faroe Islands and Greenland) had requested clarification on two provisions. It was agreed that their intent was not clear and that there was a need for a comprehensive review of the Conservation and Enforcement Measures to clarify provisions such as these which were either unclear or no longer relevant. STACTIC advised that all proposed changes should be considered within the context of this overall review.
- 3.8. With respect to incidental catch limits, it was noted that Canada had submitted a proposal to amend the NAFO measures regarding incidental catch limits (STACTIC WP 99/10). It identified two components: 1) how to calculate the allowable or incidental catch limit, and 2) measures by which bycatch can be reduced. Contracting Parties agreed with the general principle and objective of the Canadian proposal and with the amendments dealing with the calculation of incidental catch limits. There was no agreement, however, on the proposed Part I.A.5(f). The amended Working Paper (STACTIC WP 99/10 (Revised)) was submitted to the Fisheries Commission and **adopted** to incorporate in the Conservation and Enforcement Measures (Annex 3). It was noted that Canada will do further work on the proposed Part I.A.5 (f) and will raise the issue again at the next annual STACTIC meeting.
- 3.9. With respect to Draft Resolution Concerning the Chartering of Vessels Flying the Flag of a Contracting Party in the Regulatory Area, STACTIC Working Papers 99/14 and 99/15 (Revision 2) were sent to the Heads of Delegation meeting. The decision on these items was reflected in FC W.P. 99/22 and WP 99/23 (Annexes 4 and 5). It was noted that the provisions pertaining to chartering operations (Annex 4) will apply as a pilot project only for the year 2000.
- 3.10. With respect to the NAFO Observer Program, the Scientific Council provided STACTIC with its scientific requirements for the observer program. The Scientific Council noted that the development of a comprehensive observer program database was necessary to provide timely access of the information to scientists. STACTIC recommends that an intersessional STACTIC meeting be held, with the participation of scientists, to begin work on this project.
- 3.11. With respect to an intervention from Norway on the impartiality of observers, it was agreed that NAFO observers are required to be independent and impartial and not crewmembers. There was no agreement that there was a need to change the existing Conservation and Enforcement Measures in this respect.
- 3.12. Mr Bevan informed the Commission that he had been **re-elected** for an additional two-year term as Chairman.
- 3.13. The Report of STACTIC was **adopted**.
- 3.14. With respect to Agenda item 10, Report of the San-Sebastian Working Group on the Precautionary Approach, Dr. H. -P. Cornus (EU) presented a summary of the joint Fisheries

Commission/Scientific Council Working Group meeting of 3-5 May 1999 in San-Sebastian, Spain on the Precautionary Approach (PA) (NAFO/FC Doc 99/2).

- 3.15. The Working Group evaluated appropriate management strategies for the three NAFO stocks - Cod in Div. 3NO, Yellowtail flounder in Div. 3LNO and Shrimp in Div. 3M and recommended that:
- Both the Scientific Council and the Fisheries Commission managers/experts consider the elements identified by the Working Group for the three model stocks in designing and formulating further action in respect to the implementation of the PA for the three stocks for the year 2000 and beyond.
 - Similar actions should be considered for other stocks with related characteristics, which were under NAFO purview.
- 3.16. Dr Cornus noted that mutual understanding had significantly increased between scientists and managers. He noted that the Working Group had brought NAFO a large step forward with respect to implementation of the Precautionary Approach in terms of the setting of TACs and management strategies. The report gives a good indication on how the Organisation can deal with these issues in the future. The Chairman noted that NAFO would have to deal with these on a stock by stock basis as there is no uniform solution to these issues.
- 3.17. The Representative of the EU re-stated attachment to the Precautionary Approach. He emphasized that it was imperative to work towards consistent and harmonised concepts and terminology with other regional fisheries organisations and, in particular, with ICES. Furthermore, he moved that the dialogue between scientists and managers should continue and that, therefore, the Joint Scientific Council/Fisheries Commission Working Group should reconvene in the year 2000.
- 3.18. The Representative of Canada also supported the continuation of the Joint Working Group discussions. He noted that the PA is more than the establishment of reference points and biological limits. He emphasized that an integral part of the PA must include measures to protect juveniles and spawning stock including closed area nurseries, gear restrictions, bycatch protection provisions, and monitoring, control and surveillance measures in order to give real meaning to the implementation of the PA.
- 3.19. The Representative of Canada presented a paper (FC Doc. 99/5) that described Canadian conservation measures for 3LNO Yellowtail flounder as an example of the application of the PA.
- 3.20. The Representative of Canada noted that the NAFO Conservation and Enforcement Measures should be reviewed in the context of the PA to ensure they provide the tools necessary to implement the PA in NAFO.
- 3.21. After considerable discussion, the Chairman summarised the conclusions - that there was support for continuing the Working Group, Canada would draft an agenda for the next meeting, the EU would present a working paper at the next meeting on harmonization of concepts and terminology on the PA, and the USA would prepare the text of a resolution on the implementation in NAFO of precautionary measures. He envisaged three issues: 1) application of the PA in the narrow sense, which has to do with biological reference and

limit points concerned with the exploitation rate; 2) the wider application of the PA which includes other management measures; and 3) both the exploitation rate and management measures as well as the monitoring, control and surveillance regime to ensure compliance with the management measures. The Fisheries Commission **adopted** the agenda in NAFO FC WP 99/8 (Revised) and the Resolution to Guide the Implementation of the Precautionary Approach within NAFO (FC WP 99/12 (Revised)).

- 3.22. With respect to Agenda item 11, Increase of inspection presence in the NAFO Regulatory Area, the Representative of the EU referred to its 1995 proposal that any Contracting Party having ten or more vessels fishing in NAFO should be required to have an enforcement/inspection presence in the NAFO Regulatory Area.
- 3.23. The Representative of Canada concurred with the EU proposal. He stated that enforcement costs need to be shared by all Parties that benefit from the resources in the NAFO Regulatory Area and that it is not equitable that only two Parties provide enforcement for the entire Organisation.
- 3.24. The Representative of the USA stated that he was prepared to support the proposal that any Contracting Party with ten or more vessels in the area should provide an inspection vessel.
- 3.25. The Representative of Iceland stated that Iceland could not entertain increasing the surveillance in this area. While Iceland has ten vessels fishing on the Flemish Cap, it does not have the means nor does it believe it is necessary to provide an inspection presence. He thought that the current 100% observer coverage requirement is more than is necessary and would like to see this level reduced.
- 3.26. The Representative of the EU asked Iceland to clarify its intervention and how this view could be reconciled in light of the stringent enforcement in Icelandic waters against EU fishing vessels. The Representative of Iceland responded that little danger of damage to other stocks existed in the shrimp fishery in Division 3M as it was a clean fishery with minimal bycatch between 1% and 4% however, the fisheries under Icelandic jurisdiction were far more sensitive and required observation.
- 3.27. The Representative of the EU proposed that this issue be kept open to allow additional bilateral consultations. He recalled that such a requirement was intended to be one of the cornerstones of the 1995 package of strengthened control and enforcement measures, and that, back in 1995, all Contracting Parties agreed to revert to the proposed requirement at an appropriate time. He reiterated that if the issue cannot be addressed this year, then it could be revisited next year during the review of the Observer Program. The Chairman concluded that this item would be included on next year's agenda.
- 3.28. With respect to Agenda item 12, Allocation of Fishing Rights and Chartering of Vessels, the Representative of the EU proposed that the chartering proposal described in paper GC Doc. 99/4 and W.G. Working Paper 99/6 be referred to STACTIC for advice. The Chairman noted that this item would also be addressed at the Heads of Delegations meeting. He noted that while this was normally a General Council issue, Papers FC WP 99/22 and FC WP 99/23 dealing with chartering and bare boat charters were referred to the Fisheries Commission to consider amendments to the Conservation and Enforcement Measures.

- 3.29. The Representative of Denmark (in respect of the Faroe Islands and Greenland) referred to point two (2) of the paper and the limiting of transfers and suggested that the paper does not reflect the intent of the discussions. He suggested that this issue be reviewed and revised in the year 2000. The Representative of the EU concurred with Denmark and noted that since this is a pilot project, it will be reviewed in the year 2000. The proposals in FC WP 99/22 (Revised) and FC WP 99/23 were **adopted** (Annexes 4,5).
- 3.30. With respect to Agenda item 13, Canadian Management Measures for 2J3KL cod in 1999, FC WP 99/6 – Submitted by Canada entitled “2J3KL Cod – Canadian Management Measures for 1999” was brought to the attention of delegates.
- 3.31. The Representative of the EU reviewed the history of the management of the cod in Divisions 2J3KL noting that this fishery was a backbone of the economy in the NAFO Convention Area for many years. Much conflict emerged over the stock between various Contracting Parties. There was a Canada-EU bilateral agreement in 1992 which, in September 1996, resulted in the establishment of specific NAFO measures governing the setting of the TAC in the event that a decision allowing the resumption of fishing for 2J3KL cod in the NAFO Regulatory Area should be taken (see Part I.A.4 of the NAFO Conservation and Enforcement Measures). He noted that the EU could not agree with the conclusions in the paper submitted by Canada (FC WP 99/6). He noted that the 2J3KL cod stock is only one cod stock and is very depleted with weak year classes since the beginning of the 90's. He stated that there was no supporting data to the contrary. He noted that inshore cod comprises primarily juveniles and that any fishing on one portion of the stock could seriously impact on the recovery of the entire stock. There is also an increased effort on the shrimp fishery in Division 3L which could have a negative impact on the rebuilding of cod. He stated that there was no scientific basis for Canada to open this fishery.
- 3.32. The Representative of the EU referred to the NAFO decision for a moratorium on 2J3KL cod in the Regulatory Area in 1999 and the letter from Canada in September 1998 (FC WP 98/6) in which Canada confirmed its continuation of the moratorium on commercial fishing for 2J3KL cod in the Canadian zone. He noted that Canada's unilateral decision to open a commercial fishery for this stock contrary to its earlier announcement can be seen as a breach of confidence.
- 3.33. The Representative of the EU proposed the following two questions be posed to the Scientific Council: The Scientific Council is requested to evaluate the impact of catch in the range of 5,000-10,000t yearly on the recovery of cod in the 2J3KL cod unit. The Scientific Council is also requested to evaluate the impact of bycatches of cod in other fisheries inside the Canadian zone and the NRA.
- 3.34. The Representative of Canada confirmed that Canada had set a 9,000t TAC for the inshore cod fishery in 3KL and that this was transmitted to Contracting Parties by the Executive Secretary on July 16 with a supplementary letter sent on September 2 which explained the rationale for the fishery. Canada has maintained the moratorium for offshore cod. He stated that this was a limited fishery for a part of Canada's inshore fleet restricted to vessels mostly less than 35 feet (10m) and the fishery is restricted to within 12 miles from land. Canada has put in place strict management measures and controls on the fishery which include two seasons (July and mid-September to mid-October), limits have been put in place on the amount of gear permitted by each fisherman (6 gillnets of 50 fathoms or 2,000 hooks), there is no trawling, fishermen fish individual quotas with 100% dockside monitoring of all catches and a portion of the vessels are covered by observers. He stated

that there has been a moratorium on northern cod in the NAFO Regulatory Area for a number of years now and each year the Canadian domestic assessment process as well as the NAFO Scientific Council have come to the same conclusions - the offshore components of this stock are at all time lows and there are no signs of recovery in the offshore.

- 3.35. The Representative of Canada emphasised that the decision for this limited fishery was not made lightly and only took place after extensive scientific review. The role of the Fisheries Resource Conservation Council (FRCC) in providing advice to the Minister of Fisheries and Oceans was explained in the context of the opening of the fishery. The FRCC had expressed concern with the lack of data on the resource in inshore areas while at the same time acknowledging that there is evidence of a large abundance of cod in some of the inshore areas and bays. The FRCC recommended a limited inshore fishery in order to gather scientific information. The Representative of Canada stated that this limited cod fishery is being conducted in this context in order to improve confidence in management and rebuilding of the stock. Canada believes that this approach is consistent with the conservative management of this resource.
- 3.36. With respect to Canadian vessels fishing for shrimp in Division 3L, the Representative of Canada explained that three vessels (two inshore and one offshore) had undertaken research during 1999 with a view to obtaining information on the distribution and age structure of the shrimp stock. Research was conducted under a strict scientific protocol and all Contracting Parties were advised via the Executive Secretary. The research did not result in any particular threat to cod. The data collected was presented to the Scientific Council.
- 3.37. The Representative of the EU observed that the Scientific Council's work on 3NO cod indicates that a small increase in bycatch mortalities can lead to a much longer time for stock recovery. He used this example to underline his concern regarding the impact of bycatches on 2J3KL cod. He referred to the FRCC report of May 1999 (page ten) which suggests that the only proven method of determining stock abundance is acoustic surveys conducted during the pre spawning and spawning in winter and spring. The Representative of the EU referred to the Canadian Atlantic Quota Report which refers to 2J3KL cod as a commercial fishery and concluded this was not a fishery just for the collection of data. He believed that it would be difficult for Canada to discharge its obligations under the 1996 NAFO measures, UNCLOS and the 1995 UN Agreement, all of which contained provisions pertaining to compatible conservation measures both within areas under national fisheries jurisdiction and beyond. He concluded that NAFO should be really concerned about this situation.
- 3.38. The Representative of Canada reviewed the historical information for 2J3KL cod and the FRCC advice. There is a lack of knowledge from inshore areas but Canada is moving towards trying to address this gap. He explained the strategies to date to evaluate the resource in the inshore. He recalled that historical inshore catches averaged more than 100,000t annually. He reviewed the steps taken by Canada to monitor stocks through sentinel surveys. As a result the FRCC recommended a catch between 6,000- 9,000t to allow for a limited fishery including a sentinel fishery component for the inshore portions of 3KL to provide the necessary information to make informed decisions on this stock. Canada's decision was fully consistent with its rights and obligations. A moratorium remains on the offshore component of the stock and all trawling is prohibited. This is consistent with the need to continue the moratorium on the stock in the NAFO Regulatory Area.

