

## SECTION IV

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## **Report of the Special Fisheries Commission Meeting**

(FC Doc. 01/7)

**28-30 March 2001  
Copenhagen, Denmark**

The Working Group met in accordance with the decision taken by the Fisheries Commission at the 22nd Annual Meeting, September 2000 (FC Doc. 00/21, Part I, item 3.18).

### **1. Opening of the Meeting**

The meeting was opened by the Chairman, Mr. P. Gullestad (Norway), who welcomed delegates to Copenhagen. Delegates expressed appreciation to Denmark (on behalf of the Faroe Islands and Greenland) for the excellent meeting facilities. A list of participants is attached (Annex 1).

### **2. Appointment of Rapporteur**

Mr. R. Steinbock (Canada) was appointed as Rapporteur.

### **3. Adoption of Agenda**

The agenda, as presented, was adopted (Annex 2). In response to a question from Denmark (on behalf of the Faroe Islands and Greenland), the Chairman clarified that the September 2000 NAFO annual meeting decided that Agenda item 6 covered both the allocation of 3M shrimp and 3L shrimp in the NAFO Regulatory Area.

### **4. Evaluation of existing effort management system for shrimp in Division 3M**

The Chairman opened discussions by reviewing the background of the existing effort management system. Since the adoption of the current effort system in September 1995 for 1996, there have been on-going discussions regarding the effectiveness of the system and possible changes to a TAC and quota management system.

Some delegations expressed the view that the effort management system for shrimp in Division 3M is appropriate and could be improved if it were properly implemented. Most delegations took the view that there were serious shortcomings in the effort system including:

- the lack of adherence by Contracting Parties to the NAFO allocation decision,
- the voluntary declaration of effort days by Contracting Parties,
- the continuing increase of catches to unsustainable levels despite the Scientific Council advice to reduce catches to a level less than 30,000t,
- the large potential for increased effort and catches based on the large latent capacity. Only about 60 per cent of the effort days were used during 2000 and catches could be about 73,000t if the allocated effort days were fully utilized, and
- The absence of a mechanism to reduce the effort days allocated commensurate with increases in fishing efficiency.

The Chairman noted that most delegations wanted to discuss changes towards a TAC and quota management regime but their willingness to endorse change depended on the expected allocation outcome for that Contracting Party. He concluded that there was a choice between moving to a TAC and quota regime or implementing improvements to the current effort system.

## **5. Possible establishment of a TAC for shrimp in Division 3M**

Mr. Bill Brodie, (Canada), Chairman of the Scientific Council, provided a summary of the advice for shrimp in Division 3M from the November 2000 Scientific Council meeting. He advised that there has been relative stability in the catch rates over the last three years based on the standardized CPUE. The stock sustained an average catch of more than 40,000t in 1999-2000. The biomass and the spawning stock biomass (SSB) were higher in 1998-2000 than 1994-97. While there was no trend in the SSB from the Faroese survey, the SSB declined in 2000 based on EU research vessel data and was down in 2000 based on Icelandic CPUE. The Scientific Council is unable to determine absolute stock size since the short time series dating back to 1993 contributes to the uncertainty. The Scientific Council expressed concerns regarding recruitment. The 1997 year-class appeared to be below average in 1999 and the 1998 year-class is the lowest observed. It recommended a reduction in catch for 2001 to the previously advised TAC level of 30,000t. Scientific Council was not able to advise on catch for 2002 at this time but based on reduced recruitment from the 1997 and 1998 year-classes, a further reduction of catches in 2002 will be warranted - particularly if catches in 2001 exceed 30,000t. It also expressed concerns regarding high catches of juveniles and recommended that the Fisheries Commission adopt technical measures to improve selectivity. In response to a question from the Fisheries Commission on the current closure in Division 3M, the Scientific Council advised that to be effective the area of the current closure should be increased from the 140 meter depth to the 200 meter depth contour and that it be extended from the current June -September period to the entire year.

In response to a question from the Representative of Latvia, Mr. Brodie clarified that the standardized CPUE takes into account seasonal changes as well as increases in fishing efficiency.

The Fisheries Commission Chairman concluded that the Scientific Council advice provides a biological basis for a TAC of 30,000t and that area closures are effective in protecting juvenile shrimp.

Mr. H. Koster (EU), Chairman of the Fisheries Commission Working Group on Shrimp Statistics, provided a summary of the March 27 meeting and concluded that table of catches and allocated/used effort days for 3M shrimp found in FC W.G. W.P. 01/6 - Revision 4 provided the starting point for the Fisheries Commission's deliberations. The Representative of Lithuania requested that W.P. 01/14 be added to the Working Group's report. It was noted that this report was distributed after the Working Group meeting and thus other delegations did not have a chance to comment thereon.