- 3.39. The Representative of Canada stated that Canada had considered all available advice including that of the Scientific Council as a basis for establishing a limited TAC.
- 3.40. The Representative of Latvia expressed a need to be more cautious with stocks that are under moratorium and agreed with the point of view expressed by the EU. The Representatives of Denmark (in respect of the Faroe Islands and Greenland) and Estonia supported the EU proposal to pose the two questions to the Scientific Council. In response to a question from the USA, the Representative of Canada identified an independent assessment on northern cod which suggested a significantly higher harvest level than 9,000t. It was agreed to submit the two requests proposed by the EU in writing to the Scientific Council.

4. Conservation of Fish Stocks in the Regulatory Area (Agenda items 14-18)

- 4.1. With respect to item 14 of the Agenda, Summary of Scientific Advice, the Chairman of the Scientific Council, Dr. H.P Cornus (EU) presented a summary of NAFO SCS Doc 99/21 "Report of the Scientific Council, 3-16 June 1999" which provides the scientific advice for the management of stocks in the NAFO Regulatory Area for 2000 and 2001 and addresses special requests to the Scientific Council. He summarised this advice in the table below.

ADVICE FOR 2000

Redfish 3M	3,000-5,000t
Cod 3M	No directed fishery, lowest possible by-catch
American plaice 3M	No directed fishery, lowest possible by-catch
Yellowtail flounder 3LNO	10,000t
Witch flounder	No directed fishery, lowest possible by-catch
Greenland halibut 2+3KLMNO	Catch of about 30,000t should allow stock to increase
Squid (<i>Illex</i>) 3+4	19,000-34,000t

ADVICE FOR 2001

American plaice 3LNO	No directed fishery, lowest possible by-catch
Cod 3NO	No directed fishery, lowest possible by-catch
Redfish 3LN	No directed fishery, lowest possible by-catch

- 4.2. Special requests for advice were submitted for **Squid** in Subareas 3&4, **Witch flounder** in Div. 2J3KL. With respect to **3M shrimp**, Dr Cornus noted that the next assessment of shrimp would take place in November of 1999 together with the other shrimp stocks. It had been agreed that the Scientific Council monitor developments in this fishery and stock. This was done in 1999 and the Scientific Council has no new data that would change its advice and so the advice for 2000 is the same- TAC of 30,000t.
- 4.3. With respect to **3NO Capelin**, there had been no request to the Scientific Council for advice. The Council advised the Commission that there is no data to evaluate the stock.
- 4.4. Dr. Cornus reviewed the paper "Management Advice and Responses to Special Requests" NAFO FC Working Paper No. 99/6 in respect to shrimp in Div. 3LNO. The advice for shrimp in Div. 3LNO was presented and is contained in NAFO SCS Doc.99/21.

- 4.5. Dr. Cornus summarized the final request for the Scientific Council to "provide information on the types of fisheries research activities being conducted or that may be conducted in the future in the NAFO Regulatory Area. Further, the Scientific Council is requested to outline any guidelines and protocols that should be followed when conducting such research". (Page 27, SCS Doc 99/2).
- 4.6. Inquiries were made to the Chairman of the Scientific Council to clarify several questions regarding the scientific advice.
- 4.7. With respect to **3LNO American plaice**, the Representative of Canada queried why the Scientific Council had raised the natural mortality for American plaice from .2 to .6 and asked whether the Scientific Council expected to investigate this further in the future. Dr. Cornus responded that surveys indicate an increase in total mortality even in years when a moratorium is in place. This can only be attributed to natural mortality. With respect to future investigations, Dr. Cornus confirmed this would be the case as it would have an impact on the advice.
- 4.8. The Representative of Canada noted that the bycatch of **3LNO American plaice** has been in the order of 1600t while under moratorium. He asked in which fisheries this bycatch occurred and for an evaluation of the impact of this level of bycatch on the recovery of the stock. Dr. Cornus explained that the Greenland halibut and skate fisheries in 3LNO have a bycatch of American plaice. With respect to the impact of natural mortality rates, Dr. Cornus indicated that a bycatch would keep the natural mortality at a higher level than .2.
- 4.9. With respect to **3LNO yellowtail flounder**, the Representative of Canada noted that the Scientific Council is using a fishing mortality buffer of 0.13 which corresponds to an exploitation rate of 11% for yellowtail flounder. He asked how this reference point developed under the precautionary approach would relate to the more traditional FO.1 indicator that is used for other groundfish stocks. Dr. Cornus noted there are problems in the age determination of yellowtail flounder and that calculations based on FO.1 would be of less value.
- 4.10. With respect to **witch flounder in 2J3KL**, the Representative of Canada noted the Scientific Council does not anticipate any marked improvement for this stock in the next few years and asked whether this meant the Scientific Council would support continuation of the current moratorium in 2000 and 2001. Dr. Cornus concurred with this interpretation.
- 4.11. With respect to **3M redfish**, the Representative of Russia noted that while there are strong 1990 and 1991-year classes, fisheries statistics showed that catches were low during 1999. Given the Scientific Council's recommended catch reduction, he requested further clarification. Dr. Cornus responded that the stock is at very low levels compared to previous years. The Scientific Council feels that the current TAC is too high and may cause excessive exploitation. This would reduce the upcoming year class and any improvement of the spawning stock would be impacted detrimentally.
- 4.12. With respect to **3M shrimp**, the Representative of Denmark (in respect of the Faroe Islands and Greenland) noted some areas of shallower waters on the Flemish Cap should be closed for fishery during certain times of the year to prevent catch of young fish. Dr. Cornus indicated that he was not aware of this situation and that it should be made available for discussion during the shrimp meeting in November.

- 4.13. With respect to **shrimp in Div. 3L**, the Representative of Denmark (in respect of the Faroe Islands and Greenland) commented on Working Paper 99/6 in regard to 3L shrimp. He noted that the information is clear that a restricted fishery for 6,000t could be undertaken in this area.
- 4.14. The Representative of the USA asked for clarification of the comment in the "Special Request" last paragraph (pg.26) indicating that it does imply that within a particular year there is unlikely to be an impact. Dr. Cornus indicated that this was the correct interpretation of the paragraph in question.
- 4.15. The Representative of the USA noted the scientific information with respect to bycatch and the impact of bycatch on the recovery for **Greenland halibut**, the two cod stocks, the two plaice stocks, witch flounder, redfish, and grenadier. He asked whether the Scientific Council had attempted to provide better information on the potential impact that bycatch may be having on the recovery of depleted species. Dr. Cornus responded that most of the stocks are under moratoria and that any bycatch will reduce the immediate recovery of these stocks. The Scientific Council is unable to quantify the potential impact. Dr. Cornus suggested that Greenland halibut was a special case because the gear is harvesting mostly juveniles.
- 4.16. The Representative of the USA asked what would be required to obtain better estimates of the mortality impacts of **bycatch for those stocks under moratorium**. Dr. Cornus stated that for most of these stocks, the Scientific Council was unable to do an analytical assessment, which has been the case for several years. The Representative of the USA asked the Chairman to comment on the status of information on bycatch in general. He expressed great concern for this issue and suggested that the Fisheries Commission would need to consider mechanisms to control bycatches including those that are discarded. Dr. Cornus responded that the extent of bycatch information depends on the information records for the stocks - with some stocks this might be possible, while in other stocks there is no information at all. As a follow up, the Representative of the USA asked if the observer data was usable for scientific analysis. Dr. Cornus responded that observer data was not currently usable as the volume of paper and the time required for analysis limit its utility. He suggested that if the data were in an electronic format, it would be useful during the June Scientific Council meetings.
- 4.17. With respect to **2+3 Greenland halibut**, the Representative of the EU noted that there were good year classes in 1992-95 with the oldest now being recruited into the spawning stock biomass. He asked why the Scientific Council had recommended a TAC of 30,000t in 2000 in light of the apparent improvement in the stock biomass. He also asked whether there had been a negative impact on Greenland halibut caused by the Canadian shrimp fishery in Division 3K. Dr. Cornus advised that with respect to the recommended TAC of 30,000t, there is an apparent increase in 3L and 3M, but in 2J and 3K the total abundance and the biomass are decreasing and there are indications of increasing fishing mortality. Historically this level appears to be sustainable given the data. He stated that the Scientific Council has no data to evaluate the impact of the Canadian shrimp fishery in 3K.
- 4.18. The Representative of the EU requested clarification on the **advice on shrimp** under the Special Request section (page 2, para 1) noting that the information comes from late summer and autumn surveys. He asked whether this information referred to the partial surveys and whether it is possible to make an assessment as to the distribution of spawning stock biomass, knowing that shrimp are migrating during the season. Dr. Cornus responded

that the Canadian autumn survey was the only reliable information. Other surveys were only partial and could not be used as a basis for the advice.

- 4.19. With respect to **2+3 Greenland halibut**, the Representative of the EU requested clarification regarding item "f" (pages 3 and 4) and the Scientific Council's recommendation that fishing effort be distributed proportionally to the distribution of biomass. He suggested that as this required a management decision, it was inappropriate for the Scientific Council to make recommendations to the Fisheries Commission. Dr. Cornus responded that the Scientific Council is concerned if the fishing effort is not distributed proportionally to the biomass, independently of whether it is a mean value over the year or not. Dr. Cornus concurred that the Scientific Council was not intent on doing the Fisheries Commission's job.
- 4.20. With respect to **3LNO American plaice**, the Representative of the EU requested clarification in respect to the conclusion on American plaice (NAFO Doc SCR 99/69 - Pg. 4). Dr. Cornus indicated he was not in a position to comment on this issue and would be prepared to address it later. Further, Dr. Cornus indicated that this was a working paper and not a document generated by the Scientific Council. The Chairman suggested that other Contracting Parties should familiarize themselves with the document in order to participate in the discussion. The ensuing discussions on this paper determined that although of value, the Commission should not refer to working papers that are not peer reviewed and that the Commission should not be prescriptive on the methodology that the Scientific Council uses.
- 4.21. With respect to Agenda item 15, Management and Technical Measures for Fish Stocks in the Regulatory Area, 2000, with respect to **Cod in Div. 3M**, the Representative of Denmark (in respect of Faroe Islands and Greenland) suggested that the moratorium has had no significant effect and there are other ways to achieve recovery of fish stocks. He proposed a commercial fishery with a TAC of 2,000t annually for the next five years as this would provide much needed data. He proposed that for each Contracting Party with a 3M cod quota that no more than 40% could be fished before May 1 and no more than 80% fished before October. The Representative of Canada noted that the stock has collapsed, the biomass is the lowest on record and recruitment is expected to be poor in 1999 and 2000. He proposed that there be no directed fishery for cod in 3M in the year 2000 and that the bycatch of cod be kept at the lowest possible level.
- 4.22. With respect to **Redfish in Div. 3M**, the Representative of Russia noted that the stock was at a low level but also acknowledged the 1990-1991 year classes which were now part of the spawning stock. He drew attention to Working Paper 99/7 submitted by Russia which indicated that the TAC should be maintained at the same level as 1999. The Representative of Estonia supported the Russian proposal to maintain the 3M redfish fishery at the level of the 1999 TAC. The Representative of the USA proposed the advice from the Scientific Council be adopted. The Representative of Canada noted that the stock had declined considerably as a result of high catches during the late 1980's. Data shows that in 1990 the catch was 81,000t when the TAC was 50,000t. The low catches in the past are a consequence of a diminished abundance of 3M redfish. He supported the Scientific Council's advice that the TAC be reduced from 13,000t in 1999 to 5,000t in 2000. The Representatives of Latvia and Lithuania supported the Russian proposal given that no significant fishing effort has taken place on this stock and there were two good year classes being recruited to the fishery.

- 4.23. The Representative of Japan suggested that the catches for the fishery this year would not reach more than 5,000t. If there is no plan to substantially increase fishing effort by Contracting Parties, Japan could accept the TAC at the level suggested by Russia. If there are any doubts, then a TAC of 5,000t should be accepted and the fishery should be closed when the cumulative quota reaches that level. He proposed an arrangement similar to that adopted last year to allow the fishing interests of Parties having a small quota not to be affected substantially. With these considerations Japan would support the Scientific Council's recommendation.
- 4.24. The Representative of the EU suggested the scientific advice was unclear as to an improvement in the biomass. He proposed that in light of the uncertainties that a precautionary approach should be adopted.
- 4.25. With respect to **3M American plaice**, the Representative of the USA suggested that all stocks that the Scientific Council had recommended continuation of moratoria should be addressed as a whole. He also suggested that for these stocks, the Commission should investigate ways to reduce the bycatch of these stocks to enable their recovery.
- 4.26. The Representative of the EU recommended that that the database be improved for all stocks to provide the Scientific Council with all available data. The Representative of Canada strongly endorsed the EU proposal and encouraged Contracting Parties to provide observer data in an electronic format to the Scientific Council.
- 4.27. After extensive discussions, the Chairman noted **agreement was reached** as follows:

Cod 3M	No directed fishery
Redfish 3M	5,000t, f/n (6) no more than 2,500t to be fished before July 1
American plaice 3M	No directed fishery
Shrimp 3M	<p>FC W.P. 99/15 (Revised), continue the effort scheme for the year 2000 and the addition of point (f) in respect to the reporting of fishing days by Contracting Parties to the Secretariat.</p> <p>4(j) last item changed to reflect "fishing days are not transferable between Contracting Parties except under the conditions provided in 1(b)."</p> <p>FC W.P. 99/16 (Revised) Proposed closure for the shallow areas of the Flemish Cap. Sent to the Scientific Council.</p> <p>FC W.P. 99/17 (Revised). Setting out a procedure how the Scientific Council and the Contracting Parties will deal with the deliberations of the Scientific Council to adopt the proposed closure measures.</p>

The proposal for Management Measures for Shrimp in Div. 3M for 2000 (FC W.P. 99/15) was **adopted** (Annex 6). The following request was formulated (FC W.P. 99/17) to the Scientific Council:

Request from the Fisheries Commission on Management Measures for Shrimp in 3M:

The Scientific Council is requested at its November 11-17, 1999 meeting to evaluate, on the basis of the best data available, whether the provision for a 3M shrimp closure in FC Working Paper 99/16 would be a precautionary approach-based measure and if so, whether proposed area and timing of the closure are appropriate. The Executive Secretary should then distribute the response of the Scientific Council along with FC Working Paper 99/16 and a call for a vote on FC Working Paper 99/16 to all Contracting Parties consistent with rules 2.5-2.8 of the Rules of Procedure (Annex 7).

Note (from the NAFO Secretariat: This request was formally transmitted to the Scientific Council by the Executive Secretary on 04 October 1999 (GF/99-596).

- 4.28. The Representative of Iceland **stated for the record** that Icelandic fisheries for **3M shrimp** in the year 2000 will be outside the NAFO management decision and conducted in the same way as in 1999 with the **Icelandic quota to be decided unilaterally by Iceland**. He confirmed that Iceland would abide with any agreed closed area.
- 4.29. With respect to **3M Shrimp**, the Representative of Iceland expressed concern with the NAFO decision. He advised that a return to an effort limitation system is out of the question for Iceland, although a small portion of its fleet do fish on this basis which remains a concern to Iceland.
- 4.30. He advised that Iceland's position on a TAC and quota system for shrimp had not changed since its objection and will remain unchanged. He believed that recent Scientific Council advice supported this position. He proposed an amendment to the NAFO Conservation and Enforcement Measures, 1(f). Management Measures for Shrimp in Div. 3M to introduce TAC allocations of national catch quotas to Contracting Parties instead of the present allocation of maximum number of fishing days. He proposed a special Fisheries Commission meeting take place in November immediately after the Scientific Council meeting with a view to establishing a TAC and quota system.
- 4.31. The Representative of Denmark (in respect of the Faroe Islands and Greenland) stated that a satisfactory management regime was currently in place for **3M shrimp** and proposed its continuation. He proposed the continuation of a fishery on the western slope of the Flemish Cap (Shrimp Box) as agreed by the Commission for 1999. He expressed concern with respect to an ongoing fishery in 3M for small shrimp and proposed closed areas for periods of the year in order to protect juvenile shrimps. (NAFO Doc. FC 99/9 and addendum).
- 4.32. The Representative of Norway stated that the management of **3M shrimp** has been undermined by one Contracting Party through its objection and setting of a unilateral quota which increased from 6,800t to 9,300t for 1999. This unilateral quota is far beyond the level that could be seen as that Party's fair share. He also expressed concern, in particular with respect to 3M shrimp, regarding the practice of "flag hopping" - that is the process where Contracting Parties change vessel registration during the fishing season from one party to another to utilise the fishing opportunities allocated to the other Party. He suggested the consideration of measures to counteract this practice. With respect to Iceland's proposal for a special meeting, Norway would be prepared to enter such discussions but would reserve its rights until results of the process are seen. He stated that he was not in a position at this time to make a decision whether there should be a change in the shrimp management.

- 4.33. The Representative of the USA supported Norway's intervention and asked for clarification from Iceland regarding the proposed intentions until a new management system is adopted. He indicated that the U.S. is prepared to participate in a special meeting without committing to the final outcome.
- 4.34. The Representative of Latvia supported Denmark's position and stressed that all Parties, except one, had adopted the effort system. He suggested that the issue of possible change of effort system initially could be discussed through a working group before formal discussions begin.
- 4.35. The Representative of Estonia suggested it may be premature to change the existing regime but indicated his willingness to participate in further discussions if the issue is looked at from a broader perspective and new data is obtained from Scientific Council.
- 4.36. The Representative of the EU sought clarification from Denmark on its proposal for a prohibition of an area on the Flemish Cap and whether scientific data existed to support this. He expressed preparedness to contemplate changes in the current management system for 3M shrimp but suggested that Iceland should further elaborate on its proposals in order to facilitate forthcoming discussions.
- 4.37. The Representative of Canada noted that the effort regulations have not reduced the exploitation of **3M shrimp**. While catches have been reduced since 1997, this was primarily due to reduced catches by one Contracting Party as a result of its unilateral quota. It was noted that while there has been less fishing activity, the potential for much higher catch levels exists under the effort scheme given the way the fishery is prosecuted. At least four fishing vessels from one Contracting Party had been re-flagged to other Contracting Parties to fish their respective effort days. This transfer of effort is increasing fishing capacity in the shrimp fishery at a time when this increase is detrimental to the stocks. He suggested that an effective conservation based management scheme for 3M shrimp would be desirable for the year 2000.
- 4.38. The Representative of Norway noted the Scientific Council's recommendation for a 6,000t quota in **Div. 3L shrimp** that can be taken in part of the NAFO Regulatory Area. He suggested that similar management systems be reviewed for **shrimp in 3M and 3L**.
- 4.39. The Representative of Denmark (in respect of the Faroe Islands and Greenland) replied to the EU that its proposal (FC W.P. 99/16) for a closure in the shallow areas of 3M was based on data from the fishing industry which show catches of small shrimp (260/kilo) in the shallow areas compared to larger shrimp (150/kilo) in other areas.
- 4.40. The Representative of Iceland stated that he saw no point in pressing for a vote or a definite position in respect to its proposal for a meeting on **3M shrimp** and would withdraw the proposal. He suggested that the discussions continue. He noted Iceland's objection would remain.
- 4.41. With respect to Agenda item 16, Management and Technical measures for Fish Stocks Straddling National Fishing Limits, 2000:
- 4.42. The Chairman noted agreement had been reached with regards to the following stocks:

COD	Div. 3NO	No directed fishery
REDFISH	Div. 3LN	No directed fishery
AMERICAN PLAICE	Div. 3LNO	No directed fishery

- 4.43. It was agreed that the above moratoria would continue for the years 2000 and 2001 and, if new scientific information emerged, the decisions for 2001 would be revisited next year.
- 4.44. With respect to **3LNO Yellowtail Flounder**, the Representative of Canada noted the positive signs of recovery due to the moratorium during 1994 to 1997. He confirmed Canada's intention to continue the very strict controls for this fishery. Restrictions have been implemented to ensure that the quota is respected and that other potential problems associated with bycatch are controlled. The fishery has been conducted in 3NO and within 200 miles and conducted in such a way as to avoid nursery areas for stocks including *American plaice* and juvenile yellowtail. Bycatches of other species are kept at the lowest possible levels through the introduction of protocols to protect small fish and bycatch. Canada endorses the Scientific Council recommendation for the year 2000 that the TAC be set at 10,000t. The Canadian fishing fleet will be governed by the strict controls that have been in place since 1998. It was noted that the Scientific Council has recommended that *the fishery not be confined to 3NO as the stock may be expanding*.
- 4.45. The Representative of the EU reserved its position in regard to the way the Scientific Council had elaborated its advice for **Yellowtail flounder**, given that this advice reflects the Scientific Council's own peculiar concept of a precautionary approach, which, so far, the Fisheries Commission has neither reviewed nor formally endorsed.
- 4.46. The Chairman noted agreement had been reached with regards to the following stocks:
- | | | |
|---------------------|-----------|---------------------|
| YELLOWTAIL FLOUNDER | Div. 3LNO | 10,000t |
| WITCH FLOUNDER | Div. 3NO | No directed fishery |
| CAPELIN | Div. 3NO | No directed fishery |
- 4.47. With respect to **Squid (Illex)**, the Representative of the USA supported the Scientific Council advice of a TAC between 19,000 and 34,000t. The Representative of Canada stated indicated that he was prepared to accept this advice subject to the development of an appropriate management protocol that would allow managers to respond to changes in productivity that may occur in the fishing season. Canada had circulated a proposed protocol for determining the productivity of the short-finned squid resource using various resource indicators. He suggested that the protocol would remain in place until the Scientific Council could provide advice on the criteria which could be used to provide reliable forecasts. The Representative of the EU endorsed the Canadian proposal in principle subject to reviewing the proposal.
- 4.48. The Chairman noted agreement had been reached on **Squid (Illex)** for a TAC of 34,000t with the same distribution key as in previous years and subject to a protocol set out in FC WP 99/18 (Revised).
- 4.49. With respect to **Shrimp in Div. 3LNO**, the Representative from Denmark (in respect of the Faroe Islands and Greenland) noted that bycatches were estimated at .4% of the shrimp fishery. He stated that this level of bycatch would not harm the groundfish stocks. He therefore proposed a limited fishery for shrimp in Div. 3L with a continued moratorium in Div. 3N in the year 2000. He proposed a TAC of 6,000t in the NAFO Regulatory Area both

inside and outside Canada's zone with a limit of 200 days per Contracting Party which has a track record of fishing shrimp prior to 1994. He further stipulated that the fishery be limited to depths greater than 200 meters, sorting grids with a maximum spacing between the bars of 22 mm and a closure of the fishery once the TAC is attained. He recognised that allocations would need to be discussed between the Contracting Parties in regards to the coastal State.

- 4.50. The Representative of Canada noted the concerns with respect to bycatch of other species still under moratoria and the general lack of scientific advice with respect to distribution, abundance and potential impacts. He endorsed the Scientific Council recommendations and supported a fishery for **3L shrimp** predicated upon adequate controls to ensure proper conservation and regulation of any fishery in this area. He also stipulated that the fishery would need quota management as Canada would not accept the notion of a competitive fishery or one that is governed by effort limitation. Canada would want to ensure effective control over any fishery in this area, particularly given the different fishing practice for 3M shrimp, and assurances that the two management regimes, assuming they continue, do not negatively impact the fishery in 3L.
- 4.51. The Representative of the EU stated there is a considerable overlap between **3L shrimp** and other groundfish species and suggested there was inadequate scientific information on which to decide an opening of the fishery.
- 4.52. The Representative of the USA shared the EU concerns and was not prepared to endorse the proposal by Denmark and Canada as sufficient. He expressed concern on the determination of the allocation for a new fishery. He noted that in the absence of a specific proposal, he was not prepared to support a new fishery until the allocation had been developed.
- 4.53. The Representative of Canada asked that the Scientific Council be requested to provide advice whether there is any evidence for seasonal changes in **shrimp distribution in Div. 3L**. The Chairman asked that this question be provided in writing.
- 4.54. The Representative of Denmark (in respect of the Faroes and Greenland) indicated that the track record that he referred to earlier in his proposal were those Contracting Parties that fished shrimp prior to the moratorium for **3LNO shrimp** – which were Denmark (in respect of the Faroe Islands and Greenland) and Canada.
- 4.55. The Representative of Latvia indicated that as Latvia has participated in the 3M fishery, it looked forward to the possibility of also fishing shrimp in Div. 3L. The Representative of Lithuania indicated that Lithuania would want to participate in this fishery under the conditions of the Fisheries Commission. The Representative of Estonia indicated that if there was sufficient scientific justification, then Estonia would wish to participate in the fishery.
- 4.56. With respect to the management of 3M shrimp, the Chairman noted that this issue was to be referred to the Working Group on Quota Allocations which will hold an intersessional meeting to evaluate the 3M effort scheme, to develop a possible TAC/quota allocation scheme and a quota allocation scheme for 3L. The Chairman noted that these issues should be addressed in conjunction but separately from the discussions of the Working Group on Quota Allocations.