## **6. Allocation of shrimp fishing opportunities among Contracting Parties in the NAFO Regulatory Area**

A list of working papers was identified as follows: FC Working Papers 01/1, 01/2, 01/3, 01/4, 01/5, and 01/12.

The Representative of Denmark (in respect of the Faroe Islands and Greenland) submitted a proposal (FC Working Paper 01/1) regarding its analysis of the anomalies and its view on the fishing days and catches that should be used to offset the anomalies and as a basis for allocating 3M shrimp in a future TAC and quota system. A number of delegates expressed reservations with this proposal. The Representative of Iceland could not accept the proposed adjustments as its fishery was conducted pursuant to an objection to the NAFO decision for an effort limitation scheme.

Delegations expressed their opinions on important elements to be considered in determining allocations including historical catch during a representative period, the need to develop some procedure to amend catch figures due to anomalous catches (general agreement to adjust for overages except by one Party), providing some minimum threshold or guaranteed fishing opportunity to those Contracting Parties with no or little track record ("newcomers") through an "Others" quota or a distributed quota to these Parties, recognition for research and data collection efforts, and recognition for contribution to control efforts. While some delegates saw merit in using catches including for 2000, other delegates recalled that there was agreement at the March 2000 shrimp meeting to exclude 2000 catches to avoid creating an additional incentive to increase catches. Delegations proposed a number of different reference periods for consideration including the following:

- Catches during 1993-1999
- Catches during 1993-1999 excluding anomalies in 1996 and 1999
- Catches during 1995-2000
- Catches during 1997-98
- Catches during the original reference period 1993-Aug 31, 1995
- Effort days and vessels during 1996 (on the basis of the original reference period)
- Catches during 1997-2000

The Representative of Canada submitted a working paper (FC Working Paper 01/2) which consolidated for easy reference the six noted reference levels including a further adjustment for an annual "Others" quota of 5 per cent. It also supplemented the analysis with a seventh column showing the average of the six other options. The Representative of Canada stated that this column could be considered a representative and fair proposal as it has the benefit of dampening the variability of the other options, however it was not intended as a proposal but as a working document to facilitate further analysis. While the Representatives of the European Union and the USA supported this working paper as a useful tool, the Representative of Latvia noted the absence of fishing days as an option in the working paper and did not believe that the paper could lead to any consensus.

The Representative of Denmark (in respect of the Faroe Islands and Greenland) submitted a proposal based on the following principles: historical catches during 1993-1995, scaled down by 93/100, 3 per cent in recognition of the contribution to research surveys directed for 3M shrimp, and 4 per cent for an "Others" quota. While the Representative of Norway expressed support for the 1993-1995 reference period, the Representatives of Latvia and Iceland did not agree that the 1993-95 period was an appropriate reference as it did not reflect the way that the 3M shrimp fishery had evolved, stabilized and become a commercial fishery. The Representatives of Iceland and the EU questioned the basis for the 3 per cent proposed for research surveys. The Representative of the EU asked why contributions to control and enforcement had not been considered as envisaged under the NAFO Convention Article XI.4. In this regard, it was noted that Canada and the European Union provide inspections in the NAFO Regulatory Area.

The Representative of Japan submitted a proposal to benefit the Contracting Parties with a minimal or no track record in the 3M shrimp fishery (Cuba, France (on behalf of SPM), Japan, Korea, Poland and Ukraine), based on criteria in Article 11 of the UN Fish Agreement. The proposal would allocated 10% of the TAC to these seven Contracting Parties, to be divided equally ( $10:7 = 1.43$  per cent) and to be reflected separately for each in the Quota Table. The Representative of Ukraine explained that this figure was based on an assumption of a TAC of 30,000t ( $30,000 \times 1.43 = 429t$ ) to ensure a minimum guarantee of 400t each. Some of these Parties stated that they had refrained from fishing out of concern for conservation of the shrimp resource and their restraint should not result in any disadvantage in any future allocation. Other

Parties expressed awareness of the concerns of newcomers but felt that it was unfair for newcomers to obtain a share equal to those with a fishing record.