- 4.57. The Representative of Denmark (in respect of the Faroe Islands and Greenland) stated he did not accept an equal distribution of the **3L shrimp quota** outside the Canadian zone as Denmark was one of the two parties with a track record.
- 4.58. The Representative of the EU expressed grave concern about both the way in which the proposed management measures for **3L shrimp** have been developed, as well as the lack of sufficient scientific data to support any such measures at this juncture. He indicated that he could accept the proposed measures only as part of the package deal which has emerged in the course of this session and only with the proviso that this constituted no precedent for any necessary regulatory measures in the future and that, in any event, the measures at issue were subject to review in the year 2001. The paper FC W.P. 99/20 (Revised) with the amendment in new point (13) was **adopted** (Annex 8).

It was further agreed to hold a meeting to (1) evaluate the current management system for 3M shrimp and describe possible TAC-based, quota allocation systems and (2) describe possible quota allocation systems for 3L shrimp in the NAFO Regulatory Area. This meeting shall be held in conjunction with, but separately from, the Working Group on Allocation of Fishing Rights to Contracting Parties of NAFO and will be chaired by H. Koster (EU).

- 4.59. With respect to Greenland halibut in Div. 2+3KLMNO, the Representative of the EU noted that the stock situation is encouraging and still improving from the levels of 1990. The Scientific Council recommended a catch of about 30,000t would allow the stock to increase. He suggested that an increase from the present TAC level be identified without exceeding the catch level proposed by Scientific Council.
- 4.60. The Representative of Canada noted that according to the Scientific Council, the recovery of the stock was due to reduced levels of harvest together with improved recruitment prospects. The Scientific Council advised there is a significant catch of young immature fish which are several years less than sexual maturity and that such exploitation is forgoing significant potential yield. The Scientific Council recommended that measures be taken to reduce as much as possible the exploitation of juvenile Greenland halibut in all fisheries including the directed fishery. In light of these concerns, he proposed that a TAC of 27,000t would be appropriate and that any TAC above this level be considered only, if conservation measures are implemented to address the Scientific Council's recommendations to reduce the exploitation of juvenile Greenland halibut.
- 4.61. The Representative of Latvia supported the EU proposal for an increased TAC as this is consistent with the Scientific Council's advice which shows an increase in the stock.
- 4.62. The Representative of the USA supported the position put forward by Canada. He stated that it is essential that measures be implemented to shift the exploitation pattern away from young fish. Measures also have to be considered to reduce potential bycatches of stocks that are under moratorium. He said it was not appropriate to increase the TAC unless the exploitation pattern can be shifted and bycatch measures can be strengthened.
- 4.63. The Representative of Estonia supported the EU position providing that all necessary measures will be followed. The Representative of Russia noted that in light of the Scientific Council's recommendations, he believed it is appropriate to maintain the TAC at the 1999 level. As to gear selectivity and changes in mesh size, he indicated the need for experiments before making any decisions.

- 4.64. The Representative of France (in respect of St. Pierre et Miquelon) noted the Greenland halibut stocks are improving. St Pierre is interested in this stock as it intends to fish under "Others" quota. France supports the EU position for an increased TAC and at same time takes heed of Canada's suggestion to ensure no harm to juveniles.
- 4.65. The Representative of Japan stated that the TAC should be set in accordance with the Scientific Council advice.
- 4.66. The Representative of the EU asked the USA for clarification with respect to his comments on bycatches. He also expressed concern with respect to juvenile **Greenland halibut and redfish in Div. 3L** and the potential for these stocks to be impacted.
- 4.67. The Representative of the USA responded to the EU that he was referring to the recurring theme of keeping bycatch to the lowest possible level that appears in the Scientific Council report and suggested that it would also apply to the Greenland halibut fishery.
- 4.68. The Representative of the EU indicated that the U.S. reply did not altogether support this as there were differences in the fishery depending on what depth the fishery was conducted. The Representative of the USA expressed interest in receiving from the EU any observer information that would support this assumption. The Representative of Canada indicated that based on observer reports there are occasions of fairly significant bycatch among vessels harvesting Greenland halibut. He also noted that significant bycatches of American plaice and Greenland halibut occurred in the skate fishery as previously noted by the Chairman of the Scientific Council.
- 4.69. The Representative of Denmark (in respect of the Faroe Islands and Greenland) pointed out the Scientific Council report which indicates that bycatches have decreased in the **shrimp fishery in 3L** with the use of the sorting grid to 2.4 % of Greenland halibut and to 0.1% of other species. Based on this data, he indicated that one could not conclude that these bycatches harm the Greenland halibut stock
- 4.70. The Chairman summarized the proposed agreement for Greenland halibut:
- 1) A TAC for 2+3KLMNO of 35,000t which provides a TAC for 3LMNO of 25,935 t.
 - 2) The concern with respect to the catch of juvenile Greenland halibut which is being referred to the Scientific Council.
 - 3) The request to STACTIC that in light of the advice of the Scientific Council, STACTIC shall review all management options by which catches of juvenile fish can be reduced taking into account the various NAFO fisheries and elaborate and recommend feasible measures to be incorporated in the NAFO Conservation and Enforcement Measures.
- 4.71. The Representative of Canada reiterated his concerns regarding the proposed TAC of 35,000t in the absence of measures to reduce juvenile mortality, which reflected the scientific advice. Canada noted that this concern had been forwarded to the Scientific Council and to STACTIC to identify and evaluate means to try and address the issue of juvenile mortality. Canada wished to register that Canada is moving forward to look at ways in which juvenile mortality can be reduced. He indicated that Canada was prepared to

accept the proposal and is doing so to join the consensus that has emerged around a number of issues before the Fisheries Commission.

- 4.72. The Representative of the USA supported the position put forward by Canada concerning the bycatch of juvenile fish. The USA was prepared to accept the TAC of 35,000t in the expectation that there will be measures implemented next year to reduce the bycatch of juvenile Greenland halibut.
- 4.73. The Chairman noted **agreement was reached** as indicated above.
- 4.74. The Representative of Latvia reserved its position in respect to the Quota Table as it was in previous years especially in respect to the quotas noted in footnotes (1) and (5) and noted that Latvia's position would not be different than in previous years.
- 4.75. The Fisheries Commission then **adopted** the Quota Table for 2000 (Annex 9).
- 4.76. With respect to **Cod in Div. 2J3KL**, the Chairman reviewed two questions posed to the Scientific Council by the EU:
- 1) The Scientific Council is requested to evaluate the impact of catch in the range of 5,000 to 10,000t yearly on the recovery of cod 2J3KL; and
 - 2) The Scientific Council is also requested to evaluate the impact of the bycatches of cod in other fisheries inside the Canadian zone and in the NAFO Regulatory Area.

The Scientific Council's response follows:

As indicated in the June 1999 report of the Scientific Council an analytical assessment of **Div. 2J and 3K cod stock** was not attempted. The inability to reconcile reported catches and the research vessel index in the late 80's and early 90's has not been resolved. Perhaps more importantly the surveys do not cover the shallow coastal waters where good catch rates have been experienced in both the sentinel surveys and 1998 index fishery. The sizes and ages of cod taken in the offshore surveys do not represent the larger and older cod caught in the inshore. Because of this the Scientific Council is not in a position to provide risks associated with fishing at different levels comparable to those made available for **cod in Div. 3NO**. However it is clear the size of the stock as a whole remains at a very low level it is also clear that any removals including directed catch and bycatch in other fisheries will hamper recovery of the resource although the extent of this delay cannot be determined with available data.

- 4.77. The delegate of the EU noted that this response of the Scientific Council revealed two key elements:
- 1) The Scientific Council, which comprises a large number of Canadian scientists, is not in a position to provide risks associated with fishing of cod in Divisions 2J and 3KL.
 - 2) The stock is at lowest level ever and any removal from the stock will have adverse effects for its recovery.

In the light of this information, he expressed ever-growing concern with Canada's decision to set itself a TAC for 1999. He considered this decision to be inconsistent with the information received from the Scientific Council. He stressed that, in view of the uncertain-

ties involved, a precautionary approach should have been followed. He added that the response of the Scientific Council only underscored the European Union's misgivings.

- 4.78. The Representative of the USA noted that the scientific advice is clear that the size of the stock is at a very low level and that any removals, including directed catch and bycatch in other fisheries, will hamper recovery of the resource although the extent of this delay cannot be determined with available data. He suggested that the response indicated that a moratorium should be maintained in the Regulatory Area for **cod in 2J3KL as well as 2J3KL witch flounder**.
- 4.79. The Representative of Latvia expressed concerns raised by the Scientific Council. He stated that Latvia was opposed to any autonomous decision that endangers shared stocks and suggested that the advice of the Scientific Council should be followed.
- 4.80. The Representative of Canada stated that he did not agree with EU's interpretation of the Scientific Council's response. He acknowledged that there is a gap and a lack of good scientific data for the areas of shallow coastal waters where good catch rates have been experienced and have indicated that there is a need for better scientific data. He noted that the data being collected from the 1999 fishery will help in filling that gap and will help to give a better understanding and confidence that will allow for more reasoned and scientifically based decisions. The Scientific Council's response does reinforce the need for additional scientific information in this area. Canada agreed that the moratorium should be maintained in the Regulatory Area. With respect to the issue of shared stock, he suggested that the preponderance of interest resides with the coastal State noting that the allocation for **cod in 2J3KL** is 95% for Canada and 5% for other Contracting Parties.
- 4.81. The Chairman introduced FC WP 99/19 (Revised) which addresses the concerns and opinions raised on this issue and opened the floor to comment.
- 4.82. The Representative of the EU stated that **2J3KL cod** has been and continues to be one of the key fish stocks in the Northwest Atlantic. The stock has been close to collapse and has consequently been kept under moratorium for many years to protect the stock in its entirety. The EU therefore is extremely concerned that, due to Canada's recent decision, the stock has become the subject to conflicting conservation and management measures. There is neither scientific justification for the decision in question nor are there any indications of different stock components for the inshore and offshore. This situation is, therefore, contrary to both the consistency requirements laid down in Article XI (3) of the NAFO Convention and the Precautionary Approach. It also falls short of the conservation and compatibility standards reflected in the 1995 U.N. Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks. Due to the biological unity of the stock, there is a danger that efforts aimed at ensuring the long term sustainability of the stock are being undermined and that the recovery of the stock itself is in jeopardy. Canada is therefore strongly urged to adopt consistent conservation and management measures for the year 2000. He noted that this was a unilateral statement on behalf of the European Community.
- 4.83. The Representative of Latvia shared the EU opinion on this matter.
- 4.84. The Representative of Canada stated that Canada has operated in a manner which is consistent with its rights and obligations. Canada has the right to set a **TAC for 2J3KL cod** in Canadian waters and an obligation to inform NAFO of its decision which has been done. It is not NAFO's decision to approve or reject Canada's decision but rather to decide

whether they choose to set a TAC for this stock for the NAFO Regulatory Area. In reaching its decision, Canada followed the domestic process on these matters, advice was considered from the Scientific Council as well as the domestic scientific advice, in addition to consulting with stakeholders and individuals who have information about this particular stock. Canada's process involves the Fisheries Resource Conservation Council, an independent group which provides advice to the Minister of Fisheries and Oceans. This Council recommended a fishery from between 6,000 to 9,000t based on the above considerations. Canada decided to conduct an extremely limited inshore fishery with a TAC of 9,000t and was designed to provide information to ensure confidence with respect to the management of the stock. Canada recognises the interests of other Parties, however, it was emphasized that this stock is allocated 95% to Canada with the balance to other Parties. He indicated that Canada has managed the stock within its rights and has not put the sustainability of the stock at risk.

- 4.85. The Representative of Japan supported management measures for **Cod in Div. 2J3KL** but reserved the right on the interpretation of the existing international law and related conventions which might be in conflict with the views of the Canadian delegation.
- 4.86. The paper FC W.P. 99/19(Revised) was **adopted** with the statements duly noted (Annex 10).
- 4.87. With respect to **Witch Flounder in Div. 2J3KL**, it was agreed to continue the moratorium for the years 2000 and 2001.
- 4.88. With respect to Agenda item 17, Formulation of Request to the Scientific Council, NAFO FC Working Paper 99/24 was considered. The Scientific Council was requested at its November 11-17, 1999 meeting to evaluate, on the basis of the best data available, whether the provisions for a 3M shrimp closure in FC Working Paper 99/16 would be a precautionary approach-based measure and if so, whether the proposed area and timing of the closure are appropriate.
- 4.89. The Representative of Canada noted that in paragraph (1) of the Working paper that the Scientific Council is requested to provide advice on the stocks listed. He noted that **Cod in Div. 2J3KL** is identified. The delegate noted that up until 1987 the assessments of Cod were made in the Scientific Council, after that time the assessment of Northern Cod was transferred to the Canadian Management Authority and since then on an annual basis, Canada has asked the Scientific Council to review the assessment of **2J3KL cod** in its annual request to the Council. Canada wishes this practice to continue and requested that the Request be amended by deleting the reference to cod in Div. 2J3KL. In addition there is a similar situation for Witch flounder in 2J3KL. Canada does not concur, as the coastal State, to having these two stocks identified on the list in paragraph (1) and paragraph (2).
- 4.90. The Representative of the EU said that he had nothing against Canadian scientists making stock assessments but that he had misgivings about assessments being made after the adoption of management measures. He added that Canada in its capacity as a coastal State remained in principle free to request in its own right the Scientific Council to provide it with scientific advice. He asked, however, clarifications on how Canada intended to proceed in the event that it should not submit to the Scientific Council a request for advice on a stock which occurred both within waters under Canadian fisheries jurisdiction and in the Regulatory Area. This would allow for a more transparent situation and, as appropriate,

bring about good scientific advice, on the basis of which both the Fisheries Commission and Canada could operate.

- 4.91. The Representative of Canada stated that the normal process that is followed is to submit a request to the Scientific Council asking that the Council review the status of **Cod in 2J3KL** and provide estimates of the current size of the total and spawning stock biomass with a description of recent trends, and Canada intends to continue following this process.
- 4.92. The Representative of the EU noted that the practice described by Canada had not been consistent over the past years noting that Canada has asked the Scientific Council to provide advice in some years and Canadian scientists were providing their assessment in other years. He noted that the procedure is not transparent and would ask that reference be made in the Request that Canada undertake to submit a letter to NAFO outlining the procedure according to which the scientific analysis can be scrutinised by the NAFO Scientific Council.
- 4.93. The Representative of Canada stated that the procedure that has been normally undertaken would continue.
- 4.94. The Representative of the EU stated he was not totally satisfied with the situation and suggested that the issue should be revisited next year.
- 4.95. The amended Fisheries Commission's request for scientific advice as given in FC Working Paper 99/24 was **adopted** (Annex 11).
- 4.96. With respect to Agenda item 18, Transfer of Quotas between Contracting Parties, the Chairman referred the delegates to WP 99/3, which provides an overview of transfers since 1982. In recent years, Canada transferred 3M redfish to Japan in 1998 and 1999, and Cuba transferred 3M redfish to Japan in 1999.
- 4.97. The Representative of the Republic of Korea noted that there are countries that receive quotas that are small and not commercially viable. He suggested that where quotas are not being caught, they should be transferred to those countries that are in desperate need for such quotas. Korea would like to benefit from the benevolent acts of the countries having surplus quotas.
- 4.98. The Representative of France (in respect of St. Pierre et Miquelon) noted that the comments made by Korea are shared by France as they also have a small quota. He suggested that the transfer of quotas would be a long-term proposition.

5. Closing Procedures (Agenda Items 19-21)

- 5.1. Agenda item 19, Time and Place of Next Meeting, the Fisheries Commission's Annual Meeting in the year 2000 would be held in Boston, Massachusetts, United States of America from 18-22 September.
- 5.2. Agenda item 20, Other Business, there was no other business.
- 5.3. Agenda item 21, Adjournment, the Annual Meeting of the Fisheries Commission was adjourned at 1220 hours on Friday, 17 September 1999.

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Annex 2. Agenda

I. Opening Procedures

1. Opening by the Chairman, P. Gullestad (Norway)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity

II. Administrative

6. Review of Commission Membership
7. Transparency of NAFO decision-making process (participation of inter-governmental and non-governmental organizations)
8. Election of Chairman and Vice-Chairman

III. Conservation and Enforcement Measures

9. Report of STACTIC at the Annual Meeting
10. Report of the San-Sebastian Working Group on Precautionary Approach (PA)
11. Increase of inspection presence in the NAFO Regulatory Area
12. Allocation of Fishing Rights and Chartering of Vessels
13. Canadian Management Measures for 2J3KL Cod in 1999

IV. Conservation of Fish Stocks in the Regulatory Area

14. Summary of Scientific Advice by the Scientific Council
15. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2000
 - 15.1 Cod in Div. 3M
 - 15.2 Redfish in Div. 3M
 - 15.3 American plaice in Div. 3M
 - 15.4 Shrimp in Div. 3M
16. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits, 2000
 - 16.1 Cod in Div. 3NO
 - 16.2 Redfish in Div. 3LN
 - 16.3 American plaice in Div. 3LNO
 - 16.4 Yellowtail flounder in Div. 3LNO

- 16.5 Witch flounder in Div. 3NO
- 16.6 Capelin in Div. 3NO
- 16.7 Squid (*Illex*) in Subareas 3 and 4
- 16.8 Shrimp in Div. 3LNO
- 16.9 Greenland halibut in Div. 3LMNO
- 16.10 If available in the Regulatory Area:
 - i) Cod in Div. 2J3KL
 - ii) Witch flounder in Div. 2J3KL
- 17. Formulation of Request to the Scientific Council for:
 - a) Scientific advice on the management of fish stocks in 2001
- 18. Transfer of Quotas Between Contracting Parties

V. Closing Procedure

- 19. Time and Place of the Next Meeting
- 20. Other Business
- 21. Adjournment

**Annex 3. Proposal to Amend the NAFO Conservation and Enforcement
Measures Regarding Incidental Catch Limits**
(STACTIC W.P. 99/10, Revised)

Amend the NAFO Conservation and Enforcement Measures to read: (changes underlined)

Part 1.A.5 Incidental Catch Limits

- (a) Masters shall not conduct directed fisheries for species for which incidental catch limits apply.
- (b) Vessels of a Contracting Party shall limit their incidental catch to a maximum of 2500kg or 10%, whichever is the greater, for each species listed in Schedule I for which no quota has been allocated in that division to that Contracting Party.
- (c) In cases where a ban on fishing is in force or an "Others" quota has been fully utilized, incidental catches of the species concerned may not exceed 1,250 kg or 5%, whichever is the greater.
- (d) The percentages above are calculated as the percentage, by weight, for each species, of the total catch excluding the catch of species subject to incidental catch limits and are based on the catch taken by stock area.
- (e) Catches of shrimp shall not be used in the calculation of by-catch level of groundfish species.

Annex 4. Paper on Chartering
(FC W.P. 99/22, Revised)

To be inserted in the NAFO Conservation and Enforcement Measures after Part I.A.

(new I.B)

Chartering operations

1. Each Contracting Party may grant, partly or wholly, quotas and shrimp fishing days allocated to that Party under Schedule I and Part I.F to fishing vessels flying the flag of another Contracting Party, notified in accordance with Part III.D, subject to:
 - the consent of the flag Contracting Party;
 - a favourable proposal adopted through a mail vote in accordance with Article XI(2) of the Convention
2. Contracting Parties shall limit such transfers to one fishing vessel per year and for a limited duration not exceeding 6 months.
3. Contracting Parties intending to have recourse to charter transfers shall notify the following information to the NAFO Executive Secretary:
 - the name and registration of the vessel and flag Contracting Party
 - a copy of the charter
 - *the fishing possibilities granted*
 - the date as from which the vessel is authorized to commence fishing on these fishing possibilities
 - the duration of the charter
4. The flag Contracting Party shall notify in writing its consent to the NAFO Executive Secretary.
5. The NAFO Executive Secretary shall circulate the above information and the consent of the flag Contracting Party without delay to Contracting Parties.
6. The Contracting Party of the vessel accepting a charter is responsible for ensuring that the vessel complies with the requirements of the NAFO Conservation and Enforcement Measures. This does not nullify the obligations of the Contracting Party to which the quota and shrimp fishing days have been allocated under Part I of the Conservation and Enforcement Measures, as appropriate.
7. As a pilot project, these provisions shall apply only to the year 2000.

**Annex 5. Paper on the Notification of Vessels Temporarily Flying
the Flag of a Contracting Party (bare-boat charters)**
(FC W.P. 99/23)

Amend Part III.D of the NAFO Conservation and Enforcement Measures to read:

III.D. Notification of Fishing and Processing Vessels

1. Each Flag Contracting Party shall notify the Executive Secretary of all vessels of more than 50 gross tons engaged in fishing or in processing fish in the Regulatory Area:
 - (a) prior to 1 January of each year, if possible; or
 - (b) in a timely manner following departure of the vessel from its home port; or in the case of bare boat charters, one month prior to the departure of the vessel from its home port.
 - (c) by message within 30 days of any changes in the terms of notification.

2. Vessels registered in a Contracting Party:
 - Such notification shall include for each vessel:
 - (a) name of vessel in both native and Latin alphabet;
 - (b) official numbers;
 - (c) home port and nationality;
 - (d) owner and charterer, if any;
 - (e) certification that its master has been provided with the extant Commission's measures;
 - (f) principle target species while engaged in fishing in the Regulatory Area.

3. Vessels temporarily flying the flag of a Contracting Party (bare boat charter)

Such notification shall include for each vessel:

- (a) date as from which the vessel has been authorised to fly its flag
 - (b) date as from which the vessel has been authorised by the Contracting Party to engage fishing in the NAFO Regulatory Area
 - (c) the name of the State where the vessel is registered or was previously registered and the date as from which it ceased flying the flag of that State
 - (d) name of vessel in both native and Latin alphabet;
 - (e) official numbers;
 - (f) home port and nationality after the transfer;
 - (g) owner and charterer, if any;
 - (h) certification that its master has been provided with the extant Commission's measures;
 - (j) principle target species while engaged in fishing in the Regulatory Area.
4. The Executive Secretary shall provide all Contracting Parties with a listing of all vessels which he has been notified for fishing in the Regulatory Area.

Annex 6. Management Measures for Shrimp in Div. 3M for 2000
(FC W.P. 99/15, Revised)

NAFO CONSERVATION AND ENFORCEMENT MEASURES

I. AMEND PART I F – to read as follows (changes shown in bold type):

F. Other Measures - Management Measures for Shrimp in Div. 3M

1. Vessels fishing for shrimps in Division 3M in **2000** shall use nets with a minimum mesh size of 40 mm.
2. Vessels fishing for shrimp in Division 3M in **2000** shall use sorting grids or grates maximum spacing between the bars of 22 mm.
3. In the event that total by-catches of all regulated groundfish species in any haul exceed 5 percent by weight, vessel shall immediately change fishing area (minimum of 5 nautical miles) in order to seek to avoid further by-catches of regulated groundfish.
4.
 - a) Each Contracting Party shall limit in **2000** the number of vessels fishing for shrimp in Div. 3M to the number that have participated in this fishery in the period from 1 January 1993 to 31 August 1995.
 - b) Each Contracting Party shall, in **2000**, limit the number of fishing days by its vessels fishing for shrimp in Div. 3M to 90% of the maximum number of fishing days observed for their vessels in one of the years 1993, 1994 or 1995 (until 31 August 1995). However, for Contracting Parties with a track record in the period from 1 January 1993 to 31 August 1995, a minimum level of 400 fishing days is permitted.
 - c) Contracting Parties with no track record in the shrimp fishery in the period from 1 January 1993 to 31 August 1995 may, in **2000**, fish for shrimp with one vessel in 100 fishing days.
 - d) Each Contracting Party shall communicate the number of fishing days to the Executive Secretary before 1 November 1999, that are available to that Contracting Party for **2000**. The number of days shall be counted from the hail reports of vessels fishing for shrimp in Div. 3M and shall include the days of entry and exit from the Regulatory Area. In the case where vessels fishing for shrimp and other species on the same trip the number of days shall be counted from the day the vessel entered the shrimp fishery to the day the vessel ceased that fishery.

The Executive Secretary shall scrutinize the communications from the Contracting Parties, work with the relevant Contracting Parties if discrepancies are revealed, and by 1 December 1999 notify the number of vessels and fishing days applicable to all Contracting Parties.