The Representative of Russia submitted a proposal for an allocation scheme for 3M shrimp (FC Working Paper 01/5) which takes into consideration historical data before the introduction of the current regulations, the existing mechanism of the regulation, and the 2000 catches as a reflection of the current level of fishing. The Representative of Estonia expressed support in developing this proposal further. The Representative of Canada saw merit in combining consideration of catch and effort days but could not support the use of 2000 catches in any proposal. The Representative of Denmark echoed Canada's remarks on the need to exclude 2000 catch data.

The Representative of Latvia presented a proposal (FC Working Paper 01/12) for an adjustment of the fishing effort to the fishing pattern that has developed after the 1997 amendment to the effort limitation scheme. It envisaged a 30 per cent reduction of the fishing days used during the period 1997-2000. The Representatives of Norway and Denmark expressed opposition to this proposal as it disregarded the catches prior to 1996 and in their view, would not result in any substantive reduction.

Given the disparate and conflicting views on the proposals for an allocation key, the Representative of Canada suggested that the Fisheries Commission needed to take steps to reduce fishing pressure in order to ensure the conservation and sustainability of the shrimp resource in Division 3M. He proposed a 40 per cent reduction in the current effort day system in 2001 (FC Working Paper 01/10) which would provide a more significant, meaningful and realistic option than that previously proposed. He explained that while a TAC and quota regime remains Canada's objective for the long term, this approach for effort reduction is a stop-gap measure to achieve an immediate reduction in fishing pressure as well as provide a basis for further reductions in 2002. The Representative of Latvia stated that they were prepared to discuss reductions only for 2002. The Representative of Ukraine did not support any reduction for Parties with only 100 days effort allocated.

After some discussion, the Chairman proposed as a compromise to modify the proposal to reduce the number of fishing days in 2001 by 15 per cent. It was proposed that those currently with allocations of 400 days and 100 days would not be affected. It was noted that this measure would be without prejudice to any future sharing arrangements. It was proposed that discussions on a TAC/quota regime would continue at the September 2001 annual meeting and if Parties are unable to agree on a TAC/quota regime, Parties should prepare for further reductions in effort days which could also affect those with 100 days allocated. The Fisheries Commission **adopted** an amendment to the NAFO Conservation and Enforcement Measures as follows (Annex 3):

"Each Contracting Party shall, in 2001, limit the number of fishing days by its vessels fishing for shrimp in Division 3M to *(delete 90%)* 75% 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."

The Representatives of Norway and Denmark (on behalf of the Faroe Islands and Greenland) stated that those with 400 days and 100 days should share equally in the conservation burden. The Representative of Iceland stated that this decision does not change Iceland's position and that it would continue to object to the effort scheme and set a unilateral quota. It was unclear whether Iceland would reduce its current unilateral quota of 10,100t. The Representative of Latvia stated that he was not against the proposal in general but that he could not agree to implement it in 2001 as a result of national fisheries legislation and contracts on allocation of fishing rights already

having been signed between the governmental authorities and the fishing companies. Latvia also disagrees with further intention to reduce the number of fishing days for Contracting Parties with a minimum of 400 days which have track records on fishing activities for the years 1993-1995.

Given the advice from Scientific Council with respect to the current measures for closure of the Flemish Cap Bank for 3M shrimp, the Representative of Canada proposed amending this measure by extending the current area from the 140 fathom depth to the 200 fathom depth and the time of the closure from June 1 to September 30 to the end of the year to ensure effective protection of juvenile shrimp. While delegates appreciated the objective of the proposal, they expressed the need for additional time to consult on the impacts on their fishery. The Representative of Canada urged Parties to review the proposal in preparation for further consideration thereof at the September 2001 annual meeting.

With respect to 3L shrimp, the Representative of Denmark (on behalf of the Faroe Islands and Greenland) proposed an alternative allocation of the TAC for 3L shrimp in the NAFO Regulatory Area for 2002 (FC Working Paper 01/11). He noted the proposal was not intended for consideration at this meeting but for decision at the September 2001 annual meeting. He explained that the starting point is that the TAC for 2002 will be shared between Canada (to be fished within the Canadian zone) and other Contracting Parties. He proposed that the allocation of the portion not allocated to Canada should be based on the following principles: historical catches - 93%, contribution to research surveys directed at 3L shrimp - 3%, and an "Others" quota of 4%. He advised that a formal proposal would be made in September 2001.

#### **7. Consideration of TAC and quotas for Oceanic Redfish in NAFO Division 1F in 2001**

At the request of the Chairman, Ambassador E. Gudnason, (Iceland), Chairman of the NAFO-NEAFC Working Group, provided a summary of the meeting of this working group held February 13-14 in Reykjavik, Iceland. He noted that a number of NAFO Contracting Parties were absent from this meeting. He advised that while there were no conclusions reached, it was agreed to add consideration of this item to the agenda of the Special Fisheries Commission meeting. He noted that a detailed Rapporteur's Report was included in NAFO/FC Doc. 01/3.