- e) Vessels fishing for 3M shrimp may fish this stock in **2000** in Division 3M and in the area defined by the coordinates in footnote 1¹.
- f) **Each Contracting Party shall, within 30 days following the calendar month in which the catches were made, report provisional monthly fishing days in Div. 3M and the area defined in footnote 1 to the Executive Secretary. The Executive Secretary shall, within 10 days following the monthly deadlines for receipt of the provisional fishing days statistics, collate the information received and circulate it to Contracting Parties.**
- g) For vessels conducting trans-zonal fishery for shrimps between Div. 3M and the area defined in footnote 1, the same regulations as in NAFO Conservation and Enforcement Measures, Part III – Annex I – Hail System Message Format, no. 1.3., shall apply.
- h) Each Contracting Party shall in **2000** closely monitor its vessels fishing for shrimp and close the fishery when the number of fishing days available to that Party is exhausted. The number of fishing days shall be counted from the hail reports of vessel fishing for shrimp and shall include the days of entry or moves into Div. 3M and the area defined in footnote 1 and the days of moves or exit from Div. 3M and the area defined in footnote 1.
- i) In the case where a vessel is fishing for shrimp and other species on the same trip, the change of fishery shall be hailed and the number of fishing days counted accordingly.
- j) Fishing days are not transferable between Contracting Parties except under the conditions provided in I.B..

1

Point No.	Latitude	Longitude
1	47°20'0	46°40'0
2	47°20'0	46°30'0
3	46°00'0	46°30'0
4	46°00'0	46°40'0

Annex 7. 3M Shrimp
(FC W.P. 99/16, Revised)

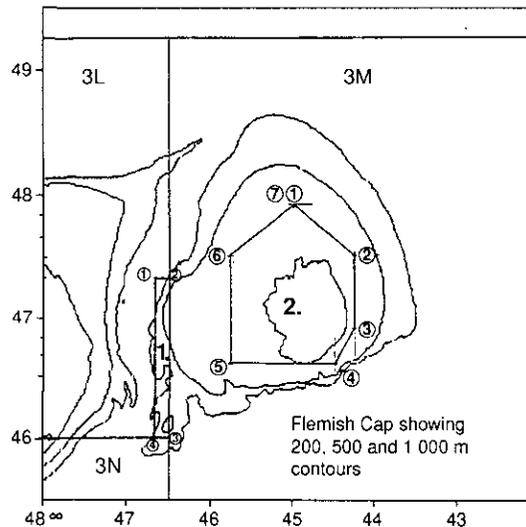
NAFO CONSERVATION AND ENFORCEMENT MEASURES

II. **AMEND PART I.F.4e – to read as follows (changes shown in bold type):**

- e) Vessels fishing for 3M shrimp may fish this stock in **2000** in Division 3M and in the area defined by the coordinates in footnote 1¹. **However, in the period from June 1, 2000 (00.01 GMT) to September 30, 2000 (24.00 GMT), fishing for shrimp in the area defined by the coordinates in footnote 2² is prohibited.**

2

Point No.	Latitude	Longitude
1 (same as no. 7)	47°55'0	45°00'0
2	47°30'0	44°15'0
3	46°55'0	44°15'0
4	46°35'0	44°30'0
5	46°35'0	45°40'0
6	47°30'0	45°40'0
7 (same as no. 1)	47°55'0	45°00'0



Annex 8. Shrimp Fishery in Div. 3L
(FC W.P. 99/20, Revised)

Addition to the Conservation and Enforcement Measures:

J. Other Measures – Management Measures for Shrimp in Division 3L

Note: The following measures apply in Division 3L except that portion of Division 3L adjacent to 3M and defined in PART I-F-1 e) of the NAFO Conservation and Enforcement Measures.

1. The total allowable catch (TAC) of shrimp in Division 3L for 2000 and 2001 shall be set at 6,000t each year. Contracting Parties shall not conduct exploratory or research fisheries that take catch beyond that allocated to the Contracting Party.
2. 5,000t of the TAC shall be allocated to Canada to be fished within the Canadian zone and 1,000t shall be allocated within the NAFO Regulatory Area between all other Contracting Parties.
3. As a preliminary measure, the quota in the NAFO Regulatory Area shall be divided equally among all other Contracting Parties.
4. All fishing shall take place in depths greater than 200 meters. The NAFO Regulatory Area fishery shall be restricted to an area east of a line bound by the following co-ordinates: 46°00'N/47° 53'W, 46° 40'N/47° 20'W, 47° 19'N/47° 43'W.
5. Vessels fishing for shrimp in Division 3L in 2000 and 2001 shall use nets with a minimum mesh size of 40 mm.
6. Vessels fishing for shrimp in Division 3L in 2000 and 2001 shall use sorting grids or grates with a maximum bar spacing of 22 mm and the nets shall be equipped with toggle chains of a minimum 72 cm in length.
7. In the event that total by-catches of all regulated groundfish species in any haul exceed 2.5 percent by weight of the catch of shrimp, the vessel shall immediately change fishing area (minimum of 5 nautical miles) in order to seek to avoid further by-catches of regulated groundfish.
8. Every vessel fishing shrimp in Division 3L in the NAFO Regulatory Area are required to carry observers at all times while fishing.
9. In the NAFO Regulatory Area, each Contracting Party shall limit in 2000 and 2001 the number of vessels fishing for shrimp in Division 3L at any time to one vessel.
10. For vessels that fish shrimp in Division 3L each entry and exit from Division 3L shall require 24-hour prior notification to the Executive Secretary. All shrimp on board shall be reported to the Executive Secretary on entry and exit.

11. To minimize gear conflicts with other fisheries during the conduct of the 3L shrimp fishery in the NRA, shrimp fishing shall be permitted during the following periods: January 1 – March 31, July 1 – September 14, December 1 – December 31.
12. All shrimp harvested in Division 3L shall be packaged and labeled as harvested in this Division.
13. These management measures will be reviewed at the 2001 Annual Meeting.

Annex 9. Quota Table for 2000

QUOTA TABLE: Total allowable catches (TACs) and quotas (metric tons) for 2000 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	G. halibut	Squid (<i>Illex</i>) ³	Shrimp
	Div. 3M	Div. 3NO*	Div. 3M	Div. 3LN*	Div. 3M*	Div. 3LNO*	Div. 3LNO	Div. 3NO*	Div. 3NO*	Div. 3LMNO	Subareas 3+4	Div. 3L
1. Canada	0	0	500	0	0	0	9750 ²	0	0	3 890	N.S. ⁴	5 000
2. Cuba	0	-	1750	0	-	-	-	-	0	-	510	67
3. Denmark (Faroe Islands and Greenland)	0	-	69	-	-	-	-	-	-	-	-	67
4. European Union	0	0	3100	0	0	0	200 ⁷	-	0	14 355	N.S. ⁴	67
5. France (St. Pierre et Miquelon)	-	-	69	-	-	-	-	-	-	-	453	67
6. Iceland	-	-	400	-	-	-	-	-	0	2 658	510	67
7. Japan	-	-	69	-	-	-	-	-	0	-	453	67
8. Korea	0	-	-	-	-	-	-	-	0	-	-	67
9. Norway	0	-	-	-	-	-	-	-	0	-	227	67
10. Poland	0	-	-	-	-	-	-	-	0	-	-	67
11. Estonia	0	0	13 850 ¹	0	0	-	-	0	0	-	1 133 ¹	67
12. Latvia	-	-	-	-	-	-	-	-	-	-	-	67
13. Lithuania	-	-	-	-	-	-	-	-	-	-	-	67
14. Russia	-	-	-	-	-	-	-	-	-	3 307	-	67
15. Ukraine	-	-	-	-	-	-	-	-	-	-	-	67
16. United States of America	-	-	69	-	-	-	-	-	-	-	453	67
17. Others	0	0	124	0	0	0	50 ⁷	0	-	1 725 ⁵	794	0
Total Allowable Catch	-	-	5 000 ⁶	-	-	-	10 000 ⁸	-	-	25 935	34 000	6 000

¹ 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.
² The opening date for the Squid (*Illex*) fishery is 1 July.
³ 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.
⁴ 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.
⁵ Of which no more than 40% (690 t) may be fished before 1 May 2000 and no more than 80% (1380 t) may be fished before 1 October 2000.
⁶ Each Contracting Party shall notify the Executive Secretary bi-weekly of catches taken by its vessels from this stock. Not more than 2500 tons may be fished before July 1, 2000. The Executive Secretary shall notify without delay all Contracting Parties of the date on which, for this stock, accumulated reported catches taken by vessels of the Contracting Parties is estimated to equal 50 and then 100 percent of the TAC for that stock.
⁷ Contracting Parties shall inform the NAFO Executive Secretary before 1 December 1999 of the measures to be taken to meet the advice of the NAFO Scientific Council.
⁸ The provisions of Part I, Section A.3c) of NAFO Conservation and Enforcement Measures shall apply.
^{*} No directed fishing — The provisions of Part I, Section A.5a and c of NAFO Conservation and Enforcement Measures shall apply.

Annex 10. Management Measures for Cod in Div. 2J3KL for 2000
(FCW.P. 99/19, Revised)

E. Other Measures – No Directed Fishery for Cod in Div. L in the Regulatory Area

Noting differences that have been expressed on the subject of 2J3KL cod by Contracting Parties;

Noting the need to avoid prejudice to the legal position of any Contracting Party on this subject;

Noting the provisions of Article XI (3) of the NAFO Convention, which aim at ensuring consistency between the measures established for the Regulatory Area and the measures adopted by the relevant coastal State;

Noting that the advice from the Scientific Council strongly suggests a continuation of the moratorium for the entire stock;

Directed fisheries for cod in Division 3L in the Regulatory Area shall not be permitted in 2000.

Contracting Parties other than Canada expressed their serious concern that management measures for this stock may not be consistent throughout its range in the Convention Area in the year 2000.

**Annex 11. Fisheries Commission's Request for Scientific Advice on
Management in 2001 of Certain Stocks in Subareas 3 and 4,
including supplementary questions on Division 3M shrimp for 2000
(FC W.P. 99/24, Revised)**

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 2000 Annual Meeting, provide advice on the scientific basis for the management of the following fish and invertebrate stocks or groups of stocks in 2001:

Redfish (Div. 3M)
Yellowtail flounder (Div. 3LNO)
Squid (Sub-areas 3 and 4)
Shrimp (Div. 3M)
Greenland halibut (Subareas 2 and Div. 3KLMNO)
Capelin (Div. 3NO)

2. 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, provide advice on the scientific basis for the management of the following fish stocks on an alternating year basis:

Cod (Div. 3NO; Div. 3M)
Redfish (Div. 3LN)
American plaice (Div. 3LNO; Div. 3M)
Witch flounder (Div. 3NO)

To implement this system of assessments in alternating years, all stocks were assessed in 1999 but advice pertained to different time periods to allow the introduction of the new scheme over time. Consequently:

- In 1999, advice was provided for 2000 and 2001 for American plaice in 3LNO, witch flounder in 2J3KL, cod in 3NO and redfish in 3LN. The next assessment of these stocks will thus be conducted in 2001.
- In 2000, advice will be provided for 2001 and 2002 for cod in 3M, American plaice in 3M and witch flounder in 3NO. These stocks will then next be assessed in 2002.

The Fisheries Commission requests the Scientific Council to continue to monitor the status of these stocks annually and, should a significant change be observed in stock status (e.g. from surveys) or in by-catches in other fisheries, provide updated advice as appropriate.

3. 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-type assessments, the status of the stocks 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_{1999} and F_{max} in 2001 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 the short and the long term. Values of F corresponding to the reference points should be given. Uncertainties in the assessment should be evaluated.

- 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 for which only general biological and/or catch data are available, few standard criteria exist on which to base advice. The stock status should be evaluated in the context of management requirements for long-term sustainability and the advice provided should be consistent with the precautionary approach.
- 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 reproductive potential of the stock, management options should be offered that specifically respond to such concerns.
- e) Presentation of the results should include the following:
 - I. For stocks for which analytical-type assessments are possible:
 - a graph of historical yield and fishing mortality for the longest time period possible;
 - a graph of spawning stock biomass and recruitment levels for the longest time period possible;
 - a graph of catch options for the year 2001 and subsequent years over a range of fishing mortality rates (F) at least from $F_{0.1}$ to F_{max} ;
 - a graph showing spawning stock biomass corresponding to each catch option;
 - graphs showing the yield-per-recruit and spawning stock per recruit values for a range of fishing mortalities.
 - 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 , $F_{0.1}$ and F_{max} should be shown.

- f) Squid (*Illex*) in Subareas 3 and 4 is a short-lived species such that a change in productivity regime could be sudden. The Scientific Council is requested to develop an in-season indicator of productivity level based on results from the annual July survey of the Scotian-Shelf and any other source of data. If it is not considered possible to develop an in-season indicator, the Scientific Council is requested to comment on the research that would be required to develop such an indicator. The Scientific Council is also requested to review the protocol outlined in FC Working Paper 99/18 and to advise on

possible modifications to ensure its applicability on the long term, including a level of TAC which would be applicable during the high productivity regime.

4. Noting the progress made by the Scientific Council on the development of a framework for implementation of the Precautionary Approach, the Fisheries Commission requests that the Scientific Council provide, in their June 2000 report, the following information for the 2000 Annual Meeting of the Fisheries Commission for stocks under its responsibility requiring advice for 2001, or 2001 and 2002, as per Section 2 (i.e. cod in 3M, American plaice in 3M, yellowtail flounder in 3LNO, witch flounder in 3NO, redfish in 3M, Greenland halibut in SA 2+3KLMNO, capelin in 3NO, shrimp in 3M and squid in SA 3+4):
 - a) the limit and target precautionary reference points described in Annex II indicating areas of uncertainty (when precautionary reference points cannot be determined directly, proxies should be provided);
 - b) information including medium term consideration and associated risk or probabilities which will assist the Commission to develop the management strategies described in paragraphs 4 and 5 of Annex II in the Agreement;
 - c) information on the research and monitoring required to evaluate and refine the reference points described in paragraphs 1 and 3 of Annex II of the Agreement; these research requirements should be set out in order of priority considered appropriate by the Scientific Council;
 - d) any other aspect of Article 6 and Annex II of the Agreement which the Scientific Council considers useful for implementation of the Agreement's provisions regarding the precautionary approach to capture fisheries;
 - e) propose criteria and harvest strategies for re-opening of fisheries and for new and developing fisheries; and
 - f) to work toward the harmonization of the terminology and application of the precautionary approach within relevant advisory bodies.

5. With regard to shrimp in Divisions 3LNO, the Fisheries Commission, with the concurrence of the Coastal State, requests that the Scientific Council:
 - a) provide information on the fishing mortality on shrimp in Divisions 3LNO in recent years, as well as information on by-catches of groundfish in 3LNO shrimp fisheries;
 - b) provide information on abundance indices and the distribution of the stock in relation to groundfish resources, particularly for the stocks which are under moratorium;
 - c) provide information on the distribution of shrimp in Divisions 3L, 3N and 3O, as well as describe the relative and seasonal distribution inside and outside the NAFO Regulatory Area; and
 - d) provide information on annual yield potential for this stock.

6. The Scientific Council is requested to summarize all available information from the Convention Area on catches of elasmobranchs, by species and by the smallest geographical scale possible. The Scientific Council is requested to review available information from research vessel surveys on the relative biomass and geographic distribution of elasmobranchs by species, and to quantify the extent of exploitation on these resources. Further, the Scientific Council is requested to initiate work leading to the development of precautionary reference points.

7. The Scientific Council is requested at its November 11-17, 1999 meeting to evaluate, on the basis of the best data available, whether the provision for a Div. 3M shrimp closure in FC

Working Paper 99/16 would be a precautionary approach-based measure and if so, whether proposed area and timing of the closure are appropriate.

8. The Scientific Council is requested to compile and review all information on catches and/or discards of juvenile fish in the various NAFO fisheries. The Scientific Council is requested to describe and evaluate the effectiveness of additional technical management measures aiming at reducing catches of juvenile fish and male shrimp in the various NAFO fisheries.

With respect to elements 3 and 4, the Scientific Council is advised that additional or revised requests may arise from the next meeting of the joint FC-SC Working Group on the Precautionary Approach.

**Annex 12. List of Decisions and Actions by the Fisheries Commission
(21st Annual Meeting, 13-17 September 1999)**

Substantive Issue	Decision/Action (FC Doc. 99/15, Part I: item)
1. Transparency of FC decision-making procedures - Rules for Granting Observer Status at NAFO Meetings	Adopted: item 2.3
2. Conservation and Enforcement Measures: - STACTIC Report - Annual infringements - Boarding Ladders - Incidental catch limits, Part I.A.5	Discussed: item 3 Adopted: item 3.13 Recommended: Contracting Parties should include more specifics about fines in their future reports: item 3.2 Recommended: Contracting Parties should inspect their fishing vessels to ensure that boarding ladders are in good condition; item 3.3 Adopted: amendment to the Conservation and Enforcement Measures; item 3.8
3. Implementation of Precautionary Approach (PA) to NAFO managed stocks - Resolution to Guide Implementation of PA within NAFO - Working Group Meeting, Brussels, Belgium, 29 February-2 March 2000	Discussed: items 3.14-3.21 Adopted: item 3.21 Agreed: item 3.21
4. Chartering of Vessels - chartering operations, Part I.B	Discussed: items 3.28-3.29 Adopted: amendment to the Conservation and Enforcement Measures; item 3.29
5. Quota Allocation Systems: - Allocation/management 3L shrimp - Working Group, Washington, D.C., USA 27-30 March 2000	Discussed: item 4.58 Adopted: item 4.58 Agreed: item 4.58
6. TAC's and Regulatory Measures for major stocks in the Regulatory Area: - Cod 2J3KL in the Regulatory Area - Cod 3M - Redfish 3M - American plaice 3M - Shrimp 3M, Part I.F.4, Conservation Measures - Shrimp 3L, Part I.J., Conservation Measures - Cod 3NO	Discussed/Adopted: items 4.1-4.75 no directed fishery no directed fishery 5,000 mt no directed fishery Amendment: Management Measures for Shrimp in Div. 3M for 2000 and consideration by the Scientific Council and Fisheries Commission; item 4.27 Quota 6,000 mt; Management Measures for Shrimp in Div. 3L no directed fishery

Substantive Issue	Decision/Action (FC Doc. 99/15, Part I: item
<ul style="list-style-type: none"> - Redfish 3LN - American plaice 3LNO - Yellowtail flounder 3LNO - Witch flounder 3NO - Capelin 3NO - Squid (<i>Illex</i>) - Shrimp 3LNO - Greenland halibut 3LMNO - Witch 2J3KL in the Regulatory Area 	<ul style="list-style-type: none"> no directed fishery no directed fishery 10,000 mt no directed fishery no directed fishery 34,000 mt no directed fishery 25,935 no directed fishery
7. Schedule I – Quota Table 2000	Adopted: item 4.75
8. Request to the Scientific Council for Scientific Advice on Management of Fish stocks in 2001, FC Doc. 99/14	Adopted: item 4.85
9. Transfer of Quotas between Contracting Parties	Referred to future FC meetings, item 4.97
10. Election of Officers <ul style="list-style-type: none"> - Chairman of the Fisheries Commission re-elected for the term of 1999-2001 - Vice-Chairman of the Fisheries Commission for 1999-2001, re-elected 	Peter Gullestad (Norway) Dean Swanson (USA)

PART II

Report of the Standing Committee on International Control (STACTIC)

21st Annual Meeting, 13-17 September 1999
Holiday Inn, Dartmouth, N.S., Canada

1. Opening of the Meeting

The Chairman, D. Bevan (Canada) opened the meeting at 1015 on 13 September 1999. Representatives from the following Contracting Parties were present: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, the European Union (EU), France (St. Pierre & Miquelon), Iceland, Japan, Latvia, Lithuania, Norway, Russia, Ukraine and the United States.

2. Appointment of Rapporteur

Paul Steele (Canada) was appointed Rapporteur.

3. Adoption of Agenda

At the suggestion of the representative from the European Union, it was agreed that the agenda would be amended to include a presentation regarding the hail system currently in effect for the Northeast Atlantic Fisheries Commission (NEAFC). The Chairman indicated that a presentation would also be given regarding the proposed hail system to be administered by the NAFO Secretariat, with a focus on the security and encryption aspects of the system.

The representative from Norway asked for the addition of two issues related to the observer program:

- a) a discussion of how Contracting Parties currently conduct the recruitment and hiring of observers; and
- b) a discussion of difficulties experienced by Contracting Parties in deploying/delivering observers to fishing vessels, and how Contracting Parties deal with vessels that begin fishing before observers are delivered.

It was agreed that these issues would be addressed under agenda items 4 (Review of Annual Return of Infringements) and 7(d) (Observer Manual).

At the suggestion of the representative from Canada, it was agreed that agenda item 7(b) (Review of Disposition of Outstanding Infringements) would be addressed as part of the discussion on agenda item 4 (Review of Annual Returns of Infringements).

The amended agenda was adopted as attached (Annex 1).

4. Review of Annual Returns of Infringements

The Chairman referred the Contracting Parties to NAFO/FC Doc. 99/4 (Summary of Inspection Information for 1998), NAFO/FC Doc. 99/4 (Corrigendum 1), STACTIC Working Paper 99/6 (Information on Inspections, Catch Record Discrepancies and/or Apparent Infringements, 1998)

and STACTIC Working Paper 99/8 (Summary of Reports Received by Contracting Parties re Disposition of Apparent Infringements, January-June 1999).

STACTIC Working Paper 99/6 was accepted without comments or amendments.

The representative from Iceland pointed out that Iceland has provided a written explanation to the NAFO Secretariat regarding the disposition of the apparent infringements listed in NAFO/FC Doc. 99/4 for Icelandic vessels. The Icelandic representative summarized the information from the report provided to the Secretariat. The Icelandic report was later distributed by the Secretariat as an *addendum* to NAFO/FC Doc. 99/4.

The representative from the European Union advised that the disposition of apparent infringements relating to the January 21, 1999 inspection of a European Union vessel has not yet been finalized. It was agreed that the explanation relating to these infringements, in STACTIC Working Paper 99/8, will be amended to reflect that sanctions are under consideration.

The representative from Canada stated that it was encouraging to see that most Contracting Parties had provided reports on the disposition of 1998 infringements. He pointed out, however, that Poland and Russia had not yet reported on infringements relating to their vessels. He asked that the representatives from Poland and Russia try to provide reports prior to the adjournment of the NAFO meetings on September 17.

The representative from the European Union emphasized the importance of Contracting Parties providing complete reports on the disposition of infringements. He expressed satisfaction about the improvements noted in the reporting practices of most Contracting Parties, and he called upon Poland and Russia to provide the required information for 1998 infringements. He also noted that there were still some apparent infringements from previous years (e.g., 1997) on which Contracting Parties have not yet reported.

The representative from Canada noted that Part IV.17(b) of the NAFO Conservation and Enforcement Measures requires that Contracting Parties describe the penalties imposed for apparent infringements in specific terms. He suggested that, in cases where fines are imposed as part of the penalty for an infringement, Contracting Parties should provide information in their reports regarding the specific amount of the fines.

The representative from the European Union advised that the European Union had provided this level of detail in the past, but discontinued doing so because other Contracting Parties were not reporting fine amounts.

It was agreed that the STACTIC report to the Fisheries Commission will note that there has been a general improvement in the past year in the reporting, by Contracting Parties, on the disposition of apparent infringements. The report will also indicate that the specific fines are not currently being reported in the manner required by the NAFO Conservation and Enforcement Measures, and that Contracting Parties should be encouraged to include this level of detail in future reports.

The representative from Norway pointed out that specific information on fines imposed could be misleading if comparisons are made without consideration of the differing economic circumstances of the flag states involved. It was agreed that Contracting Parties should exercise caution when interpreting information on fines.

The representative from Norway pointed out that it is becoming increasingly difficult to deliver observers to fishing vessels in the NAFO Regulatory Area on a timely basis. He questioned whether Contracting Parties should exercise some flexibility in cases where there are delays in the delivery of observers, i.e. should these vessels be allowed to begin fishing without an observer on board? It was noted that some Contracting Parties occasionally allow vessels to fish for short periods of time without observers.

The representatives from the European Union and Canada indicated that European Union and Canadian NAFO inspectors do not exercise any flexibility in this regard. The NAFO Conservation and Enforcement Measures are clear in this regard and are strictly enforced with respect the requirement for 100% observer coverage. If a vessel begins fishing without an observer on board, a citation will be issued.

It was agreed that the current inconsistency in the application of the requirement for 100% observer coverage will be brought to the attention of the Fisheries Commission.

The representative from the European Union pointed out that conducting boardings of fishing vessels at sea can be very dangerous for NAFO inspectors if boarding ladders are not maintained in good repair. It was agreed that STACTIC will recommend to the Fisheries Commission that Contracting Parties should be reminded to make an effort to inspect their fishing vessels to ensure that boarding ladders are in good condition.

5. Review of Surveillance and Inspection Reports

The representative from Canada summarized STACTIC Working Paper 99/9 (1998 Canadian Report on Surveillance Activities and Inspections in the NAFO Regulatory Area).

The representative from Norway suggested that a special reporting format should be developed for reporting on activities of Non Contracting Party (NCP) vessels. The representative from Canada pointed out that such a reporting format was developed last year and is described in FC Doc. 99/1.