In order to permit a full understanding of the distribution of the oceanic redfish stock, Iceland proposed that Mr. T. Sigurdsson, (Iceland) present an overview of the stock in the North Atlantic. He provided relevant information on the physical and biological environment and surveys and data from the area, especially information from the acoustic surveys on the distribution of the stock. He noted that in all surveys in the 1980s and up to 1997, distribution was concluded to be mostly in the NEAFC Convention Area. In general, decreases in abundance were observed as the stock moved into NAFO Division 1F to the south and west. There was a general feeling that the majority of the stock range was covered in the surveys up to 1997. In 1999 the survey was expanded to the south and west. In this survey there was a clear shift in abundance from the east to the south and west. In this survey, there was a high abundance at the western border of the survey. There was for the first time in the surveys signs of recruiting redfish below 28-30 cm. He provided a chart showing the proportion of redfish abundance by area and depth from the 1999 International Survey - 34 per cent was in the NAFO Convention Area including 16 per cent in the Greenland EEZ. He advised that based on charting of extrusion and 0-group abundance, it is clear that the extrusion and larval areas are mainly off East Greenland. The feeding area stretches into NAFO Division 1F. German fishery data show that feeding "oceanic" redfish in 2000 stayed in the NAFO Division 1F until October (2<sup>nd</sup> and 3<sup>rd</sup> quarters). The fisheries data show an almost clean fishery for mostly mature redfish in both NEAFC and NAFO areas. He noted that for 2001 the international acoustic survey is planned to cover areas further west of 53° W, and that the results would be available in late October 2001.

The Chairman noted that due to changes in stock distribution, fishable portions of the oceanic redfish stock are moving westward into the NAFO Convention Area into Division 1F. While it was clear that a considerable portion of the stock was in the NAFO Convention Area during 1999 and 2000, it is unclear whether this movement indicates a longer term trend. The extent of the occurrence in Canadian waters had not yet been substantiated. He summarized the possible options for management of this resource as follows: NAFO-NEAFC developing a joint TAC and quota regime, NAFO adopting the NEAFC management regime, NAFO developing a separate management regime in Division 1F in addition to the NEAFC regime, or a moratorium for fishing oceanic redfish in Division 1F for 2001. He concluded that an unregulated fishery was not a responsible management option for 2001.

Delegates expressed differing views on a preferred solution. The Chairman recognized that this was a complex issue that required additional time to develop a longer term, more definitive solution between NAFO and NEAFC. After extensive discussions, the Chairman concluded that some provisional, ad hoc solution was necessary for 2001 that does not prejudice either the interests of NAFO or NEAFC members, is consistent with the cooperation obligations of customary international law, and that recognizes due regard for the existing NEAFC management measures for this stock.

The Representative of Denmark (in respect of the Faroe Islands and Greenland) presented a draft proposal on behalf of Denmark, European Union, Iceland, Norway, and Russia on oceanic redfish for NAFO to adopt the same TAC and quotas as set by NEAFC for 2001 only. It was agreed that when the NAFO Conservation and Enforcement Measures will apply when vessels are fishing in Division 1F. The quota for Cooperating Non-Contracting Parties of 1,175t is available to Canada, Estonia, Latvia, Lithuania and Japan. It was also agreed that catches of oceanic redfish in the NAFO Convention Area are not to exceed 30,000t and will be deducted from the NEAFC quotas for 2001. Finally, it was agreed that vessels fishing in Division 1F would provide bi-weekly reports of catches taken by their vessels of this stock to the NAFO Executive Secretary and he shall notify without delay all Contracting Parties of the date on which, for this stock, accumulated reported catch taken by vessels of the Contracting Parties is estimated to equal 50 and then 100 per cent of the TAC for that stock. This arrangement is without prejudice to future sharing arrangements. It was agreed to insert a proposed preamble (FC Working Paper 01/7) into the text of the proposal.