6. Review of Operation of the Hail System

The Chairman requested comments on STACTIC Working Papers 99/2 (including Addendum 1) and 99/7.

The representative from Japan asked if fax messages could be used as an alternative to e-mail. The Chairman confirmed that this is acceptable. The representative from the European Union agreed, but pointed out that it is preferable that all Contracting Parties provide the required hail messages in electronic format.

The representative from the European Union pointed out deficiencies identified in the operation of the system, and in particular the case of messages sent by vessels but never reaching the NAFO Secretariat. Such deficiencies would affect the control of fishing effort by the Contracting Parties as well as the monitoring thereof by the Secretariat. He suggested that improvements should be made to the operation of the hail system and to the control of fishing activity. Hail information should be compared and cross-checked with other available data gathered through vessel sightings, at-sea and in-port inspections, logbooks, etc.

The representative from the European Union suggested that a STACTIC working group of technical experts be established to deal with this and other issues relating to the hail system, e.g.

security/confidentiality concerns, consistency with the NEAFC hail system. It was agreed that this recommendation would be submitted to the Fisheries Commission.

7(a) Compatibility and Applicability of Discard/Retention Rules for Conservation and Utilization of Fishery Resources

STACTIC Working Paper 99/3 and 99/3 (Addendum 1) were introduced. The representative from the European Union congratulated Contracting Parties for their efforts in gathering the information on discards.

The representative from Canada pointed out that readers of these reports should not focus exclusively on the discard percentages (discards as a percentage of total catch). He noted that this could be misleading, as the overall amounts of discarded fish can be significant, even though the percentages may be low. This is especially true in the case of stocks under moratorium.

The representative from the European Union agreed, but indicated that STACTIC's focus should be on the collection of the data rather than its interpretation, which is the responsibility of the Scientific Council. He suggested that STACTIC should further address the issue of data collection and the possibility of developing sampling procedures for observers, keeping in mind that we should not unnecessarily increase the workload of observers. The Chairman indicated that this issue will be raised as part of the review of the NAFO observer manual.

The representative from Canada introduced STACTIC Working Paper 99/11, a proposal for amendments to the NAFO Conservation and Enforcement Measures for the purpose of clarifying that fishing vessel masters must record discarded fish as part of their catch reports. The representative from Canada emphasized that this requirement already exists in the current Measures, but is not being met by many fishing vessel masters. He pointed out that the objective of the Canadian proposal is to amend the Measures so that this obligation will be completely clear to fishing vessel masters.

The representatives from Norway and Japan agreed that the Conservation and Enforcement Measures currently require that discards be recorded. The representative from Norway pointed out, however, that deducting discarded fish from quotas would be problematic in situations where a Contracting Party has no quota to cover off the discards of fish taken incidentally in a directed fishery for a quota species, e.g. redfish taken when directing for shrimp. He suggested that rather than counting discards against quotas, an alternative option would be to simply forward the data on discards to the Scientific Council so that the scientists would be able to take this information into account when developing their advice on TACs.

The representative from the European Union agreed, stating that the counting of discards against quotas is a complicated issue that should be carefully considered before adopting changes to the current practices. He pointed out that it would be very difficult for fishing vessel masters to make precise and accurate estimates of discards. He also noted that deducting discards from quotas could be counter-productive in that it might encourage catch misreporting.

The representative from Denmark suggested that, in order to improve the accuracy of discard information, the Conservation and Enforcement Measures could be amended to require that masters collect and weigh the fish to be discarded, and record the amounts before actually discarding them.

The representative from the European Union stated that there is a need to improve the accuracy of information on discards, and that STACTIC should focus on the observer program as the best means of achieving the required improvements. The representative from the United States agreed that better methods for recording discards are needed. He suggested that one possible improvement would be to move toward an electronic format for observer reports.

The Chairman summarized the discussion by stating that there is no consensus regarding the part of the Canadian proposal that would require that discards be counted against quotas. Contracting Parties agree, however, that there is an existing requirement under the Conservation and Enforcement Measures for fishing vessel masters to record discards. There was also agreement that more accurate discard information is required and that this information should be made available to the Scientific Council so that it can be considered in the development of scientific advice to the Fisheries Commission. Contracting Parties also agreed to further examine possible improvements in the procedures for gathering discards information.

7(b) Interpretation of Conservation and Enforcement Measures

The representative from Denmark introduced STACTIC Working Paper 99/1 and requested clarification regarding two provisions of the Conservation and Enforcement Measures (Part I.C.5 and Part II.C.3(a)). Several Contracting Party representatives commented that the intent of the provisions in question is not clear. The representative from Canada noted that these provisions have been part of the Measures for many years and that it would be difficult to trace the rationale for them.

It was agreed that there is a need for a comprehensive review of the Conservation and Enforcement Measures to clarify provisions such as these which are either unclear or out of date. STACTIC will advise the Fisheries Commission of this requirement. Rather than amending individual sections at this time, all proposed changes should be considered within the context of this overall review and, if necessary, revision of the Conservation and Enforcement Measures.

7(c) Incidental Catch Limits

The representative from Canada introduced STACTIC Working Paper 99/10 (Proposal to Amend the NAFO Conservation and Enforcement Measures Regarding Incidental Catch Limits).

Representatives from the United States, Norway, Denmark and Japan expressed general agreement with the proposal. The representatives from Japan and Latvia questioned why the Canadian proposal would require vessels to move 10 nautical miles when excessive incidental are encountered, rather than 5 miles as currently required by the Conservation and Enforcement Measures for vessels taking excessive numbers of undersized fish.

The representative from the European Union agreed that there is a need for STACTIC to examine ways to better control incidental catches. He noted, however, several potential practical problems and operational difficulties regarding the amendments proposed by Canada, particularly the amendments relating to the fishing strategies to be employed to avoid excessive incidental catches (proposed Part I.A.5(f)).

The representative from Norway noted that the Canadian proposal is focused strictly on trawling operations. The proposal would have to be expanded to include other fishing methods, such as longlining.

At the conclusion of the discussion, Contracting Parties agreed with the general principle and objective of the Canadian proposal, and with the amendments dealing with the calculation of incidental catch levels. There was no agreement, however, on the proposed Part I.A.5(f). The Canadian delegation agreed to re-write STACTIC Working Paper 99/10 on this basis. The amended Working Paper was then approved by STACTIC for submission to the Fisheries Commission. The representative from Canada indicated that the Canadian delegation will do further work on the proposed Part I.A.5(f) and will raise the issue again at the next annual meeting of STACTIC.

8. Draft Resolution Concerning the Chartering of Vessels Flying the Flag of a Contracting Party in the Regulatory Area

The Working Group on Allocation of Fishing Rights to Contracting Parties of NAFO and Chartering of Vessels between Contracting Parties met in April 1999 and developed Working Paper 99/6, which they then referred to STACTIC for a review of the enforcement and reporting responsibilities associated with charter arrangements.

The representative from France (on behalf of St. Pierre & Miquelon) introduced Quota/Chartering Working Group Working Paper 99/6, which took into account the comments and concerns previously expressed by Contracting Parties. Following a discussion, there was general agreement with the principle that the Contracting Party accepting a charter (the "flag" Contracting Party) must be responsible for meeting the requirements of the NAFO Conservation and Enforcement Measures. To bring into effect Working paper 99/6, the Chairman tabled two new documents on chartering, STACTIC Working Paper 99/14 on chartering operations and STACTIC Working Paper 99/15 on bare boat charters.

Concerning Working Paper 99/14:

The representatives from the European Union and Iceland pointed out that, while they were prepared to discuss the proposals, they wished to express the reservation that the proposals may have implications, particularly for domestic legislation in their respective jurisdictions.

The representative from Norway questioned whether Contracting Parties with no track record in the shrimp fishery should be allowed to charter a vessel from another Contracting Party to fish their allocation of 100 fishing days. There was no consensus on this issue. Some Contracting Parties were of the opinion that such charters should not be allowed, whereas others took the opposite view.

The representative from Ukraine explained that the position of the Ukrainian delegation is that the controlled transfer of shrimp fishing days should be permitted. He suggested that by restricting the quantity of shrimp that can be caught per fishing day transferred, the shrimp fishing day transfers would not, in their opinion, endanger the stocks.

The representative from the United States questioned the need for a mail vote prior to approval of a charter arrangement. He stated that it would be preferable to simply notify Contracting Parties of the arrangement and allow them to object if they have concerns. The representative from Iceland agreed with this position. There was no consensus, however, as other Contracting Parties felt that a mail vote should be part of the approval process. As a result, the mail vote aspect of the proposal was not amended.

The representative from Japan proposed a provision stating that chartering operations should be limited to substitution of domestic fishing vessels or for domestic supply of fish products. There was no agreement among the other Contracting Parties regarding the Japanese proposal.

Concerning Working Paper 99/15:

The representative from France (on behalf of St. Pierre & Miquelon) questioned why the proposed provision would require Contracting Parties to provide notice to the Executive Secretary one month prior to the departure of a bare boat charter vessel from her home port (where the vessel intends to fish in the NAFO Regulatory Area). France (on behalf of St. Pierre & Miquelon) could accept this proposal but consider that bare boat charter vessels should be subject to the same notification requirements as other vessels intending to fish in the Regulatory Area.

The representative from France (on behalf of St. Pierre & Miquelon), supported by the representative from Ukraine disagreed with the proposed provision III.D.2.B, which would require Contracting Parties to ensure that vessels registered in their territory fly only their flag during the year that notification is given to the Executive Secretary. He stated that this measure is too restrictive and is not consistent with the Article 11.2 of the NAFO Convention and with the international rules of trade concerning chartering. He also recalled that the Working Group on Allocations and Chartering had considered that bare boat charters were not of concern and could continue to take place by Contracting parties subject to notification to the NAFO Secretariat for the purpose of transparency. There was no agreement on the part of other Contracting Parties to remove provision III.D.2.B from the proposal.

9. NAFO Observer Program Issues

Mr. Mark Showell, representing the Scientific Council, presented STACTIC Working Paper 99/12. This document had been prepared in response to a STACTIC request, at the 1998 annual meeting, for the Scientific Council to define scientific requirements for the NAFO observer program.

Mr. Showell noted that confidentiality of observer data is an important consideration and that, for scientific purposes, the identification of individual vessels is not necessary. A coding system could be developed to ensure confidentiality of fishing records for individual vessels.

Mr. Showell also emphasized that while the drafting of forms and protocols is an important first step, in order to make the information truly useful to scientists it will be necessary to develop a comprehensive observer program database that could provide timely access of the information to users.

Contracting Party representatives congratulated the Scientific Council for the work done to date, and expressed agreement about the need to develop a harmonized NAFO observer program database. It was agreed to recommend to the Fisheries Commission that an intersessional STACTIC meeting be held, with the participation of scientists, to begin work on this project.

The representatives from Japan and the European Union emphasized that the confidentiality of observer data, and particularly data on vessel positions, is a very important issue.

The draft observer manual, circulated by the Executive Secretary earlier this year, was also discussed. It was agreed that while the current draft is a good beginning, there is a need for further review, including the development of a consistent approach regarding the duties of observers. It

was agreed that STACTIC will recommend to the Fisheries Commission that this issue be addressed at the proposed intersessional STACTIC meeting. The Chairman encouraged Contracting Parties to review the manual and prepare proposals for amendments in order that they can be circulated prior to the meeting.

The representative from Norway expressed concerns that some Contracting Parties may not always be in compliance with the requirement (under Part VI.A.1(a) of the Measures) for independent and impartial observers. He suggested that STACTIC consider an amendment to the Conservation and enforcement Measures to prohibit observers from performing other duties, e.g. working as crew members, on board the fishing vessel.

The representatives from Canada and the European Union agreed that this is an issue of concern. It was agreed that, while an amendment to the Measures will not be proposed at this time, the STACTIC report to the Fisheries Commission will highlight the need for Contracting parties to ensure that their observers are independent and impartial. This issue will be addressed at the proposed intersessional meeting of STACTIC.

10. Election of Chairman

D. Bevan (Canada) was re-elected for an additional two-year term.

11. Adoption of Report

The Report was adopted by STACTIC on 16 September 1999.

12. Adjournment

The meeting adjourned at 1330 on 16 September 1999.

Annex 1. Agenda

1. Opening by the Chairman, D. Bevan (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 Operation of the Hail System
7. Discussion of Other Conservation and Enforcement Measures (including possible requests from the Fisheries Commission):
 - a) compatibility and applicability of discard/retention rules for conservation and utilization of fishery resources (follow-up of the STACTIC discussions)
 - b) Interpretation of Conservation and Enforcement Measures (request from Denmark)
 - c) incidental catch limits
8. Draft Resolution concerning the chartering of vessels flying the flag of a Contracting Party in the Regulatory Area
9. NAFO Observer Program Issues
10. Election of Chairman
11. Adoption of Report
12. Adjournment