The discussion revealed that nine Contracting Parties supported the proposal and four had concerns. The Representative of Estonia clarified that while he is not in favour of a TAC between two organizations, he supported the proposal in the interests of avoiding an overfishing situation in 2001. The Representative of Latvia stated that he could not support the proposal and proposed a moratorium until such time as scientific advice is available on the distribution of the stock. He also expressed reservations against the quota for Cooperating Non-Contracting Parties as Latvia is against any type of bloc quota allocations. The Representative of Lithuania had left the meeting prior to a decision on this proposal and stated that he would abstain if it were brought to a vote. The Representative of Ukraine expressed no strong objection to the proposal but proposed that other NAFO Parties should also have access to the 1,175t quota for Cooperating Non-Contracting Parties. The Representative of France (on behalf of Saint Pierre et Miquelon) associated itself with the proposal made by the Representative of Ukraine. The Fisheries Commission **adopted** the proposal in FC Working Paper 01/6 (Annex 4).

The Representative of Iceland stated that he supported the proposal despite having objecting to the NEAFC management measures for this stock for 2001. He explained that Iceland's objection to the NEAFC measures is based on the position that the measures should take into account that the ICES scientific advice recommended that the stock components, upper and lower layers, are



managed separately. Iceland however will support this ad hoc measure for 2001 as they believe that it does not raise the same concern regarding this issue and as they believe that the fisheries in Division 1F would only be conducted from one of the two stock components.

#### **8. Other business**

The Representative of Iceland stated the desire of his delegation that Division 1F redfish be discussed at the September 2001 annual meeting with respect to the NAFO requirements for observers and 130mm mesh size.

#### **9. Adjournment**

The Chairman adjourned the meeting at 1430 on 30 March 2001.

## Annex 1. List of Participants

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**Annex 2. Agenda**

1. Opening by the Chairman, P. Gullestad (Norway)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Evaluation of existing effort management system for shrimp in Division 3M
5. Possible establishment of a TAC for shrimp in Division 3M
6. Allocation of shrimp fishing opportunities among Contracting Parties in the NAFO Regulatory Area
7. Consideration of TAC and quotas for Oceanic Redfish in NAFO division 1F in 2001
8. Other business
9. Adjournment



**Annex 3. Management Measures for Shrimp in Division 3M**  
(FC Doc. 01/5-Revised)

At the closing session of the Special Meeting in Copenhagen, Denmark, on March 30, 2001, the Fisheries Commission agreed to amend the NAFO Conservation and Enforcement Measures, Part I.G.4b) to read (amendment underlined):

"Each Contracting Party shall, in 2001, limit the number of fishing days by its vessels fishing for shrimp in Div. 3M to 75% 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."

**Annex 4. Proposal re Oceanic Redfish in Div. 1F**  
(FC Doc. 01/4)

The management of Oceanic Redfish in 1F entails issues involving the reconciliation of conservation and enforcement measures for the stock in two adjacent convention areas (NAFO and NEAFC). In order to permit Contracting Parties adequate time to consider these issues, to ensure conservation of the stock and to facilitate fishing opportunities in 2001 without prejudice to the right of Contracting Parties to advance allocation arguments at future meetings of the NAFO Fisheries Commission, the Fisheries Commission adopts the following proposal:

1. Add the following column to the 2001 NAFO Quota Table:

		Oceanic Redfish <sup>9</sup>
		Div. 1F
Denmark (in respect of Faroe Islands & Greenland)		24,169
European Union		13,883
Iceland <sup>10</sup>		27,008
Norway		3,596
Poland		1,000
Russia		24,169
Canada	}	1,175
Estonia		
Japan		
Latvia		
Lithuania		
		95,000 <sup>11</sup>

Footnote 9: These quotas are set on the basis of the TAC of 95,000 tons established by NEAFC for 2001. Quantities taken in the NEAFC Convention Area shall be deducted from the quotas mentioned.

Footnote 10: Iceland has objected to the NEAFC management measures for oceanic redfish for 2001. Iceland will however limit its fisheries in the NAFO Regulatory Area to 27,008 tons in 2001.

Footnote 11: Each Contracting Party shall notify the Executive Secretary bi-weekly of catches taken by its vessels from this stock in Div. 1F. The Executive Secretary shall notify without delay all Contracting Parties of the date on which, for this stock, accumulated reported catch taken by vessels of the Contracting Parties is estimated to equal 15,000 tons and then 30,000 tons.

2. This measure will not enter into force before NEAFC has established measures to the effect that catches of oceanic redfish in the NAFO Convention Area will be deducted from the NEAFC quotas for 2001.
3. It is understood that when fishing in Division 1F, NAFO Conservation and Enforcement Measures will apply.
4. Catches in Division 1F not to exceed 30,000 tons in 2001.
5. This arrangement applies to 2001 only and is without prejudice to sharing arrangements for this stock in future years.